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REGULATIONS

FOR THE

Survey, Administration, Disposal and Management

OF

DOMINION LANDS

Within the Forty-mile Railway Belt, in the Province of British Columbia.

1893.

Canada, Dept. of the Interior.

BY EDWARD

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REGULATIONS

For the survey, administration, disposal and management of Dominion Lands within the Forty-mile Railway Belt, in the Province of British Columbia, approved by His Excellency the Governor General in Council, on the 17th September, 1889, in force from and after 13th March, 1890. With additions and amendments provided by Orders in Council dated, respectively, the 13th November, 1890, the 12th December, 1891, the 21st March, 1892, and the 10th November, 1893.

Interpretation.

Section 1. These Regulations shall apply exclusively to the public lands of the Dominion, within what is known as the Railway Belt, in the Province of British Columbia, which lands shall be styled and known as *Dominion Lands*; and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:—

(a.) The term *Minister of the Interior* means the Minister of the Interior of Canada:

(b.) The term *Surveyor General* means the officer of the Department of the Interior bearing that designation, or the chief clerk performing his duties for the time being:

(c.) The term *Agent or Officer* means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; and the term *Local Agent* means the agent of Dominion lands employed as aforesaid, with respect to the lands in question; and the term *Land Office* means the office of any such agent:

(d.) The term *Dominion Land Surveyor* means a surveyor duly authorized under the provisions of the Dominion Lands Act to survey Dominion lands:

(e.) The term *Crown Timber Agent* means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands:

(f.) The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa:

(g.) The term *British Columbia Gazette* means the official Gazette of the Government of British Columbia, published at Victoria.

Department of the Interior.

Sec: 2. The Department of the Minister of the Interior shall be charged with the administration and management of the Dominion lands:

(a.) Under the authority of Chapter 56 of the Revised Statutes of Canada, intituled: "An Act respecting certain Public Lands in British Columbia," the powers and authorities of the Dominion Lands Board and of the officers thereof are hereby extended to the public lands of Canada in British Columbia:

(b.) The provisions of section 7, with the sub-section thereof, and sections 52, 53, 54, 55, 56, 57, 58, 78, 93 and 94 of Chapter 54 of the Revised Statutes of Canada, intituled : " The Dominion Lands Act," shall apply to the public lands of Canada in British Columbia.

Surveys.

Sec. 3. The Dominion lands in British Columbia shall be laid off, so far as practicable, in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, together with an allowance of twelve acres in each section for road purposes.

The sections shall be bounded and numbered as shown by the following diagram :—

	N						
	31	32	33	34	35	36	
	30	29	28	27	26	25	
W	19	20	21	22	23	24	E
	18	17	16	15	14	13	
	7	8	9	10	11	12	
	6	5	4	3	2	1	
	S						

Sec. 4. The lines bounding sections on the east and west sides shall be meridians ; and those on the north and south sides shall be chords to parallels of latitude.

Sec. 5. Each section shall be divided into quarter-sections of one hundred and sixty acres, more or less, together with an allowance for roads of three acres in each, subject to the provisions hereinafter made.

Sec. 6. In the survey of a township, the deficiency or surplus resulting from convergence of meridians shall be divided equally between all the quarter-sections involved, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter-sections adjoining, and north or south respectively of the said correction lines ; excepting in the case of the north and south closings in those townships between the first correction line and the International Boundary or first base line, which error is to be left in the last quarter-section adjoining the said first base line.

Sec. 7. The dimensions and areas of irregular quarter-sections shall in all cases be returned by the surveyor at their actual measurements and contents.

Sec. 8. To facilitate the description for letters patent of less than a quarter-section, every section shall be supposed to be divided into quarter-

quarter-sections, of forty and three-quarters acres, and such quarter-quarter-sections shall be numbered as shown in the following diagram, which is intended to show such sub-divisions of a section, which shall be styled legal sub-divisions :—

	N.				
	13	14	15	16	
	12	11	10	9	
W.	5	6	7	8	E.
	4	3	2	1	
	S.				

The area of any legal sub-division, as above set forth, shall, in letters patent, be held to be more or less, and shall in each case be represented by the exact quantity as given to such sub-division in the original survey.

Sec. 9. The Governor in Council may order the survey by a Dominion Land Surveyor of such public highways as he may deem expedient, through any lands subject to these regulations :

(a.) On the approval of the survey of a public highway the fact shall be notified to the Lieutenant Governor of British Columbia by the Minister of the Interior, and by virtue of such notification, such public highway shall become the property of the said Province, the legal title thereto remaining in the Crown for the public use of the Province; but no such road shall be closed up or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor General in Council :

(b.) The Governor in Council may authorize any person to locate and build public highways, or to build public highways located in accordance with the provisions of this section (9) of these regulations :

(c.) In the meantime, and until any such road shall have been located and constructed, a convenient right of way not exceeding 66 feet in width over any such land is hereby reserved for the use and convenience of settlers and land-holders in passing, from time to time, to and from their locations or lands, to and from any now existing road or trail : Provided always, that such settler or land-owner making use of the aforesaid privilege shall not damage the fences or crops of the occupier of any such located, sold or leased land :

(d.) Every patent issued for lands subject to these regulations shall contain a provision reserving to the Governor in Council the power to order the survey through such lands by a Dominion Land Surveyor of such public highways as he may deem expedient, and for that purpose to take any existing road, and any requisite area of land, whether the area of the roads and lands so taken be or be not in excess of the allowance for roads in any section, quarter-section or legal sub-division ; also to enter upon such lands and take therefrom any gravel, stone, timber, or other material required for the construction of such highway, or any bridge connected therewith ; and also to enter upon any such land for the purpose of cutting any drains necessary for the building of such highway.

Ordinary Sale of Lands.

Sec. 10. Dominion lands, as the surveys thereof are duly made and confirmed, shall, except as otherwise hereinafter provided, be open for homesteading and purchase at such prices and on such terms and conditions as may be fixed from time to time by the Governor in Council: Provided, that no purchase shall be permitted at a less price than five dollars per acre: Provided also, that, except in special cases where otherwise ordered by the Governor in Council, no sale to one person shall exceed a section, or six hundred and forty acres:

(a.) And provided also, that, whenever so ordered by the Minister, such unoccupied lands as may be deemed by him expedient, from time to time, may be withdrawn from ordinary sale and settlement, and sold at public auction or tender to the highest bidder—an upset price being fixed for the same:

(b.) Provided further, that any legal sub-division or other portion of Dominion lands which may be deemed by the Minister of the Interior of special value, may be reserved from ordinary sale and be disposed of in such manner and on such terms and conditions as may be fixed by the Governor in Council on the report of the Minister of the Interior.

Town Plots, &c.

Sec. 11. The Minister of the Interior shall have power to withdraw from sale or homestead entry any tract or tracts of land, and to lay the same out into town or village lots, the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at a public auction or tender, an upset price being fixed for the same.

The Governor in Council may set apart and appropriate such Dominion lands as he may deem expedient for the sites of market places, jails, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares, and for other like public purposes, and at any time before the issue of letters patent therefor may alter or revoke such appropriation, as he deems expedient; and he may make free grants for the purposes aforesaid of the lands so appropriated—the trusts and uses to which they are to be subject being expressed in the letters patent.

Sec. 12. The provisions of sections numbered 13 to 29 of these regulations, both inclusive, shall not apply to any lands settled upon after the first day of January, one thousand eight hundred and ninety-one, excepting the agricultural lands in the Kamloops Land Agency, as provided by Order in Council of 21st March, 1892, in force from and after the 3rd June, 1892, being the lands in the Railway Belt in British Columbia, situated north of the line between Townships 15 and 16 and east of the 7th meridian of the Dominion lands system of survey.

Homestead Rights.

Sec. 13. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, who has not heretofore had a homestead on Dominion lands in British Columbia, Manitoba or the North-west Territories, or does not hold or own by pre-

emption record or otherwise, under the laws of the Province of British Columbia, more than one hundred and sixty acres of land within the railway belt in the said Province, shall, on making application in the form A in the Schedule to these regulations, be entitled to obtain homestead entry for any quantity of land not exceeding one quarter-section, and being of the class of land open under the provisions of these regulations to homestead entry :

(a.) The entry for a homestead shall entitle the recipient to take, occupy and cultivate the land entered for, and hold possession of the same to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed on the said land, the same as if a patent therefor had issued in his favour; the title to the land shall remain in the Crown until the issue of the patent therefor, and the said land shall not be liable to be taken in execution before the issue of the patent :

(b.) The privilege of homestead entry shall only apply to surveyed agricultural lands; no person shall be entitled to such entry for land valuable for its timber, or for hay land, or for land on which there is a stone or marble quarry, or coal or other mineral having commercial value, or whereon there is any water power which may serve to drive machinery, or for land which, by reason of its position, such as being the shore of an important harbour, bridge site or canal site, or being either an actual or prospective railway terminus or station, it will be in the public interest to withhold from such entry.

Homestead Entries and Sales affecting Timbered Lands.

Sec. 14. All merchantable timber growing or being upon any land entered or sold within the limits of Dominion lands in British Columbia, and all gold, silver, copper, lead, iron, petroleum, coal or other mines or minerals shall be considered as reserved from the said land, and shall be the property of Her Majesty; except that the homesteader or purchaser, or those claiming under him, may cut and use such merchantable timber as may be necessary for the purpose of building, fencing or road-making, on the land so entered or sold, and may also, under the authority of the Crown Timber Agent, cut and dispose of all timber required to be removed in the actual clearing of the said land for cultivation; but no merchantable timber (except for the necessary building, fencing or road-making as aforesaid) shall be cut beyond the limit of such actual clearing; and all merchantable timber cut in the process of clearing, and disposed of, shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber.

Sec. 15. The patents for all lands, hereafter entered or sold as aforesaid, shall contain a reservation of all merchantable timber growing or being on the said lands, which merchantable timber shall continue to be the property of Her Majesty; and any person or persons now or hereafter holding a license to cut timber on such land may, at all times during the continuance of such license, enter upon the uncleared portion of such lands, and cut and remove such timber, and make all necessary roads or water-ways for that purpose, and for the purpose of hauling in supplies,

doing no unnecessary damage thereby; but the patentees or those claiming under them may cut and use such timber as may be necessary for the purpose of building, fencing or road-making on the lands so patented, and may also, under the authority of the Crown Timber Agent, cut and dispose of such timber required to be removed in actually clearing the said land for cultivation, but no merchantable timber (except for the necessary building, fencing or road-making as aforesaid) shall be cut beyond the limit of such actual clearing; and all merchantable timber so cut and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber.

Sec. 16. Holders of timber licenses, their servants and agents shall have the right to haul their timber over the uncleared portion of any land entered as a homestead or purchased as hereinbefore provided, and to make such roads or water-ways thereon as may be necessary for that purpose, doing no unnecessary damage, and to use all slides, portages, roads, water-ways, or other works previously constructed or existing on any land so entered, sold or leased, and the right of access to, and free use of all streams and lakes heretofore used, or that may be necessary for the passage of timber; and all land necessary for such work is hereby reserved.

Sec. 17. All merchantable timber growing or being upon any land hereafter entered as a homestead or sold under these regulations shall be subject to any timber license in force at the time of such entry or sale, and may, at any time during the currency of any such license, or of any license which may be subsequently issued, be cut and removed under the authority thereof.

Sec. 18. Whenever the survey of any township has been finally confirmed and such township opened for homestead entry, any person who has *bonâ fide* settled and made improvements before such confirmed survey on land in such township, shall have a prior right to obtain homestead entry for the land so settled on, provided such right be exercised within three months after the land is opened for settlement; and provided that such land has not been reserved or the right to homestead entry is not excepted under the provisions of these regulations; no homestead entry shall be granted to any other person in respect of such land until three months after notice in writing shall have been given by the local agent to such *bonâ fide* settler that such land is open for settlement.

Sec. 19. Every person applying for homestead entry shall appear and make affidavit before the local agent or, in his absence, the senior clerk performing his duties, according to the Form B, C or D in the Schedule to these regulations, as the circumstances require; and upon filing such affidavit with the said local agent or senior clerk, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the said local agent or senior clerk according to the Form J in the Schedule to these regulations; and such receipt shall be a certificate of entry, and shall be authority to the person obtaining it to take possession of the land described in it:

(a.) The Minister of the Interior or the Dominion Lands Board, upon requisition, may authorize any person named therein to make a homestead entry on behalf of any person signing such requisition and desiring to obtain such entry :

(b.) The person so authorized shall, in order to obtain such entry, make application in the Form E in the Schedule to these regulations, on behalf of each of those whom he represents, and shall make an affidavit before the local agent, or, in his absence, the senior clerk performing his duties, according to Form F, G or H, in the Schedule to these regulations, as the circumstances of the case require, and shall pay for each homestead entry the office fee of ten dollars hereinbefore prescribed for such entry, and shall receive for each fee so paid a receipt in the Form J in the Schedule hereto :

(c.) Persons occupying land owned by them may obtain homestead entry for any contiguous land open to the same ; but the whole extent of land, including that previously owned and occupied, must not exceed one quarter-section :

(d.) A person applying for such entry for contiguous land must, when making the affidavit prescribed for homestead entry, also describe therein the tract he owns and lives upon ; and his residence upon and cultivation of the whole shall thereafter be of the kind and for the term required by the provisions of these regulations in the case of ordinary homestead entry before he shall be entitled to patent for the part so entered for : Provided, that such residence and cultivation may be upon either the land originally occupied by him or that for which homestead entry has been obtained, or both.

Sec. 20. In case a dispute arises between persons claiming the right to homestead entry for the same land the local agent or senior clerk, or any person thereto authorized by the Minister of the Interior, shall make investigation and obtain evidence respecting the facts, and his report thereon, together with the evidence taken, shall be referred to the Minister of the Interior for decision, or to the Dominion Lands Board, Commissioner of Dominion Lands, or such person as may be appointed by the Governor in Council to consider and decide in cases of such disputes :

(a.) Provided that when two or more persons have settled upon and seek to obtain homestead entry for the same land, the one who settled first thereon and has continued to reside upon and cultivate the land for which homestead entry is sought shall be entitled to such entry if the land be of the class open to homestead entry, and if it be not, in the opinion of the Minister of the Interior, otherwise inexpedient in the public interest to entertain any application therefor :

(b.) Provided further, that where contending parties have valuable improvements on the lands in dispute the Minister of the Interior, if the application to acquire the land by homestead entry is entertained by him, may order a division thereof in such a manner as shall preserve to each of them, as far as practicable, his improvements ; and the Minister may, at his discretion, direct that what the land so allotted to each of them may be deficient of a quarter-section shall be made up from unoccupied land adjoining, if there be any such of the class open to homestead entry.

Sec. 21. Any person who has obtained a homestead entry shall be allowed a period of six months from its date within which to perfect the entry, by taking in his own person possession of the land and beginning continuous residence thereon and cultivation thereof; and if the entry be not perfected within that period it shall be void, and the land shall be open to entry by another person, or to other disposition under these regulations by the Minister of the Interior :

Provided further, that in the case of immigrants from elsewhere than the North American Continent, the Governor in Council may extend the time for the perfecting of entry to twelve months from the date thereof.

Sec. 22. (a.) At the expiration of three years from the date of his perfecting his homestead entry, the settler, or in case of his death, his legal representatives, upon proving to the satisfaction of the local agent that he, or they, or some of them, have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent for the land; provided such proof is accepted by the Commissioner of Dominion Lands, or in his absence by a member of the Land Board, and on payment of one dollar per acre for the land; provided also, that the patent therefor shall not issue to any person not then a subject of Her Majesty by birth or naturalization :

(b.) Provided, that in case of a settler who may have obtained homestead entry for land occupied by him previous to survey thereof, in manner hereinbefore mentioned, residence upon and cultivation of the land for three years next preceding the application for patent shall, for the purpose of the issue of patent, be held to be equivalent to that prescribed in the foregoing sub-clause of this section, if such residence and cultivation be otherwise in conformity with the provisions of these regulations.

Sec. 23. Any person proving that he has resided on the land for which he has homestead entry for twelve months from the date of his perfecting his entry therefor, and that he has brought under cultivation at least thirty acres thereof, may, before the expiration of the three years defined in sub-section (b) of Section 22, obtain a patent by paying two dollars and fifty cents per acre for the land.

Sec. 24. Any person claiming a patent under a homestead entry shall also be entitled thereto upon making payment therefor at the rate of one dollar per acre and proving to the satisfaction of the Commissioner of Dominion Lands or the Dominion Lands Board :—

(a.) That he perfected his homestead entry by commencing the cultivation of the homestead within six months from the date of his homestead entry :

(b.) That within the first year after the date of his homestead entry he broke and prepared for crop not less than five acres of his homestead quarter-section; or if the land affected by his homestead entry be timber land, then in lieu of breaking and preparing for crop five acres he may substitute therefor the clearing and fencing of three acres :

(c.) That within the second year he cropped the said five acres, and broke and prepared for crop not less than ten acres in addition, making not less than fifteen acres in all; or if the land affected by his homestead

entry be timber land, in lieu of cropping five acres and breaking and preparing for crop ten acres additional, he may substitute therefor cropping the three acres broken the previous year and clearing and fencing five acres in addition, making in all eight acres cleared and fenced, three of which shall also be cropped :

(d.) That he has erected a habitable house upon his homestead before the expiration of the second year after his homestead entry, and has *bonâ fide* resided therein and has cultivated the land for three years next prior to the date of his application for his patent :

(e.) That at the commencement of the third year after the date of his homestead entry, or previously, he commenced the residence on his homestead required by the next preceding paragraph of this section :

(f.) Proof of the residence and improvements required by this section and the two sections which immediately precede it shall be made by the claimant by affidavit, and shall be corroborated by the evidence on oath of two disinterested witnesses, resident in the vicinity of the land affected by their evidence, and accepted as sufficient by the Commissioner of Dominion Lands, or, in his absence, by a member of the Land Board ; such affidavit shall be sworn, and such testimony given before the local agent, or, in his absence, the senior clerk performing his duties, or some other person named for that purpose by the Minister of the Interior.

Sec. 25. Every person who has obtained a homestead entry, and who proposes to apply for a patent for such homestead, shall give six months' notice in writing to the agent of Dominion lands of his intention to make such application, and shall produce evidence to the officer who is authorized to receive the application that such notice has been duly given.

Sec. 26. (a.) In case it is proved to the satisfaction of the Minister of the Interior that a settler has not resided upon and cultivated his homestead, except as herein provided, for at least six months in any one year, or has failed to cultivate and crop the said land during the first two years after obtaining entry therefor, or to erect a habitable house before the expiration of the second year after such entry, and to *bonâ fide* reside therein and cultivate the land for three years next prior to the date of his application for patent, or has made any false statement in the affidavit in support of his application for entry, or if he fails, within the time provided for in these regulations to apply for patent for his homestead, and to pay for the said homestead the price specified in these regulations, the right to the land shall be forfeited and the entry therefor shall be cancelled, and the settler so forfeiting his entry shall not be eligible to obtain another entry, except in special cases, in the discretion of the Minister of the Interior :

(b.) Provided, that in any case of illness, vouched for by sufficient evidence, or in the case of immigrants requiring to return to their native land to bring out their families to their homesteads, or in other special cases, the Minister of the Interior may, in his discretion, grant an extension of time, during which a settler may be absent from his homestead without prejudice to his right therein ; but the extension of time so granted shall not count as residence.

Sec. 27. A homestead, the entry of which has been cancelled, may, at the discretion of the Minister, be held for homestead entry by another person, on such terms and conditions as the Minister of the Interior may prescribe, or for sale of the land with the improvements, if any, or of the improvements alone in connection with homestead entry thereof, to another person.

Sec. 28. Any assignment or transfer of homestead right or any part thereof, and any agreement to assign or transfer any homestead right or any part thereof after patent shall have been obtained, made or entered into before the issue of the patent, shall be null and void; and the person so assigning or transferring or making an agreement to assign or transfer shall forfeit his homestead rights and shall not be permitted to make another homestead entry: Provided, that a person whose homestead may have been recommended for patent by the local agent or senior clerk, and who has received from such agent or clerk a certificate to that effect in the Form K, in the Schedule to these regulations, countersigned by the Commissioner of Dominion Lands, or in his absence by any member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein.

Fruit Culture.

Sec. 29. Any person eligible under these regulations to obtain a homestead entry may, for fruit-growing purposes, upon payment of a fee of ten dollars, and upon making application therefor to the local agent in the Form L in the Schedule hereto, obtain entry for any area not in excess of one quarter-section of Dominion lands of the class open for homestead entry under these regulations, upon the following terms and conditions:—

(a.) For each legal sub-division included in the land entered the applicant shall, during the first year after the date of entry, clear at least four acres and plant the same in fruit trees, bushes, plants or vines, to the number prescribed in these regulations:

(b.) During the second year he shall clear and plant three acres additional, and any trees, plants or vines planted the preceding year which may have died shall be replaced:

(c.) During the third year he shall clear three acres additional, planting the same as in the first and second years, and replacing any trees, shrubs, plants or vines planted during the first and second years which may have died:

(d.) At the end of the third year he shall have ten acres cleared and planted with fruit trees, bushes or vines:

(e.) Provided, that the clearing and planting herein provided for may be made upon any portion of the land entered for:

(f.) The fruit trees, bushes or vines to be planted by the applicant, as herein provided, shall be in the proportion set forth in the following table, according to the variety or varieties planted:—

Kind.	Distance apart.	No. per Acre.
Apple trees, standards.....	33 feet.	40
Pear.....	20 "	110
Peach.....	15 "	200
Plum.....	15 "	200
Cherry	20 "	110
Currant bushes.....	4 " x 6 feet,	1,815
Gooseberry bushes.....	4 " x 6 "	1,815
Grapes	10 " x 12 "	364
Raspberries.....	3 " x 6 "	2,425
Strawberries.....	1 " x 4 "	10,900

(g.) At the expiration of five years from the date of his entry, the applicant, or in case of his death his legal representative, upon proving to the satisfaction of the local agent, or in his absence the senior clerk performing his duties, that there are then growing upon the land and in healthy condition the number of trees, bushes, plants or vines, as the case may be, prescribed by these regulations, shall be entitled to a patent for the land upon payment therefor at the rate of one dollar per acre, provided such proof is accepted by the Commissioner of Dominion Lands, or in his absence by a member of the Land Board; but such patent shall not issue to any person who is not a subject of Her Majesty by birth or naturalization:

(h.) If any person having an entry for land for purposes of fruit culture fails to comply with any of the conditions in respect thereof prescribed by these regulations, his entry therefor shall be forfeited and cancelled, and he shall have no claim to the land whatever, except in special cases, in the discretion of the Minister of the Interior.

Grazing Lands.

Sec. 30. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons, for such term of years and at such rent in each case as may be deemed expedient; and every such lease shall contain a condition by which the Governor in Council may authorize the Minister of the Interior, at any time during the term of the lease, to give the lessee notice of cancellation thereof, and at the end of two years from the service of such notice such lease shall cease and determine.

Mining and Mining Lands.

Sec. 31. Lands containing coal or other minerals, whether in surveyed or unsurveyed territory, may be disposed of in such manner and on such terms and conditions as may, from time to time, be fixed by the Governor in Council by regulations to be made in that behalf.

Sec. 32. It is hereby declared that no grant from the Crown of lands in freehold, or for any less estate, has operated or will operate as a conveyance of the minerals therein, unless the same are expressly conveyed in such grant.

Ditches.

Sec. 33. The provisions of "The Dominion Mining Regulations" having reference to the diversion and use of the water from any stream or lake, and the rights of way necessary for the construction of flumes and ditches to convey such water, shall apply to the diversion and use of the water from any stream or lake, and the rights of way necessary to the conveyance thereof in respect of the irrigation of agricultural lands; Provided, however, that the forms M, N and O, in the Schedule to these regulations, shall be used.

Timber Slides, &c.

Sec. 34. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, water-way, pier or boom, or other work previously constructed on such land, or any stream passing through or along it, for the purpose of facilitating the descent of timber or saw-logs, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant that such slide, dam, water-way, pier or boom, or other work, is intended to be thereby sold or granted.

The free use of any slide, dam, water-way, pier, boom or other work on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping the same in repair, shall not in any way be interrupted or obstructed by or in virtue of any sale or grant of Dominion lands made subsequent to the construction of any such work.

Sec. 35. The free use for the floating of saw-logs or other timber, of any stream or lake that may be necessary for the descent thereof from Dominion lands, and the right of access to such stream or lake, and of passing and re-passing on or along the land on either side, and wherever necessary for such use thereof, and over any existing or necessary portage road past any rapid or fall, or connecting such stream or lake, and over such road as, owing to natural obstacles, may be necessary for taking out timber from Dominion lands, and the right of constructing any slide or water-way where necessary, shall continue uninterrupted, and shall not be affected or obstructed by or in virtue of any sale or grant of such lands.

Assignments.

Sec. 36. The Minister of the Interior shall cause to be kept in his Department books for registering, at the option of the parties interested, assignments of any right to Dominion lands which is assignable under these regulations, upon proof to his satisfaction that such assignment is in conformity with these regulations; and every assignment so registered shall be valid against any other assignment unregistered or subsequently registered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed or dispensed with by the Minister of the Interior before the assignment is registered.

Township Plans and Patent Lists.

Sec. 37. The Minister of the Interior shall transmit to the Registrar General of British Columbia, or his deputy or deputies, as early as possible in each year, a certified copy of the map of each township in such district or division, surveyed in the year next preceding, together with a certified list of the lands in such district or division patented in such year.

General Provisions relating to the Railway Belt in British Columbia.

Sec. 38. The following powers are hereby delegated to the Governor in Council, to be exercised from time to time by special Orders in Council, upon the recommendation of the Minister of the Interior:—

(a.) To withdraw from the operation of these regulations, subject to existing rights as defined or created under the same, such lands as have been or may be reserved for Indians

(b.) To encourage works undertaken, with a view of draining and reclaiming swamp lands, by granting to the promoters of such works remuneration in the way of grants of the lands so reclaimed, or of such portions thereof, or any other land, as may be deemed fair and reasonable:

(c.) To make such orders as may be deemed necessary, from time to time, to carry out the provisions of these regulations, according to their true intent, or to meet any cases which may arise and for which no provision is made in these regulations; and further, to make and declare any regulations which may be considered necessary to give the provisions in this clause contained full effect; and from time to time alter or revoke any order or orders, or any regulations made in respect of the said provisions, and make others in their stead:

(d.) Every order or regulation made by the Governor in Council, in virtue of the provisions of this section, or of any other section of these regulations, shall, unless otherwise specially provided in these regulations, have force and effect only after the same has been published for four successive weeks in the *Canada Gazette* and *British Columbia Gazette*; and all such orders or regulations shall be laid before both Houses of Parliament within the first fifteen days of the Session next after the date thereof.

Sec. 39. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under these regulations, except as otherwise herein provided, may be taken before a registrar of the Supreme Court of British Columbia, or the judge or registrar of any County Court, or any justice of the peace, or any commissioner for taking affidavits, or notary public, or any Dominion lands agent or officer, or any person specially authorized to take such affidavits by these regulations, or by the Minister of the Interior.

Sec. 40. The Dominion Lands Board, or any member thereof, the Crown Timber Agent, or any person specially authorized to that effect by the Governor in Council, shall have power to summon before them, or him, any person, by subpoena issued by them or him, to examine such person under oath, and to compel the production of papers and writings before them or him—and such subpoena may be in the Form P in the Schedule

to these regulations—and, if any person duly summoned neglects or refuses to appear at the time and place specified in the subpoena upon him legally served, or refuses to give evidence or to produce the papers or writings demanded of him, may, by warrant under their or his hands or hand, cause such person so neglecting or refusing to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a period not exceeding fourteen days.

Sec. 41. In any case where an affidavit or oath is required by these regulations, a solemn affirmation may be administered and made, instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath.

Sec. 42. Every receipt or certificate of entry or sale issued by an agent of Dominion lands shall, unless such entry or sale shall have been revoked or cancelled by the Minister of the Interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrong-doer or trespasser on the lands to which such receipt or certificate relates, as effectually as he could do under a patent of such land from the Crown.

Who shall be Competent to Survey Dominion Lands.

Sec. 43. Sections 99 to 139, inclusive, of Chapter 54 of the Revised Statutes of Canada, are hereby extended to the public lands of Canada in the Province of British Columbia.

Tariff of Fees.

Sec. 44. The Governor in Council may establish a tariff of fees to be charged by the Minister of the Interior for all copies of maps, township plans, field notes and other records, and also for registering assignments; and all fees received under such tariff shall form part of revenue from Dominion lands.

SCHEDULE.

FORM A.

Application for a Homestead Entry.

I, _____, of _____, do hereby apply for a homestead entry, under the provisions of the Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia, approved by Order in Council of the 17th September, 1889, for the _____ quarter-section of section number _____ of the _____ township, in the _____ range of the _____ meridian.

FORM B.

Affidavit in support of a claim for homestead entry by a person who has *bonâ fide* settled and made improvements upon land in advance of survey.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbour, bridge site or canal site, or being either an actual or prospective railway terminus or station; that I became resident upon and began to cultivate the said land on the day of _____, 18____, before the same was surveyed; that I have resided upon and cultivated the said land continuously ever since; that there is no other person residing or having improvements upon it, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands, nor do I own more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this }
 day of _____ 18____, } (Signature)
 before me.

Local Agent.

FORM C.

Affidavit in support of a claim for homestead entry by a person who has not previously obtained homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbour, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that I have not heretofore obtained a homestead on Dominion lands, nor do I hold or own, by pre-emption record or otherwise, under the laws of British Columbia, more than one hundred and sixty acres within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this }
 day of _____ 18____, } (Signature)
 before me.

Local Agent.

FORM D.

Affidavit in support of a claim for homestead entry by a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbour, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon; that I obtained homestead entry on the _____ day of _____ 18____, for the _____ quarter-section of section _____ township _____, range _____, of the _____ meridian, but forfeited the same; that by order of the Minister of the Interior, which I now produce, I have been permitted to make application for and to receive another homestead entry; that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the land applied for, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever, and that I have not heretofore obtained a homestead on Dominion lands except as herein stated, nor do I hold or own, by pre-emption record or otherwise, under the laws of British Columbia, more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this }
 day of _____ 18____, } (Signature)
 before me.

Local Agent.

FORM E.

Application for Homestead Entry by an Agent.

I, A. B., do hereby apply on behalf of _____ of _____, for homestead entry under the provisions of the Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia, as approved by Order in Council of the 17th September, 1889, for the _____ quarter-section of section number _____ of the _____ township, in the _____ range of the _____ meridian.

FORM F.

Affidavit by an Agent in support of a claim for homestead entry on behalf of a person who has *bonâ fide* settled and made improvements upon land in advance of survey.

I, A. B., do solemnly swear (*or affirm, as the case may be*) that for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbour, bridge site or canal site, or being either an actual or prospective railway terminus or station; that the said became resident upon and began to cultivate the said land on the day of 18 , before the same was surveyed; that he has resided upon and cultivated the said land in conformity with the requirements of the homestead provisions of the Dominion lands regulations in British Columbia ever since; that there is no other person residing on, or claiming, or having improvements upon it, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands, nor does he hold or own, by pre-emption record or otherwise, under the laws of British Columbia, more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this }
 day of 18 , } (Signature)
 before me.

Local Agent.

FORM G.

Affidavit by an Agent in support of a claim for homestead entry on behalf of a person who has not previously obtained homestead entry.

I, A. B., do solemnly swear (*or affirm as the case may be*), that , of , for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbour, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing upon the said land, nor are there any improvements thereon, and that this application is made for the exclusive use or benefit of the said , with the intention of his residing upon and culti-

vating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands, nor does he hold or own, by pre-emption record or otherwise, under the laws of British Columbia, more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this }
 day of 18 , } (Signature)
 before me.

Local Agent.

FORM H.

Affidavit by an Agent in support of a claim for homestead entry on behalf of a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that , for whom I am acting herein as agent, is over eighteen years of age, and to the best of my knowledge and belief the land in respect of which application is made is surveyed agricultural land ; it is not chiefly valuable for its timber or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value ; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbour, bridge site or canal site, or being either an actual or prospective railway terminus or station ; that there is no person residing on the said land, nor are there any improvements thereon ; that he obtained homestead entry on the day of 18 , for the quarter-section of section township range of the township meridian, but forfeited the same ; that by an order of the Minister of the Interior, which I now produce, he has been permitted to make application for and receive another homestead entry, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the land applied for, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained a homestead on Dominion lands except as herein stated, nor does he hold or own, by pre-emption record or otherwise, under the laws of British Columbia, more than one hundred and sixty acres of land within the tract known as the Railway Belt in British Columbia.

Subscribed and sworn to, this }
 day of 18 , } (Signature)
 before me.

Local Agent.

FORM J.

Receipt and Certificate of Entry.

I certify that I have received from _____ the sum of ten dollars, being the office fee for homestead entry for (*describe the land*), and that the said _____ is, in consequence of such entry and payment, vested with the rights conferred in such cases by the provisions of the regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia, as approved by Order in Council of the 17th September, 1889, respecting homestead rights.

Local Agent.

(Place—Date).

FORM K.

Certificate of Recommendation for Patent.

I certify that _____, who is the holder of a homestead entry for (*describe the land*), has complied with the provisions of the law required to be conformed to in order to entitle him to receive a patent for such land, and that I have recommended the issue of such patent.

Local Agent.

(Place—Date).

Countersigned :

Commissioner of Dominion Lands.

FORM L.

Application for Fruit-culture Entry.

I, A. B., do hereby apply for entry under the regulations for the disposal of Dominion lands for fruit-culture within the Railway Belt in the Province of British Columbia, as approved by Order in Council of the 17th day of September, 1889, for legal sub-division _____, of section _____, of the _____ township, in the _____ range west of the _____ meridian.

And I, A. B., do solemnly swear (*or affirm, as the case may be*) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which this application is made is of the class open for homestead entry; that there is no person residing upon the said land, nor are there any improvements thereon, and that I have not heretofore obtained a fruit-culture or other entry for Dominion lands.

Sworn before me, this _____ day }
of _____ A.D. 18 _____, } (*Signature*)

Local Agent.

FORM M.

Notice of Application for right to Divert Water.

Notice is hereby given, in pursuance of the provisions of the Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia, that I, _____ of _____, at the expiration of 20 days from the date hereof, intend to apply to the local agent of Dominion lands at _____, in the Province of British Columbia, for authority to take, carry away and divert to my (farm or mining claim) from its natural channel _____ inches of the unentered and unappropriated water of the (stream or lake) known as _____ for _____ purposes during the term of _____ years from the date of record, with the object of (irrigating or sluicing) my said (farm or mining claim); such diversion will be made at a point situated on the (north, east, south, or west, end or side) of the said (stream or lake) marked on the ground by a conspicuous post, and it is intended that such water shall be carried in and through a (ditch or flume, or both) in a direction over the lands of _____, as indicated by like posts planted, where practicable, every quarter of a mile long the proposed line of the (ditch or flume, or both).

Dated this _____ day of _____, 18 _____, at _____ (Signature)

FORM N.

Affidavit in support of Application for right to Divert Water.

Province of British Columbia, }
To Wit :

I, _____ of _____, make oath and say :—

1st. That the document hereunto annexed and marked with the letter "A" is a true copy of a notice given by me _____, in pursuance of the provisions of the regulations for the disposal of the Dominion lands within the Railway Belt in the Province of British Columbia, and posted up by me on the day of the date thereof at the point of diversion therein named.

2nd. That on the _____ day of _____, A.D. 18 _____, I also posted up a like copy of such notice in a conspicuous place on the lands of each of the following persons, viz. :

3rd. That the lands of the said several persons named in the last above paragraph, and of no others, will be affected by the proposed diversion in the said notice mentioned.

4th. That I am lawfully entitled to hold land under the said regulations, and I am lawfully occupying (and *bond fide* cultivating or working, as the case may be) the (land or mineral claim) to which the said water is intended to be diverted.

5th. That I have planted posts in accordance with the terms of, and along the proposed line of _____, as indicated in the said notice, and I believe that I have performed all conditions precedent necessary to entitle me to a record of the water privilege in the _____ notice mentioned or referred to.

Sworn before me, this _____ day }
 of _____ A.D. 18____, at } (Signature)
 in the said Province. }

Local Agent.

FORM O.

Grant of the right to Divert Water.

To all whom it may concern—GREETING :

Know ye, that _____, of _____, having complied with the provisions of the Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia, as appears by affidavit of himself, with notice annexed filed with the undersigned on the _____ day of _____ 18____, is hereby authorized to divert for his own use, for a period of _____ years from the date hereof, _____ inches of unrecorded and unappropriated water of _____, or so much of that quantity as may be lawfully diverted and used by him under and in accordance with the provisions of the said regulations, and the said _____ is entitled to all the rights conferred by the said regulations upon the recorded owner of a water privilege.

Given the _____ day of _____ 18____, at _____ in the Province of British Columbia.

Local Agent.

FORM P.

Subpœna.

To

GREETING :

You are hereby commanded that all things set aside and ceasing every excuse, you be and appear in your proper person before me, the undersigned, at _____ on the _____ day of _____ 18____, by _____ o'clock in the _____ noon, and so on from day to day, to be then and there examined upon oath touching your knowledge of _____

And you are to bring with you and produce all papers and writings in your custody, power or control, in any wise relating to the said matters; and take notice that if you neglect or refuse to appear at the time or place aforesaid you will be liable to be taken into custody and to be imprisoned in the nearest common jail, as for contempt of court, for a period not exceeding fourteen days.

Given under my hand and seal, this _____ day of _____ 18____ at _____

(Signature of Officer)

[L.S.]