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INDIAN LAND,  
TIMBER, MINERAL, AND COAL  
REGULATIONS.

ADOPTED AND ESTABLISHED BY ORDERS OF HIS EXCELLENCY  
IN COUNCIL ON THE 15<sup>TH</sup> OF SEPTEMBER, 1838.

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APPROVED AND PUBLISHED BY ORDER OF HIS EXCELLENCY  
THE GOVERNOR IN THE MONTH OF SEPTEMBER 1884

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DEPARTMENT OF INDIAN AFFAIRS,  
OTTAWA, 2nd November, 1888.

Notice is hereby given that the within Consolidated Regulations of the Department of Indian Affairs, adopted and established by Orders of His Excellency in Council on the 15th of September, 1888, under the provisions of Chapter 43 of the Revised Statutes of Canada, intituled: "The Indian Act," are and shall continue to be in force from the date of the said Orders in Council.

These Regulations are as follows:—

1st. Those governing the disposal of all surrendered Indian lands in the Dominion. Chapter 29, pages 166 to 169.

2nd. Those governing the disposal of timber on Indian lands or Reserves in the Provinces of Ontario and Quebec. Chapter 30, pages 170 to 181.

3rd. Those governing the disposal of minerals other than coal on all surrendered Indian lands in the Dominion. Chapter 31, pages 182 to 209.

4th. Those governing the disposal of coal lands within Indian Reserves in Manitoba and the North-West Territories. Chapter 32, pages 210 and 211.

L. VANKOUGHNET,  
*Deputy Superintendent General of Indian Affairs.*

NOTE—*The paging above is that of the Consolidated Orders in Council.*

REGISTRATION OF INDIAN ALIENS

Ottawa, 2nd November, 1883.

Notice is hereby given that the within Consolidated Regulations of the Department of Indian Affairs adopted and established by Order of His Excellency in Council on the 15th of September, 1883, under the provisions of Chapter 44 of the Revised Statutes of Canada, entitled: "The Indian Act," are and shall continue to be in force from the date of the said Order in Council.

These Regulations are as follows:-

- 1st. Those governing the disposal of all surveyed Indian lands in the Dominion. Chapter 22, pages 160 to 162.
- 2nd. Those governing the disposal of timber on Indian lands or Reserves in the Province of Ontario and Quebec. Chapter 23, pages 170 to 181.
- 3rd. Those governing the disposal of minerals other than coal on all surveyed Indian lands in the Dominion. Chapter 24, pages 182 to 187.
- 4th. Those governing the disposal of coal lands within Indian Reserves in Manitoba and the North-West Territories. Chapter 25, pages 188 and 191.

L. YALLOUGHAN

Deputy Superintendent General of Indian Affairs

Printed and Published by the Government Printer, Ottawa.

DEPARTMENT OF INDIAN AFFAIRS.

CHAPTER 29.

REGULATIONS FOR THE DISPOSAL OF INDIAN LANDS.

Government House, Ottawa,  
The 15th day of September, 1888.

On the recommendation of the Superintendent General of Indian Affairs and under the provisions of Chapter 43 of the Revised Statutes of Canada, intituled "The Indian Act,"

His Excellency in Council has been pleased to make and does hereby make the following regulations for the disposal of surrendered Indian lands, prescribing the conditions on which sales of the same may be made subject to the conditions of surrender and the provisions of the aforesaid Act.

REGULATIONS FOR THE DISPOSAL OF SURRENDERED INDIAN LANDS.

Section 1. Not more than four lots of 100 acres each, more or less, nor less than one such lot, or more than one section of 640 acres, more or less, or less than one-quarter of such section shall be sold to any one purchaser. Number and size of lots.

Sec. 2. Not less than one-fifth of the purchase money shall be paid at date of sale, and the balance must be paid in equal annual consecutive instalments with interest at six per centum on each instalment from date of sale to date of payment;—payment to be made into a branch of any chartered bank of Canada, to the credit of the Minister of Finance and Receiver General, on account of Indian funds, and bank certificates—duplicate and triplicate,—and drafts to be handed or sent to the agent within whose agency the lands on account of which such payment has been made, are situated. Purchase-money, how and to whom to be paid.

Sec. 3. Settlement on the lot or lots included in any sale, is one of the conditions thereof, and shall consist of actual occupation and improvement of the land, which must commence within six months from the date of sale and be continuous for a period of three years; within which time there shall be cleared and fenced at least five acres in every one hundred acres, or in that proportion; also a dwelling house of not less than 18 x 24 feet must be erected on the land included in any sale. Settlement, how made, within what limits, and the conditions thereof.

## Chap. 29.

*Regulations for the disposal of Indian Lands.*

Timber, &c.,  
not to be cut  
till license  
issued.

Sec. 4. No timber, saw-logs, staves, lathwood, shingle bolts, cordwood, or any other description of wood, may be cut for sale until the patent for the lot shall have issued, except that the same may be cut under license, issued under existing regulations governing the issue of such licenses, to the party residing thereon by the Indian Lands Agent, covering any trees cut on the location in actually clearing the land for cultivation, other than pine or spruce, which are reserved from the operation of the sale of the land, and may be otherwise disposed of by the Department, and may be cut and removed by the purchaser of said pine or spruce up to the date on which the patent covering the land shall issue.

Forfeiture in  
case of viola-  
tion.

Sec. 5. Any violations of the above conditions of sale will render the land in respect to which the same has taken place, as well as all moneys paid on account thereof, forfeitable, by order of the Superintendent General of Indian Affairs.

Lands unfit  
for cultiva-  
tion, how  
dealt with.

Sec. 6. The above regulations as to occupation and improvement shall not apply to any lands in respect to which the Superintendent General of Indian Affairs has received a report sworn to by a competent, reliable and disinterested person, appointed by the Superintendent General of Indian Affairs to examine such lands, that the same are in whole or for the most part unfit for cultivation. In the case of such lands the Superintendent General of Indian Affairs may dispose of the same, or of the timber or other valuables thereon or therein, to the best possible advantage in the interest of the Indians, without reference to occupation or improvement.

O. C. Oct. 26, 1887.

## PINE AND SPRUCE TIMBER.

Terms to  
*bona fide*  
settlers.

Sec. 7. Notwithstanding anything to the contrary in the Timber and Land Regulations of the Department, the Superintendent General of Indian Affairs is authorized to sell to any *bona fide* actual settler on a wood lot or lots being the purchaser of the same, the pine and spruce timber thereon, on such terms as may be arranged upon between the purchaser of the said lot or lots and the Superintendent General of Indian Affairs, always provided that the timber has not been previously disposed of by the Department of Indian Affairs.

O. C. May 8, 1888.

## PINE AND SPRUCE TREES IN TIMBER LICENSES.

Special regu-  
lations]

Sec. 8. All pine trees and all spruce trees being or growing upon any Indian land hereafter sold, and at the time of such

*Regulations for the disposal of Indian Lands.*

## Chap. 29.

sale, or previously, included in any timber license, shall be considered as reserved from such sale; and such land shall be subject to any timber license covering the same which may be in force at the time of such sale, or may be granted within three years from the date of such sale; and all pine trees of larger growth than nine inches diameter at the butt may be cut and removed from such land under a timber license lawfully in force; but the purchaser of the land, or those claiming under the purchaser, may cut and use such trees as may be necessary for the purposes of building, fencing and fuel on the land so purchased; and may also cut and dispose of, (but the latter only under a settler's license, duly obtained from the local Indian Superintendent or Agent) all trees required to be removed in actually clearing the land for cultivation; but no pine or spruce trees except for necessary building, fencing and fuel, as aforesaid, shall be cut beyond the limit of such actual clearing before the issue of the patent for such land; and pine trees and spruce trees so cut and disposed of, except for said necessary building, fencing and fuel, as aforesaid, shall be subject to the payment of regular dues, and one hundred per cent. added thereto for trespass fine.

Reservations  
in case of pine  
and spruce  
trees.

All trees on the land when the patent issues are to become the property of the patentee.

O. C. Nov. 12, 1877; Oct. 26, 1887.

REGULATIONS RELATING TO ACTUAL SETTLERS ON INDIAN LANDS.

Sec. 9. (a.) Purchasers of Indian land are required to clear five instead of fifteen acres; no license fee to be charged for the said five acres or dues to be charged upon the timber removed therefrom (pine and spruce being reserved), but each purchaser before receiving a license to cut and remove the timber from the said five acres, shall be required to declare by written declaration at the time of sale that he intends becoming an actual settler on the land, and to obtain from the agent a license to cut on the five acres.

Five acres to  
be cleared.

(b.) Upon it being established to the satisfaction of the Indian agent by affidavit or statutory declaration of two reliable disinterested parties that the purchaser has cleared on the land purchased ready for cultivation and fenced at least five acres, and that he has built thereon a habitable dwelling house of not less than 18 x 24 feet, and that he resides and that they believe he intends to continue to reside on the said land, the agent may grant him a settler's license covering the land included in the sale to him, which must exceed the area stated in Section 1 of the "Regulations for the disposal

Settler's li-  
cense; when  
granted.

Chap. 29.

Regulations for the disposal of Indian Lands.

of Indian Lands," namely, 400 acres or 640 acres as the case may be. [See *ante*, page 166.]

Fee for license.

(c.) Said license shall be issued for one year only on payment of a fee of four dollars (\$4), which may be renewed yearly on payment of a fee of one dollar (\$1), provided there has been no violation of the terms of the said license.

Dues on timber cut under license.

(d.) Dues shall be paid on timber cut under said license in accordance with the following tariff, which dues or such portion thereof as may be necessary may be applied on behalf of the purchaser towards payment of the land, and any balance in excess of what is required shall be placed at the credit of Indian funds:—

1. Oak and black walnut and basswood, square timber, per M. cubic feet.....	\$30 00
2. Oak and black walnut and basswood, saw-logs, per M. feet board measure.....	4 00
3. Tamarac, elm, beech, ash, maple, hickory and butternut, per M. cubic feet.....	16 66
4. For the <i>same</i> , as saw-logs, per M. feet board measure.....	2 00
5. Cedar, birch, basswood and boom timber, per M. cubic feet.....	15 00
6. For the <i>same</i> , as saw-logs, per M. feet board measure.....	1 00
7. Hemlock, per M. cubic feet, including bark.....	5 00
8. Hemlock, per M. feet, board measure.....	0 60
9. Hemlock bark, per cord.....	0 40
10. Pipe staves, per M. standard.....	15 00
11. West India do do .....	5 00
12. Railway ties, tamarac, or cedar, per 100, of 12 inches and under at the butt.....	2 00
13. Telegraph poles, per 100, up to 30 feet long.....	5 00
14. Over and above that length the rate to be increased in proportion to the length.	
15. Boom timber, per M. cubic feet.....	6 00
16. Boom timber, per M. feet board measure.....	0 40
17. Cedar pickets, per 100 .....	1 00
18. Tamarac knees, lineal measurement, per M. feet.....	15 00
19. Shingle bolts, per cord.....	0 40
20. Shingle bolts, in advantageous localities.....	0 50
21. Cordwood, hard, per cord.....	0 15
22. Cordwood, hard, do in advantageous localities .....	0 20
23. Cordwood, soft, per cord.....	0 10
24. Cordwood, soft, do in advantageous localities.....	0 12

O. C. June 7, 1888.

## CHAPTER 30.

### SALE OF TIMBER ON INDIAN LANDS IN ONTARIO AND QUEBEC.

Government House, Ottawa,

The 15th day of September, 1888.

On the recommendation of the Superintendent General of Indian Affairs and under the provisions of Chapter 43 of the Revised Statutes of Canada, intituled "The Indian Act,"

His Excellency in Council has been pleased to make, and does hereby make the following regulations for the sale of timber on Indian lands in the provinces of Ontario and Quebec:—

Section 1. The Superintendent General of Indian Affairs may, at his discretion, cause the limit lines of any timber berths under license, which have not been already surveyed, or when the lines of survey have been obliterated by fire or from other cause, to be properly surveyed and run, the costs of such survey to be paid by the holder of the license; and where two or more licensees are interested in the survey, the Superintendent General of Indian Affairs shall determine what portion of the costs of the survey shall be paid by each, and such costs of survey shall be a charge upon the timber berth, to be paid with the ground rent before renewal of the license.

Limit lines to be properly surveyed.

Sec. 2. The Superintendent General of Indian Affairs before granting any licenses for new timber berths in unsurveyed Indian reserves or lands, shall cause such berths to be surveyed, and the Superintendent General of Indian Affairs may cause any reserve or other Indian lands to be subdivided into as many timber berths as he may think proper.

Timber berths to be surveyed.

Sec. 3. The berths or limits when surveyed and set off, and all new berths or limits in surveyed territory, shall be explored and valued, and then offered for sale by public auction at the upset price fixed by such valuation, at such time and place, and on such conditions, and by such officer, as the Superintendent General of Indian Affairs shall direct, by public notice for that purpose, and shall be sold to the highest bidder for cash at the time of sale.

Berths and limits to be offered for sale.

Sec. 4. All forfeited timber berths may be offered for sale by public auction, and such sale shall be at such upset price,

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**Chap. 30.**     *Sale of timber on Indian lands in Ontario and Quebec.*


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Sale of forfeited timber berths by auction.

and at such time and place as the Superintendent General of Indian Affairs may fix and appoint by public notice, and shall be awarded to the highest bidder making payment at the time of sale; but should the said timber berth not be then sold, the same may be granted to any applicant willing to pay the said upset price and ground rent, or, on such other terms as the Superintendent General of Indian Affairs may direct.

Renewal of licenses.

Sec. 5. License-holders who shall have complied with all existing regulations, shall be entitled to have their licenses renewed on application to the Superintendent General of Indian Affairs.

Register and plan of licenses and limits.

Sec. 6. The Superintendent General of Indian Affairs shall keep a register of all licenses granted or renewed, and of all transfers of such licenses, and a copy of such register, with a plan of the licensed limits, shall be kept by the Indian agent, or Indian land agent of the locality, and shall be open to public inspection.

Transfers, how to be made.

Sec. 7. All transfers of timber berths shall be made in writing, but shall be subject to the approval of the Superintendent General of Indian Affairs, to whom they shall be transmitted for approval or rejection, and they shall be valid only from the time of such approval to be expressed in writing. In all cases of transfer of limits or timber berths, they will be subject to the payment of two dollars per square mile for each limit or berth, and in proportion if only a part is transferred, or if the license holder takes in one or more partners with him.

Timber berths, how to be described.

Sec. 8. Timber berths are to be described in new licenses as "not to interfere with prior licenses existing or to be renewed in virtue of regulations." When the description of any berth or boundary, as given by any license, clashes with the description of any other licensed berth or territory, the license of more recent origin, (tracing back only to the time when such license or any previous license, of which it is a renewal, was first granted), shall give way, and the Superintendent General of Indian Affairs may amend or cancel such license wholly or in part, and substitute another in place thereof, so as to correct the description of the berth or limit intended to be licensed; and in all cases where any license has issued in error or mistake, or is found to be inconsistent with any other license, or inconsistent or incompatible with the regulations under which it was granted, the Superintendent General of Indian Affairs may cause it to be cancelled, or amended, or he may refer all matters in dispute with

Cancellation of licenses.

Matters in dispute.

*Sale of timber on Indian lands in Ontario and Quebec.*

## Chap. 30.

reference to the boundaries and position of timber limits to arbitration, and each of the contending parties may choose one arbitrator, and the Superintendent General of Indian Affairs may appoint an arbitrator and name a day on or before which the award of such arbitrators, or a majority of them, shall be made and delivered to the parties; and such award made by the said arbitrators, or any two of them, shall be binding on the parties interested.

Reference to arbitration.

Sec. 9. Timber cut on limits for which license has been suspended or held in abeyance, shall be considered as having been cut without authority and treated accordingly.

License suspended.

Sec. 10. Purchasers of Indian lands, who have not completed all the conditions of sale, shall not, unless under settler's license, or for clearing, fencing or building purposes on the said land, be permitted to cut timber or logs thereon, or to dispose of it to others. Persons found doing so shall be subject to the penalties established by law, for cutting timber on Indian lands without authority. On all lands sold on or after the issue of a license, the licensee may, in virtue of said license, not cut any description of timber excepting merchantable pine and spruce, which he may continue to cut until the purchaser of the land shall have fulfilled all conditions of sale entitling him to a patent for the said land, when the right of the licensee to cut pine or spruce thereon shall cease; but it will rest with the purchaser to notify the licensee, and, if required to do so, to furnish sufficient proof to him that he has fulfilled such condition of sale.

Purchasers of Indian lands, who have not completed conditions of sale.

Sec. 11. All timber licenses are to expire on the 30th of April next after the date thereof, and all renewals are to be applied for before the 1st of July following the expiration of the last preceding license; in default whereof the berth or berths shall be treated as *de facto* forfeited.

Expiry and renewal of licenses.

Sec. 12. No renewal of any license shall be granted unless the limit covered thereby has been properly worked during the preceding season, or sufficient reason be given under oath, and the same be satisfactory to the Superintendent General of Indian Affairs, for the non-working of the limit, and unless or until the ground rent and all costs of survey, and all dues to the Crown on timber, saw-logs or other lumber cut under and by virtue of any license, other than the last preceding, shall have been first paid.

Renewal of license; when not granted.

Sec. 13. All timber berths or limits shall be subject to an annual ground rent of \$3 per square mile, payable in

Ground rent for timber berths.

Chap. 30. *Sale of timber on Indian lands in Ontario and Quebec.*

advance, before the issuing of any original license or renewal; and, in computing the ground rent, no license shall be charged at less than eight miles of area.

Crown dues  
on timber, &c.

Sec. 14. All timber, saw-logs, wood, or other lumber, cut under any license now in force, or under any license which may be hereafter granted, shall be subject to the following Crown dues, that is to say:

## TARIFF

*Of dues chargeable on Indian timber cut under license.*

1. Oak and black walnut, square timber, per M. cubic feet .....	\$30 00
2. Oak and black walnut, saw-logs, per M. feet, board measure .....	4 00
3. Tamarac, elm, beech, ash, maple and hickory, square timber, per M. cubic feet.....	16 66
4. Tamarac, elm, beech, ash, maple and hickory, saw-logs, per M. feet, board measure.. ..	2 00
5. Red and white pine, cedar, birch, basswood and boom timber, per M. cubic feet.....	15 00
6. Red and white pine, cedar, birch, basswood, saw-logs, per M. feet, board measure.....	1 00
7. Hemlock, spruce, or other wood, per M. cubic feet.....	10 00
8. Hemlock, spruce, or other wood, being saw-logs, per M. feet, board measure.....	0 80
9. Pipe staves, per 1,000 standard.....	15 00
10. West India staves, per 1,000 standard.....	5 00
11. Railway ties—tamarac, cedar or pine, per 100.	2 00
12. Telegraph poles, per 100.....	8 00
13. Cedar pickets, per 100 (over 8 inches in diameter) .....	2 00
14. Cedar pickets, per 100 (8 inches and under)...	1 00
15. Tamarac knees, lineal measure, per M feet....	12 00
16. Shingle bolts, per cord.....	0 60
17. Shingle bolts, per cord in advantageous localities .....	0 75
18. Cordwood, hard, per cord.....	0 30
19. Cordwood, hard, per cord in advantageous localities.....	0 40
20. Cordwood, soft, per cord.....	0 20
21. Cordwood, soft, per cord in advantageous localities.....	0 25
22. Hop poles, per 100.....	0 50
23. Hoop poles, hickory or ash, per 100.....	0 25
24. Hoop poles, soft maple, per 100.....	0 12½
25. Burnt cedar and tops of cedar trees which cannot be used for railway ties, per cord..	0 40

*Sale of timber on Indian lands in Ontario and Quebec.* Chap. 30.

Dues on maple and swamp elm, cut under license on the Saugeen Peninsula, have been reduced to \$1 per M feet board measure, and \$15 per M feet cubic measure. Maple and swamp elm.

Sec. 15. The duties on timber shall be charged upon the quantities shown by the specification of measurement furnished under oath by the licensee or his foreman to the Indian agent for the locality, or to the Superintendent General of Indian Affairs, or by other reliable measurement; but where such actual measurement can not be obtained, each stick of white pine timber shall be estimated as containing 70 cubic feet, red pine as containing 38 cubic feet, oak 50 feet, and elm 45 feet, and all other wood as containing 34 cubic feet. Duties, how estimated.

Sec. 16. All licensees or occupants of timber berths shall furnish through themselves, their agents, cullers and foremen, to such agent or agents as the Superintendent General of Indian Affairs may appoint for that purpose, and at such time and place as such agent or agents may require, satisfactory proof upon oath as to the exact locality where all the timber, saw-logs and other lumber in his or their possession were cut, giving the number of pieces and description of timber, saw-logs and other lumber, including culls, cut by themselves and others to their knowledge upon each of the timber berths held or occupied by him or them respectively, designating what quantity, if any, had been cut on settlers' lands, giving the names of such settlers, the name of the township, and the number of each lot and concession, exhibiting at the same time for the inspection of such agent or agents, the books of count and measurement of such timber, saw-logs and other lumber under his or their control respectively; and shall moreover furnish such agent or agents all required information and facilities to enable him or them to arrive at a satisfactory determination as to the quantity and description of timber, saw-logs and other lumber made by him or them, or held in his or their possession respectively, on which Government dues are chargeable; and in the event of such agent or agents deeming it expedient to cause such timber, saw-logs and other lumber to be counted or measured, the said licensee or occupier of such timber berth, and his or their agents, cullers and foremen, shall aid and assist in such count or measurement, but should such licensee or occupier, or his or their agents, fail to comply with these conditions, such licensee shall forfeit all right to a renewal of his license, and the berth and limit shall become vacant. And to enable persons who sell their timber under settler's license to obtain their refund of dues, and timber cut on patented lands to pass Licensees or occupants to furnish proof, under oath, as to locality, number of pieces, and description, names of settlers, and other particulars.

Chap. 30. *Sale of timber on Indian lands in Ontario and Quebec.*

duty free, it will be necessary for the parties interested to prove, on oath taken before such agent or agents, and to his or their satisfaction, the number of pieces and description of timber and saw-logs cut on each lot respectively. And in the event of such proof being deemed unsatisfactory, the said agent or agents may determine the same by causing a strict count of the stumps to be made, and then certifying according to such count.

Free access  
to books, &c.,  
of licensee.

Sec. 17. The Superintendent General of Indian Affairs, or any authorized agent, shall at all times have free access to and be permitted to examine the books and memoranda kept by any licensee, showing the quantity of lumber in board measure sawn by him from logs cut on his timber berth or berths, and failing to produce such books and memoranda when required so to do, will subject such licensee to a forfeiture of his right to a renewal of his license.

Dues, how  
levied in case  
of default.

Sec. 18. When any license-holder is in default for, or has evaded the payment of dues to the Crown on any part of his timber or saw-logs, such dues may be levied on any other timber or saw-logs belonging to such defaulter, cut under license, together with the dues thereon.

Report re-  
quired before  
moving any  
raft or parcel  
of timber.  
What to con-  
tain. Clear-  
ance to be  
granted on  
receipt there-  
of by Indian  
agent.

Sec. 19. Before moving any raft or parcel of timber, lumber or saw-logs from the Indian agency in which it has been cut, the owner or person in charge thereof shall report the same to the Indian agent for the locality, making, if required, declaration upon oath, as to where the said timber was cut, the number of pieces and description of each kind of wood contained in such raft or parcel of timber, and the number of cribs, stating at the same time the number and description of pieces cut on private lands, also on lands under settler's license, giving the names of the owners or licensees of such land, with the name of the townships and number of each lot and concession; and should such Indian agent not be satisfied with the correctness of such report, he shall cause a strict count to be made of the timber in such raft; and on being satisfied of the correctness of such report or count, the Indian agent may grant a clearance in due form, for such raft, stating the number of pieces and description of timber contained therein, distinguishing the timber cut on private lands under settler's license, from that cut on Indian lands or reserve.

Report of ar-  
rival of such  
raft.

Sec. 20. The owner or holder of any such raft or parcel of timber shall, within twenty-four hours after the same shall have arrived at its destination at Quebec, Sorel,

*Sale of timber on Indian lands in Ontario and Quebec.*

## Chap. 30.

Montreal, or other port of sale or shipment, report the arrival of such raft to the collector of crown timber dues, or if at Sorel or Montreal, to the deputy supervisor of cullers; and should the said raft be found by the specification of measurement to contain a greater number of pieces of timber than is noted in the clearance, the surplus number of pieces, if not satisfactorily explained, shall be held as having been cut on Indian lands without authority, and subject to payment of dues accordingly.

Raft found to contain more pieces than is noted in clearance.

Sec. 21. Parties omitting to obtain their clearance at such agency, or omitting to report the arrival of such raft at its destination as above mentioned, may be refused further license, and may be subject to forfeiture of the timber for evasion of regulations, as provided in Chapter 43 of the Revised Statutes of Canada.

Forfeiture in case of violation.

Sec. 22. Persons evading or refusing the payment of timber dues, or the final settlement of bonds or promissory notes for payment of such dues, or in default with the Indian Department or agent; also, persons taking forcible possession of disputed ground before obtaining decision in their favor, and persons refusing to comply with the decision of arbitrators as provided by the 8th Section of these regulations, or with the regulations established by Order in Council, or who forcibly interrupt surveyors in the discharge of their duty, shall be refused further licenses, and their berths shall be forfeited at the expiration of the then existing license.

Refusing payment of timber dues, taking forcible possession.

Sec. 23. Dues of all kinds on timber cut under license, remaining unpaid on the 30th November following the season in which it was cut, shall be subject to interest from that date, but without prejudice to the power of the Crown to enforce payment of such outstanding dues at any time the Superintendent General of Indian Affairs may think proper.

Timber dues subject to interest.

Sec. 24. Purchasers of Indian lands who have not completed all conditions of sales, and have not obtained their patents for such lands, cutting timber without license (except for clearing, building, or fencing thereon) or others doing so by their permission, shall be subjected to the penalties established by law for cutting timber without authority.

Purchasers who have not completed conditions.

Sec. 25. Before the issue of any timber license, the licensee or licensees thereof shall furnish security by a bond of himself or themselves, and two responsible sureties, for

Security to be given before issue of license.

such amounts as the Superintendent General of Indian Affairs may consider sufficient to ensure the proper working of the limit, the due fulfilment by him or them of the conditions of the license, and the due observance of all the regulations of the Department in respect to the timber to be cut. The giving of such security shall not, however, in any way prejudice the right of the Superintendent General of Indian Affairs, or his agent, to levy upon any timber cut or owned by the holder or holders of the license, or to cancel the said license should there appear to him to be sufficient cause for so doing.

Licenses to be granted in triplicate.

Sec. 26. Licenses are to be granted on the following form, in triplicate, and the description of each berth is to be written on the back thereof, and is to be dated and signed by the Deputy Superintendent General of Indian Affairs, as well as the license itself, the duplicate to be kept of record by the local Indian agent.

FORM OF LICENSE.

Sec. 27. *License to Cut Timber on Indian Lands.*

(Royal Arms.)

Form of license.

By authority of the 43rd Chapter of the Revised Statutes of Canada and amendments thereto, and for and in consideration of the payments made, and to be made to the credit of Indian funds, I do hereby give unto

and unto agents and workmen, full power and license to cut upon the location described upon the back hereof, and to hold and occupy the said location to the exclusion of all others, except as hereinafter mentioned:—from , 18 , to thirtieth day of April, 18 , and no longer; with the right of conveying away the said timber, through any ungranted or waste Indian lands.

And by virtue of this license the said licensee has right by the said statute, to all timber cut by others in trespass on the ground hereby assigned, with full power to seize and recover the same anywhere within the Dominion of Canada.

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

That the dues to which the timber cut under its authority are liable, shall be paid as follows, namely:—

That all lots sold prior, and all lots sold subsequently, to the date hereof, and which have been settled upon and are being cleared for cultivation, shall be exempt from the operation of this license, excepting in so far as pine and

*Sale of timber on Indian lands in Ontario and Quebec.* Chap. 30.

spruce merchantable timber are concerned, which this license will continue to control until all conditions of sale have been fulfilled.

That any person or persons may under authority of the Superintendent General of Indian Affairs, at all times, make and use roads upon and travel over the ground hereby licensed.

That nothing herein shall prevent any person or persons having authority from the Superintendent General of Indian Affairs to do so, from taking standing timber of any kind to be used for the making of roads and bridges, or for public works.

And that persons settling under lawful authority or title within the location hereby licensed, shall not in any way be interrupted in clearing and cultivating by the said licensee, or any one acting for \_\_\_\_\_ or by \_\_\_\_\_ permission.

And further, upon condition that the said licensee or \_\_\_\_\_ representatives shall comply with all regulations that are or may be established by Order in Council, and shall submit all the timber cut under this license to be counted or measured, and shall 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 penalty or penalties as provided by law.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of Our Lord one thousand eight hundred and \_\_\_\_\_

*Deputy of the Superintendent  
General of Indian Affairs.*

Amount payable on giving this license	}	Bonus.....\$
		Ground rent...\$
		License fee.....\$

[The above named licensee shall be bound before or when paying the ground rent and renewal fee—if the license is renewed—to declare on oath whether \_\_\_\_\_ still the *bona fide* proprietor of the limit hereby licensed, or whether sold or transferred it, or any part of it, or for whom hold it.]

☞ We have read and we comprehend the nature of the obligations contained in this license, and we bind ourselves jointly and severally, and each of our heirs, executors, curators, and administrators, to pay all duties that may become due and payable to Her Majesty, her heirs or suc- Statement by licensee.

Chap. 30.

*Sale of timber lands in Ontario and Quebec.*

cessors, on any timber cut or acquired by virtue of this license, in the event of the above named licensee failing or refusing to pay the same, or to give satisfactory bonds for payment thereof.

.....  
.....

Kinds and descriptions of timber to be cut, and the rate of dues to be paid under authority of this license ;

\* \* \* \* \*

The timber limits comprehended by the within license consist of the following :—

\* \* \* \* \*

OFFENCES AND TRESPASSES.

Cutting without license. Sec. 28. All persons cutting timber on Indian lands or reserves, without authority of license, will be punished as the law provides.

Hindering officer or agent, a felony. Persons hindering any officer or agent of the Department of Indian Affairs in the discharge of his duty in seizing timber illegally cut, or taking away, or causing to be taken away, any timber seized under the Act, Chapter 43, Revised Statutes, Canada, are guilty of felony.

Cutting on pretence. Parties cutting timber on Indian lands purchased by them on pretence of settlement, but really for the purpose of cutting the timber, are trespassers as above.

Railway companies, &c. Railway companies, contractors and others, cutting without the authority of the Superintendent General of Indian Affairs timber for railway purposes on Indian lands and on lands sold but not yet patented, are also trespassers and subject to the same penalties.

Penalty for cutting through error. Sec. 29. From and after the date of the passing of the present regulations, in cases of timber which although cut in trespass was so cut through error in good faith on Indian lands, by licensees or other parties, it shall be lawful for the Superintendent General of Indian Affairs to exact in settlement of such wood goods a penalty equivalent to double, treble or quadruple the ordinary dues as established by tariff above, according to circumstances, besides costs of seizure and other expenses connected with all investigations into such trespasses.

Pine trees. Sec. 30. It shall be no longer permitted to cut, on Indian lands, pine trees measuring less than nine inches in diameter at the stump.

TRANSFERS.

Limit owners to give notice. Sec. 31. All limit owners are to notify the Superintendent General of Indian Affairs of any transfer which they

*Sale of timber lands in Ontario and Quebec.*

## Chap. 30.

may have effected, as soon as any transaction of the kind may have taken place; and should they fail to give due notification to the Superintendent General of Indian Affairs, he may rule the forfeiture of such license or licenses comprising the limit or limits so transferred.

Sec. 32. Limit holders, in order to enable them to obtain advances necessary for their operations, shall have a right to pledge their limits as security without a bonus becoming payable. Such pledge, in order to effect the limit against the debtor, shall require to be noted on the back of the license by an authorized officer of the Department of Indian Affairs. But if the party giving such pledge should fail to perform his obligations towards his creditors, the latter, on establishing the fact to the satisfaction of the Superintendent General of Indian Affairs, may obtain the next renewal in his or their own name, subject to payment of the bonus, the transfer being then deemed complete.

Limit holders may pledge limits.

Limit, how effected by pledge.

Party giving pledge failing to perform his obligations.

Sec. 33. Transfers of timber berths are to be in writing, and if not found objectionable by the Department of Indian Affairs, are to be valid from the date on which they may be deposited in the hands of the latter; but no transfer is to be accepted while the party transferring is in default for non-payment of dues on timber to the Crown.

Transfers of berths, how made.

## SURVEYS.

Sec. 34. The Department of Indian Affairs shall, at the joint written request of conterminous license holders, issue instructions stating how the boundaries of such limits should be run to be in conformity with existing licenses. The surveys shall be performed at the expense of the parties requiring them, who must cause copies of the plans and field notes of the surveys to be delivered to the said Department subject to approval, to be paid for and kept of record by the Department.

Boundaries, how established.

Boundaries so established at the joint request of the parties interested shall be fixed and permanent, and shall in no case be altered.

Sec. 35. If a limit holder refuses to join his neighbor to have the boundaries defined, the party wishing to have the survey made, shall be entitled to have it performed at his own expense, under instructions which shall be furnished to him for that purpose, as provided in the foregoing section.

Refusal of limit holder to join his neighbor to have boundaries defined.

On the completion of the survey, notice of the same shall be given in writing to the adverse party at his residence or place of business. And if within one year after such noti-

On completion of survey, notice to be given.

fication, the adverse party shall have made no opposition to the same in the manner hereinafter prescribed, or if, having done so, such opposition has not been maintained, the boundary so surveyed shall be fixed permanently and irrevocably. But if within the space of one year from the date of such notice, the adverse party shows that he has sufficient reasons to doubt the exactness of such survey, and deposits in the hands of the agent of the Department of Indian Affairs, such sum of money as that Department may deem sufficient to cover all the expenses of a new survey, the Superintendent General of Indian Affairs shall name a surveyor to establish finally the boundary in dispute, and this second survey shall be binding upon the interested parties. All the expenses shall be borne by the applicant if his objections be not maintained. If, on the contrary, they be confirmed and the first survey be declared erroneous, the expenses shall be borne share and share alike by both parties

Expenses, how  
to be borne.

Limits estab-  
lished ; when  
declared  
valid and per-  
manent

Sec. 36. All limit lines or boundaries already established in virtue of official instructions, are hereby declared valid and permanent, if a report or field notes, or at least a plan describing such boundaries, have been filed of record in the Department of Indian Affairs, and if, within the space of one year from the date such documents or plan were filed, their correctness be not disputed. If, on the contrary, within this delay one of the interested parties objects to them, a final survey shall be made as prescribed in the thirty-fifth section of these regulations, unless, however, the interested parties agree to have a final survey effected in virtue of the thirty-fourth section.

O. C. Jan. 12, 1838.

## CHAPTER 31.

### INDIAN LANDS, MINING REGULATIONS.

Government House, Ottawa,

The 15th day of September, 1888.

On the recommendation of the Superintendent General of Indian Affairs, and under the provisions of Chapter 43 of the Revised Statutes of Canada, intituled "The Indian Act,"

His Excellency in Council has been pleased to make and does hereby make the following regulations to govern the disposal of Indian lands containing minerals other than coal :—

#### MINING REGULATIONS TO GOVERN THE DISPOSAL OF MINERAL LANDS OTHER THAN COAL LANDS.

Section 1. These regulations shall be applicable to all Indian lands containing gold, silver, cinnabar, lead, tin, copper, petroleum, iron or other mineral deposit of economic value, with the exception of coal.

Lands containing gold, silver, cinnabar, &c.

Sec. 2. Any person may explore vacant Indian lands that have been surrendered by the Indians and not appropriated or reserved by the Department of Indian Affairs for other purposes, or Indian reserve lands, provided the approval of the Superintendent General of Indian Affairs shall have been previously obtained, and may search therein, either by surface or subterranean prospecting, for mineral deposits, with a view to obtaining under these regulations a mining location for the same, but no mining location or mining claim shall be granted until the discovery of the vein, lode or deposit of mineral or metal within the limits of the location or claim.

Vacant lands may be explored with a view to obtaining mining location.

#### I.—QUARTZ MINING.

Sec. 3. A location for mining, except for iron, on veins, lodes, or ledges of quartz or other rock in place, shall not exceed forty acres in area; except in the district of Algoma, where the area of a mining location shall not exceed one

Area and boundaries of mining location in Algoma and elsewhere.

hundred and sixty acres. Its surface boundaries shall be straight due north and south and east and west lines not more than four in number. Its length shall not be more than three times its breadth. Its boundaries beneath the surface shall be the vertical planes in which its surface boundaries lie.

Sec. 4. Any person having discovered a mineral deposit may obtain a mining location therefor, under these regulations, in the following manner:—

Discoverer of mineral deposit shall mark the location by placing at each of the four corners a post which shall be marked M. L., and numbered 1, 2, 3, 4, respectively, and initialed.

(a.) He shall mark the location on the ground by placing at each of its four corners a wooden post, not less than 4 inches square, driven not less than 18 inches into the ground, and showing that length above it. If the ground be too rocky to admit of so driving the posts into it, he shall build about each of them, to support it and keep it in place, a cairn or mound of stones, at least 3 feet in diameter at the base, and 18 inches high. On the most north-easterly post he shall mark, legibly with a cutting instrument, or with colored chalk, or with a pencil, his name in full, the date of such marking, and the letters M.L. 1, to indicate that the post is a mining location post No. 1. Proceeding next to the most south-easterly post, he shall mark it with M.L. 2, and with his initials. Next, the most south-westerly post shall be marked M.L. 3, and with his initials; and, lastly, the most north-westerly post with his initials and the letters M.L. 4. Furthermore, on one of the faces of each post, which face shall in the planting thereof be turned towards the post which next follows it in the order in which they are here named and numbered, there shall be marked in figures the number of yards' distance to such next following post. If means of measurement are not available, the distance to be so marked on each of the posts may be that estimated. If the corner of a location falls in a ravine, bed of a stream, or any other situation where the character of the locality may render the planting of a post impossible, the corner may be indicated by the erection at the nearest suitable point of a witness post, which in that case shall contain the same marks as those prescribed in this clause in regard to corner posts, as well as the letters W.P., and an indication of the bearing and distance of the site of the true corner from such witness post.

Subsequent prospector informed.

(In this manner any subsequent prospector informed of these regulations, will, on meeting any one of the posts or mounds, be enabled to follow them all round, from one to another, and avoid encroachment, either in search or in marking out another location in the vicinity for himself).

*Indian Lands—Mining Regulations*

## Chap. 31.

(b.) Having so marked out on the ground the location he desires, the claimant shall within ninety days thereafter file with the local agent, in the Indian office for the district in which the location is situate, a declaration on oath according to Form A in the Schedule to these regulations (which may be sworn to before the said agent, or may have been previously sworn to before a justice of the peace or commissioner), setting forth the circumstances of his discovery, and describing, as nearly as may be, the locality and dimensions of the claim marked out by him as aforesaid; and shall, along with such declaration, pay to the said agent an entry fee of five dollars

Within 90 days claimant shall file declaration on oath.

(c.) If the land has been surrendered by the Indians for purposes of sale, the agent shall then give him a receipt, according to Form B in the Schedule to these regulations, for such fee. This receipt shall authorize the claimant, his legal representatives or assigns, to enter into possession of the location applied for, and during the term of one year from its date, to take therefrom and dispose of any mineral deposit contained within its boundaries.

If land surrendered, agent shall give receipt.

(d.) If the land is within a reserve and unsurrendered, the agent shall report the facts of such discovery and application to the Superintendent General of Indian Affairs, and he shall state at the same time whether the interest of the Indians would be prejudicially affected by the location applied for being sold or otherwise, and should the Superintendent General of Indian Affairs decide that it would be in the interest of the Indians to sell the location, he shall instruct the local agent to submit the question of surrendering the same to be sold for their benefit to the Indians in council for a vote thereon, and should a majority of the Indians entitled to vote decide to surrender the land, a formal surrender in writing shall be taken from them signed by the chief and principal men and duly attested by one of them and the agent in the manner required by law.

If land within a reserve and unsurrendered, agent shall report to Superintendent General, who may direct matter to be submitted to Indians in Council.

(e.) The agent shall then forward the surrender to the Superintendent General of Indian Affairs, who shall upon receipt of the same submit it to His Excellency the Governor General in Council for acceptance.

Agent shall forward surrender to Superintendent General.

(f.) Should the surrender be accepted by the Governor General in Council, the location applied for shall be dealt with in the manner prescribed by these Regulations for the sale of mineral lands.

Surrender accepted, how dealt with.

Sec. 5. At any time before the expiration of one year from the date of his obtaining the agent's receipt as afore-

Limit of time for claimant to purchase.

## Chap. 31.

*Indian Lands—Mining Regulations.*

This section  
not to apply  
to Algoma,  
except, &c.

said, it shall be open to the claimant to purchase the location on filing with the local agent proof that he has expended not less than five hundred dollars in actual mining operations on the same, such proof to consist of his own sworn statement, accompanied and confirmed by the affidavits of two disinterested persons, setting forth in detail the nature of such operations and the amount expended. This section shall not apply to the District of Algoma; except that the right to purchase a location shall be limited to twelve months from the date of obtaining the agent's receipt as provided in sub-section (c.) of Section 4 above.

Price of min-  
ing location.

Sec. 6. The price to be paid for a mining location shall be at the rate of five dollars per acre cash, except in the District of Algoma, where the price shall be at the rate of three dollars per acre.

Claimant  
shall deposit  
with agent to  
defray cost of  
survey, in Al-  
goma, \$100 ;  
elsewhere,  
\$50 ; to be  
returned on  
receipt of  
patent.

Sec. 7. On making the application to purchase a mining location, and paying the price therefor as hereinbefore provided, the claimant shall also deposit with the agent the sum of fifty dollars, except in the District of Algoma, where he shall deposit with the agent the sum of one hundred dollars, which shall be deemed payment by him to the Department of Indian Affairs for the survey of his location; and upon the receipt of the plans and field-notes, and the approval thereof by the said Department, a patent shall issue to the claimant in the Form D in the Schedule hereto. If, on account of its remoteness or other cause, a mining location cannot, at the time of the deposit of fifty dollars, or in the District of Algoma one hundred dollars, as aforesaid, by the applicant for the purpose, be surveyed by the said Department for that sum, he shall be subject to the alternative of waiting until the employment of a surveyor by the Department on other work in the vicinity of the claim renders it convenient to have the survey made at a cost not exceeding fifty dollars, or in the District of Algoma one hundred dollars, as aforesaid, or of sooner procuring at his own cost its survey by a duly commissioned surveyor of the province, district or territory in which the lands are situated, under instructions from the said Department; in the latter case, on receipt of the plans and field-notes of the survey and approval thereof by the said Department, as hereinbefore provided, the claimant shall be entitled to receive his patent, and to have returned to him the fifty dollars, or in the District of Algoma one hundred dollars, as aforesaid, deposited by him to defray cost of survey.

Sec. 8. Should the claimant, or his legal representatives as aforesaid, fail to prove within one year the expenditure

*Indian Lands—Mining Regulations.*

## Chap. 31.

prescribed ; or, having proved such expenditure, fail within that time to pay in full, and in cash, to the local agent, the price hereinbefore fixed for such mining location, and also to pay the sum of fifty dollars hereinbefore prescribed for the survey of his location, then any right on the part of the claimant, or of his legal representatives, in the location, or claim on his or their part to acquire it, shall lapse, and the location shall thereupon revert to the Crown and shall be held, along with any immovable improvements thereon, for disposal, under these regulations, to any other person, or as the Superintendent General of Indian Affairs may direct ; provided that the Superintendent General of Indian Affairs may, upon sufficient cause being shown, extend the time within which the claimant may purchase his mining location for the additional term of one year, upon payment by the claimant of a new entry fee and the relinquishment of his original receipt, in exchange for which the Agent shall, when so directed by the said Minister, give him a new receipt in the Form C in the Schedule hereto.

Should claimant fail to prove expenditure, to pay price in full and deposit, his right shall lapse and revert to the Crown.

Sec. 9. Where two or more persons lay claim to the same mining location, the right to acquire it shall be in him who can prove he was the first to discover the mineral deposit involved, and to take possession by demarcation, in the manner prescribed in these Regulations, of the location covering it.

Two or more persons claiming same right.

Sec. 10. Priority of discovery alone shall not give the right to acquire ; but a person subsequently and independently discovering, who has complied with the other conditions prescribed in these Regulations, shall take precedence of the first discoverer if the latter has failed to comply with the said other conditions : Provided, however, that in any case where it is proved that a claimant has in bad faith used the prior discovery of another, and fraudulently affirms that he made independent discovery and demarcation, he shall, apart from any other legal consequences, have no claim, and shall forfeit the deposit made with his application, and shall be absolutely debarred from obtaining another mining location.

Prior discovery alone, not to give right.

Sec. 11. Not more than one mining location shall be granted to any individual claimant upon the same lode or vein.

Only one location on same lode.

Sec. 12. Where land is used or occupied for milling purposes, reduction works or other purposes incidental to mining operations, either by the proprietor of a mining location or other person, such land may be applied for and

Land used for milling or other purposes ; how patented.

patented, either in connection with, or separate from, a mining location, in the manner hereinbefore provided for the application for, and the patenting of, mining locations, and may be held in addition to any such mining location; but such additional land shall in no case exceed five acres in extent and shall be paid for at the same rate as a mining location.

Location for the mining of iron.

Sec. 13. The Superintendent General of Indian Affairs may grant a location for the mining of iron not exceeding 160 acres in area: Provided, that should any person making an application purporting to be for the purpose of mining iron thus obtain, whether in good faith or fraudulently, possession of a valuable mineral deposit other than iron, his right in such deposit shall be restricted to the area hereinbefore prescribed for other minerals, and the rest of the location shall thereupon revert to the Crown for such disposition as the Minister may direct.

Applicants other than original discoverer, competition, tender, auction.

Sec. 14. When there are two or more applicants for any mining location, no one of whom is the original discoverer, or his assignee, the Superintendent General of Indian Affairs, if he sees fit to dispose of the location, shall invite their competitive tenders, or shall put it up to public tender, or auction, as he may deem expedient.

Assignment of right to purchase; how made, and regulations in reference to the same.

Sec. 15. An assignment of the right to purchase a mining location shall be endorsed on the back of the receipt or certificate of assignment (Forms B and E, in the Schedule hereto), and the execution thereof shall be attested by two disinterested witnesses; upon the deposit of the receipt or certificate with such assignment executed and attested as herein provided, in the office of the local agent, accompanied by a registration fee of two dollars, the local agent shall give to the assignee a receipt in the Form E in the Schedule hereto, which certificate shall entitle the assignee to all the rights and privileges of the original discoverer in respect of the claim assigned; and the said assignment shall be forwarded to the Superintendent General of Indian Affairs by the local agent at the same time and in like manner as his other returns respecting Indian lands, and shall be registered in the Department of Indian Affairs; and no assignment of the right to purchase a mining location which is not unconditional and in all respects in accordance with the provisions of this clause, and accompanied by the registration fee herein provided for, shall be recognized by the local agent or registered in the Department of Indian Affairs.

Sec. 16. If application be made under the next preceding section by the assignee of the right to purchase a mining location, and such claim is duly recognized and registered, as hereinbefore provided, such assignee shall, by complying with all the provisions of Sections 5 and 7, become entitled to purchase the location for the price and on the terms prescribed in these Regulations, whether or not his assignor may have previously acquired a mining location under them.

Application by assignee of right; assignee, when entitled to purchase.

II. —PLACER MINING.

Sec. 17. The Regulations hereinbefore laid down in respect of quartz mining shall be applicable to placer mining so far as they relate to entries, entry fees, assignments, marking of location, agents' receipts, and generally where they can be applied, save that the boundaries of placer mining claims need not be due north and south and east and west lines, and except as otherwise herein provided.

Quartz-mining regulations, how far applicable.

*Nature and Size of Claims.*

Sec. 18. The size of claims shall be as follows:—

Size of claims

(a.) For "bar diggings," a strip of land 100 feet wide at high water mark, and thence extending into the river to its lowest water level.

Bar diggings.

(b.) For "dry diggings," 100 feet square.

Dry diggings.

(c.) "Creek and river claims," shall be 100 feet long, measured in the direction of the general course of the stream and shall extend in width from base to base of the hill or bench on each side, but when the hills or benches are less than 100 feet apart the claim shall be 100 feet square.

Creek and river claims.

(d.) "Bench claims," shall be 100 feet square.

Bench claims.

(e.) Every claim on the face of any hill, and fronting on any natural stream or ravine, shall have a frontage of 100 feet, drawn parallel to the main direction thereof, and shall be laid out, as nearly as possible, in the manner prescribed by Section 4 of these Regulations.

Claim on face of hill.

(f.) If any miner or association of miners shall discover a new mine, and such discovery shall be established to the satisfaction of the agent, claims of the following size, in dry, bar, bench, creek, or hill diggings, shall be allowed:—

Table of areas of claims.

To one discoverer.....	300 feet in length.
To a party of two.....	600 do
do three.....	800 do
do four.....	1,000 do

## Chap. 31.

*Indian Lands—Mining Regulations.*

and to each member of a party beyond four in number, a claim of the ordinary size only.

A new stratum deemed a new mine.

A new stratum of auriferous earth or gravel, situated in a locality where the claims are abandoned, shall for this purpose be deemed a new mine, although the same locality shall have been previously worked at a different level; and dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and *vice versa*.

*Rights and Duties of Miners.*

Grants for placer mining.

Sec. 19. The forms of application for a grant for placer mining, and the grant of the same, shall be those contained in Forms F and G in the Schedule hereto.

Renewal every year.

Sec. 20. The entry of every holder of a grant for placer mining must be renewed, and his receipt relinquished and replaced, every year, the entry fee being paid each time.

Only one claim granted in one locality.

Sec. 21. No miner shall receive a grant of more than one mining claim in the same locality, but the same miner may hold any number of claims by purchase, and any number of miners may unite to work their claims in common upon such terms as they may arrange, provided such agreement be registered with the local agent.

Miner may sell or mortgage claim.

Sec. 22. Any miner or association of miners may sell, mortgage, or dispose of his or their claims, provided such disposal be registered with, and a fee of two dollars paid to the local agent, who shall thereupon give the assignee a certificate in Form H. in the Schedule hereto.

Exclusive right of entry and to proceeds, but not to surface.

Sec. 23. Every miner shall, during the continuance of his grant, have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom; but he shall have no surface rights therein; and the local agent may grant to the holders of adjacent claims such right of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable.

Use of water and right to drain.

Sec. 24. Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall, in the opinion of the local agent, be necessary for the due working thereof; and shall be entitled to drain his own claim free of charge.

*Indian Lands—Mining Regulations.*

## Chap. 31.

Sec. 25. A claim shall be deemed to be abandoned and open to occupation and entry by any person when the same shall have remained unworked on working days by the grantee thereof for the space of seventy-two hours, unless sickness or other reasonable cause be shown, or unless the grantee is absent on leave.

When claim shall be deemed to be abandoned.

Sec. 26. A claim granted under these Regulations shall be continuously and in good faith worked, except as otherwise provided, by the grantee thereof or by some person on his behalf.

Claim shall be worked continuously.

Sec. 27. In tunnelling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, or from either end of such hills, so as to interfere with parties tunnelling from the main frontage.

Tunnelling under hills.

Sec. 28. Tunnels and shafts shall be considered as belonging to the claim for the use of which they are constructed, and as abandoned or forfeited by the abandonment or forfeiture of the claim itself.

Property in tunnels and shafts.

Sec. 29. For the more convenient working of back claims on benches or slopes, the local agent may permit the owners thereof to drive a tunnel through the claims fronting on any creek, ravine or water-course upon such terms as he may deem expedient.

Back claims on benches or slopes.

*Leave of absence.*

Sec. 30. In cases where water is necessary to the continuance of mining operations and the supply of water is insufficient, the agent shall have power to grant leave of absence to the holder of the grant during such insufficiency but no longer, except by permission of the Superintendent General of Indian Affairs.

Supply of water insufficient; leave of absence.

Sec. 31. Any miner or association of miners shall be entitled to leave of absence for one year from his or their diggings upon proving to the satisfaction of the agent that he or they have expended on such diggings in cash, labor or machinery an amount not less than five hundred dollars on each of such diggings without any return of gold or other minerals in reasonable quantities from such expenditure.

Conditions on which leave of absence may be obtained.

Sec. 32. The time occupied by the locator of a claim in going to and returning from the office of the local agent to

Time going and coming.

## Chap. 31.

*Indian Lands—Mining Regulations.*

enter his claim, or for other purposes prescribed by these Regulations, shall not be counted against him, but he shall, in such cases, be deemed to be absent on leave.

*Administration.*

Death of  
miner; no  
abandonment

Sec. 33. In case of the death of any miner while entered as the holder of any mining claim, the provisions as to abandonment shall not apply either during his last illness or after his decease.

Local agent  
to take pos-  
session, &c.,  
of property of  
deceased.

Sec. 34. The local agent shall take possession of the mining property of the deceased, and may cause such mining property to be duly worked, or dispense therewith, at his option, and he shall sell the property by private sale, or after ten days' notice thereof, by public auction, upon such terms as he shall deem just, and out of the proceeds pay all costs and charges incurred thereby, and pay the balance, if any, to the legal representatives of the said deceased miner.

Possession,  
pending ad-  
ministration.

Sec. 35. The local agent, or any person authorized by him, shall in every case take charge of all the property of a deceased miner until the issue of letters of administration or the probate of his will.

## III.—BED-ROCK FLUMES.

Local agent  
may grant  
right of way

Sec. 36. It shall be lawful for any local agent, upon the application hereinafter mentioned, to grant to any bed-rock flume company, for any term not exceeding five years, exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing, laying and maintaining bed-rock flumes.

Three or more  
persons may  
constitute a  
bed-rock  
flume com-  
pany.

Notices  
when and how  
to be given.

Sec. 37. Three or more persons may constitute themselves into a bed-rock flume company, and every application by them for such grant shall state the names of the applicants and the nature and extent of the privileges sought to be acquired. Between the months of June and November, ten clear days notice thereof shall be given, and between the months of November and June one month's notice shall be given, by affixing the same to a post planted in some conspicuous part of the ground or to the face of the rock, and a copy thereof conspicuously upon the inner walls of the Indian office of the district. Prior to such application, the ground included therein shall be marked out in the manner prescribed in sub-section *a* of Section 4 of these Regulations. It shall be competent for any person to protest before the local agent within the times hereinbefore prescribed for the notice of such application, but not afterwards, against

Marking out  
grounds.

*Indian Lands—Mining Regulations.*

## Chap. 31.

such application being granted. Every application for a grant shall be accompanied by a deposit of \$100, which shall be returned if the application be refused, but not otherwise.

Deposit to accompany application.

Sec. 38. Every such grant shall be in writing, in the Form I given in the Schedule hereto.

Grant in writing.

Sec. 39. The holders of claims through which the line of the company's flume is to run may put in a bed-rock flume in their claims to connect with the company's flume, upon giving the company ten days' notice in writing to that effect; but they shall maintain the like grade, and build their flumes as thoroughly, and of as strong materials, as that built by such company.

Holders of claimsthrough which line of company's flume runs.

Sec. 40. Every bed-rock flume company shall lay at least 50 feet of flume during the first year and 100 feet annually thereafter, until completion of the flume.

Amount of flume to be laid.

Sec. 41. Any miners lawfully working any claims where a bed-rock flume exists, shall be entitled to tail their sluices, hydraulics and ground sluices into such flume but so as not to obstruct the free working of such flume by rocks, stones, boulders or otherwise.

Miners may tail their sluices, &c.

Sec. 42. Upon a grant being made to any bed-rock flume company, the local agent shall register the same, and the company shall pay for such registration a fee of \$10. They shall also pay, in advance, an annual rent of \$10 for each quarter of a mile of right of way legally held by them.

Sums to be paid to obtain registration.

## IV.—DRAINAGE OF MINES.

Sec. 43. The Superintendent General of Indian Affairs may grant to any person, or association of persons, permission to run a drain or tunnel for drainage purposes through any occupied mining land, and may give such persons exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing a drain or drains for the drainage thereof.

Permission to run drain, &c., through occupied mining land.

Sec. 44. The grantee shall compensate the owners of lands or holders of claims entered upon by him for any damage they may sustain by the construction of such tunnel or drain, and such compensation, if not agreed upon, shall be settled by the local agent and be paid before such drain or tunnel is constructed.

Grantee shall compensate owner.

Sec. 45. Such tunnel or drain, when constructed, shall be deemed to be the property of the person or persons by whom it shall have been so constructed.

Property in such tunnel or drain.

## Chap. 31.

*Indian Lands—Mining Regulations.*

Application for grant, what to contain.

Sec. 46. Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains the amount of toll (if any) to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing the same, be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise. Notice of the application shall be given, and protests may be made, in the same manner as provided in regard to bed-rock flumes

Deposit and notice.

Grant of right of way to construct drains. Form, registration and annual rent.

Sec. 47. The grant of the right of way to construct drains or tunnels, shall be made in the Form J in the Schedule hereto. The grant shall be registered by the grantee in the office of the local agent, to whom he shall at the time pay a registration fee of \$5, or, if the grant gives power to collect tolls, a fee of \$10. An annual rent of \$10 shall be paid, in advance by the said grantee for each quarter of a mile of right of way legally held by him, save where the drain shall be for the purpose of draining only the claim of the person constructing the same.

## V.—DITCHES.

Right to divert water, and to construct ditches and flumes to convey such water.

Sec. 48. The Superintendent General of Indian Affairs may, upon the application hereinafter mentioned, grant to any person, or association of persons, for any term not exceeding five years, the right to divert and use the water from any stream or lake, at any particular part thereof, and the rights of way through and entry upon any mining ground, for the purpose of constructing ditches and flumes to convey such water; provided always, that every such grant shall be deemed as appurtenant to the mining claim in respect of which it has been obtained, and, whenever the claim shall have been worked out or abandoned, or whenever the occasion for the use of such water upon the claim shall have permanently ceased, the grant shall be at an end and determined. The grantee shall record the said grant with the local agent during each year of the continuance of the same, and whilst it shall be in operation.

Length and mode of giving notice.

Sec. 49. Twenty days' notice of the application shall be given, by affixing the same to a post planted in some conspicuous part of the ground, and a copy thereof conspicuously upon the inner walls of the Indian Office for the district, and any person may protest within such twenty days, and not afterwards, against such application being wholly or partially granted.

*Indian Lands—Mining Regulations.*

## Chap. 31.

Sec. 50. Every application for a grant of water exceeding 200 inches, shall be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise.

Deposit.

Sec. 51. Every such application shall state the names of the applicants, the name or description of the stream or lake to be diverted, the quantity of water to be taken, the locality for its distribution, and the price (if any) to be charged for the use of such water, and the time necessary for the completion of the ditch. The grant shall be in Form K in the Schedule hereto.

What application shall state.

Sec. 52. Every grant of a water privilege on unoccupied creeks, shall be subject to the right of such miners as shall, at the time of such grant, be working on the stream above or below the ditch head, and of any other persons lawfully using such water for any purpose whatsoever.

Grant of water privilege subject to certain rights.

Sec. 53. If, after the grant has been made, any miner or miners locate and *bona fide* work any mining claim below the ditch head, on any stream so diverted, he or they collectively shall be entitled to 40 inches of water if 200 inches be diverted, and 60 inches if 300 inches be diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as may be required; and, in computing such damage, the loss sustained by any claims using water therefrom, and all other reasonable losses, shall be considered.

Miner below the ditch head entitled to compensation.

Sec. 54. No person shall be entitled to a grant of the water of any stream, for the purpose of selling the water to present or future claim holders, on any part of such stream. The Superintendent General of Indian Affairs may, however, grant such privileges as he may deem just, when such ditch is intended to work bench or hill claims fronting on any such stream, provided that the rights of miners then using the water so applied for, be protected.

Conditions respecting grants of water privilege.

Sec. 55. The Superintendent General of Indian Affairs may, on the report of the local agent that such action is desirable, order the enlargement or alteration of any ditch, and fix the compensation (if any) to be paid by parties to be benefited thereby.

Enlargement or alteration of ditch.

Sec. 56. Every owner of a ditch or water privilege shall take all reasonable means for utilizing the water granted to

## Chap. 31.

*Indian Lands—Mining Regulations.*

Waste of water to involve forfeiture.

him ; and if he wilfully takes and wastes any unreasonable quantity of water, the Minister may, upon the report of the local agent, if such offence be persisted in, declare all rights to the water forfeited.

Distribution of water by owner of ditch, &c.

Sec. 57. The owner of any ditch or water privilege may distribute the water to such persons, and on such terms, as he may deem advisable, within the limits mentioned in his grant ; provided always that such owner shall be bound to supply water to all miners who make application therefor, in a fair proportion, and shall not demand more from one person than from another, except where the difficulty of supply is enhanced.

Bridging stream, &c.

Sec. 58. Any person desiring to bridge any stream claim, or other place, for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied, may, in proper cases, do so with the written sanction of the local agent. In all such cases, the right of the party first in possession is to prevail, so as to enable him to compensation if the same be just.

Directions for measuring water.

Sec. 59. In measuring water in any ditch or sluice, the following rules shall be observed :—The water taken into a ditch or sluice shall be measured at the ditch or sluice head. No water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it. One inch of water shall mean half the quantity that will pass through an orifice 2 inches high by 1 inch wide, with a constant head of 7 inches above the upper side of the orifice.

Notice to be given before approaching within 4 feet of ditch.

Sec. 60. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of a registered claim, or to dig or loosen any earth or rock, within 4 feet of any ditch not belonging solely to the registered owner of such claim, three days' notice in writing of such intention shall be given before entering or approaching within 4 feet of such other property.

Right to cross, divert or interfere with ditch, &c.

Sec. 61. Any person engaged in the construction of any road or work may, with the sanction of the Superintendent General of Indian Affairs, cross, divert, or otherwise interfere with any ditch, water privilege, or other mining rights whatsoever, for such period as the Minister shall approve.

Compensation and repairs.

Sec. 62. The Minister shall order what compensation for every such damage or interference shall be paid, and when,

*Indian Lands—Mining Regulations.*

## Chap. 31.

and to whom, and whether any and what works damaged or affected by such interference as aforesaid shall be replaced by flumes or otherwise repaired by the person or persons inflicting any such damage.

Interference.

Sec. 63. The owners of any ditch, water privilege, or mining right shall, at their own expense; construct, secure and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege or right.

Culverts for waste water.

Sec. 64. The owners of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair to the satisfaction of the local agent, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch, water privilege or right.

Owners to construct and repair culverts.

Sec. 65. The owners of any ditch, water privilege or right, shall be liable, and shall make good, in such manner as the local agent shall determine, all damages which may be occasioned by or through any parts of the works of such ditch, water privilege or right breaking or being imperfect.

Owners to be liable for damages.

Sec. 66. Nothing herein contained shall be construed to limit the right of the Lieutenant Governor of the North-West Territories in Council, or of the proper authority in any Province containing Indian lands, to lay out, from time to time, public roads across, through, along or under any ditch, water privilege or mining right, without compensation.

North-West Territories.

Public roads.

## VI.—GENERAL PROVISIONS.

*Interpretation.*

Sec. 67. In these Regulations the following expressions shall have the following meanings respectively, unless inconsistent with the context:—

Interpretation—

“Minister” shall mean the Superintendent General of Indian Affairs.

“Agent” or “local agent” shall mean the Indian agent, Indian superintendent or Indian lands agent, as the case may be, for the district, or other officer appointed by the Government for the particular purpose referred to.

“Mineral” shall include all minerals whatsoever other than coal.

Mineral.

“Close season” shall mean the period of the year during which placer mining is generally suspended.

Close season.

## Chap. 31.

*Indian Lands—Mining Regulations.*

- Miner.** "Miner" shall mean a person holding a mining location or a grant for placer mining.
- Claim.** "Claim" shall mean the personal right of property in a placer mine or diggings during the time for which the grant of such mine or diggings is made.
- Bar diggings.** "Bar diggings" shall mean any mine over which a river extends when in its flooded state.
- Dry diggings.** "Dry diggings" shall mean any mine over which a river never extends.
- Bench diggings.** The mines or benches shall be known as "bench diggings," and shall, for the purpose of defining the size of such claims, be excepted from "dry diggings."
- Streams and Ravines.** "Streams and ravines" shall include water-courses whether usually containing water or not, and all rivers, creeks and gulches.
- Ditch.** "Ditch" shall include a flume or race, or other artificial means for conducting water by its own weight, to be used for mining purposes.
- Ditch head.** "Ditch head" shall mean the point in a natural water-course or lake where water is first taken into a ditch.
- Claimant.** "Claimant" shall mean a person who has obtained an entry for a mining location with a view to patent.
- Placer mining.** "Placer mining" shall mean the working of all forms of deposits excepting veins of quartz or other rock in place.
- Quartz mining.** "Quartz mining" shall mean the working of veins of quartz or other rock in place.
- Location.** "Location" shall mean the land entered by or patented to any person for the purpose of quartz mining.

*Hearing and Decision of Disputes.*

- Disputes, how determined.** **Sec. 68.** The local agent shall have power to hear and determine all disputes in regard to mining property arising within his district, subject to appeal by either of the parties to the Deputy Superintendent General of Indian Affairs.
- Procedure, copy of complaint, service.** **Sec. 69.** No particular forms of procedure shall be necessary, but the matter complained of must be properly expressed in writing, and a copy of the complaint shall be served on the opposite party not less than \_\_\_\_\_ days before the hearing of the said complaint.
- Amendment.** **Sec. 70.** The complaint may, by leave of the local agent, be amended at any time before or during the proceedings.
- Deposit on filing complaint.** **Sec. 71.** The complainant shall, at the time of filing his complaint, deposit therewith a bond-fee of \$10, which shall be returned to him if the complaint proves to have been well founded, and not otherwise, except for special cause by direction of the Superintendent General of Indian affairs.

*Indian Lands—Mining Regulations.*

## Chap. 31.

Sec. 72. In the event of the decision of the local agent being made the subject of an appeal to the Deputy Superintendent General of Indian Affairs, the appellant shall, at the time of lodging the appeal, deposit with the local agent a bond-fee of \$10, which shall be returned to the said appellant if his appeal proves to have been well founded, and not otherwise, except for special cause by direction of the Superintendent General of Indian Affairs.

Appeal to Deputy Supt. General.

Deposit of bond-fee.

Sec. 73. The appeal must be in writing and must be lodged with the local agent not more than three days after he has given his decision, and must state the grounds upon which the said decision is appealed from.

Appeal in writing; time of lodging, must state what.

Sec. 74. If the Deputy Superintendent General of Indian Affairs decides that it is necessary to a proper decision of the matter in issue to have an investigation on the ground; or in cases of disputed boundaries or measurements, to employ a surveyor to measure or survey the land in question, the expense of the inspection or re-measurement or re-survey, as the case may be, shall be borne by the litigants, who shall pay into the hands of the said Deputy Superintendent General of Indian Affairs, in equal parts, such sum as he may think sufficient for the same before it takes place; otherwise it shall not proceed, and the party who refuses to pay such sum shall be adjudged in default. The said Deputy Superintendent General of Indian Affairs shall subsequently decide in what proportion the said expense should be borne by the parties respectively, and the surplusage, if any, shall be returned to the parties as he may order.

Investigation may be ordered on the ground, or land surveyed.

Expenses, how to be borne.

Sec. 75. All bond-fees adjudged as forfeited by the local agent or Deputy Superintendent General of Indian Affairs, and all payments retained under the last preceding Section shall, as soon as decision has been rendered, and all entry and other fees or moneys shall, as soon as they have been received by him, be paid by the said agent or Deputy Superintendent General of Indian Affairs to the credit of the Receiver General in the same manner as other moneys received by him on account of Indian lands.

All fees to be paid to Deputy Supt. General.

*Leave of Absence*

Sec. 76. The agent in each district shall, under instructions from the Superintendent General of Indian Affairs, declare the close season in his district.

Agent may declare close season.

Sec. 77. Each holder of a mining location or of a grant for placer mining shall be entitled to be absent from his

Absence from mining location.

## Chap. 31.

*Indian Lands—Mining Regulations.*

mining location or diggings and to suspend work thereon during the close season.

Leave of absence pending dispute.

Sec. 78. The local agent shall have power to grant leave of absence to the holder of a mining location or grant for placer mining pending the decision of any dispute in which he is concerned under these Regulations.

Boundaries, how declared and published.

Sec. 79. The Superintendent General of Indian Affairs shall, from time to time, as he may think fit, declare the boundaries of mineral and mining districts, and shall cause a description of the same to be published in the *Canada Gazette*.

Mineral and mining locations, where to be laid out; sale by public auction, prices, &c.

Sec. 80. The Superintendent General of Indian Affairs may direct mineral and mining locations to be laid out within such districts wherever, from the report of the director of the Geological Survey, or from other information, he has reason to believe there are mineral deposits of economic value, and may sell the same to applicants therefor, who, in his opinion, are able and intend in good faith to work the same; or he may, from time to time, cause the said locations to be sold by public auction or tender. Such sales shall be for cash, and at prices in no case lower than those prescribed for locations sold to original discoverers, and shall otherwise be subject to all the provisions of these Regulations.

Sales shall be for cash.

*Royalty.*

Royalty of 4 per cent.

Sec. 81. The patent for a mining or mineral location shall reserve to the Crown, forever, a royalty of 4 per cent. on the sales of the products of all mines therein in trust for the Indians interested in the land patented.

Returns to be made and sworn to.

Sec. 82. Returns shall be made by the grantee, sworn to by him, or by his agent or other employe in charge of the mine, at monthly or other such intervals as may be required by the Superintendent General of Indian Affairs, of all products of his mining location, and of the price or amount he received for the same.

Exceptions as to Algoma.

The foregoing Sections numbered 81 and 82 shall not apply to the District of Algoma.

*Miscellaneous.*

Mining works to be so conducted as not to endanger public safety.

Sec. 83. The local agent shall have the power to summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway, or any mining property, mineral

*Indian Lands—Mining Regulations.*

## Chap. 31.

lands, mining claims, bed-rock claims or flumes; and any abandoned works may by his order be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in their absence upon such terms as he shall think fit.

Sec. 84. The agent in each district, acting under instructions to be from time to time issued by the Superintendent General of Indian Affairs, shall cause to be laid out, at the expense of the person or persons applying for the same, a space of ground for deposits of leavings and deads from any tunnel, claim or mining ground.

Deposits of leavings and deads.

*Forfeiture.*

Sec. 85. In the event of the breach of these Regulations or any of them, by any person holding a grant or right of any description from the Crown, or from the Superintendent General of Indian Affairs, or from any duly authorized officer of Indian lands, such right or grant shall be absolutely forfeited *ipso facto*, and the person so offending shall be incapable thereafter of acquiring any such right or grant, unless for special cause otherwise decided by the Superintendent General of Indian Affairs.

Breach of regulations shall involve forfeiture.

## SCHEDULE TO MINING REGULATIONS.

FORM A.—APPLICATION AND AFFIDAVIT OF DISCOVERER  
OF QUARTZ MINE.

I, \_\_\_\_\_ (A.B.) of \_\_\_\_\_ hereby apply, under the Indian Lands Mining Regulations for a mining location in \_\_\_\_\_ (here give general location of premises) for the purpose of mining for \_\_\_\_\_ (here name the metal or mineral)

and I hereby and solemnly swear:—

1. That I have discovered therein a deposit of \_\_\_\_\_ (here name the metal or mineral).
2. That I am to the best of my knowledge and belief the first discoverer of the said deposit.
3. That I am unaware that the land is other than vacant Indian land.
4. That I did, on the \_\_\_\_\_ day of \_\_\_\_\_ mark out on the ground, in accordance in every particular with the provisions of sub-section *a*, of Section 4 of the said Mining Regulations, the location for which I make this application, and that in so doing I did not encroach on any mining location previously laid out by any other person.

5. That the said mining location contains, as nearly as I could measure or estimate, an area of \_\_\_\_\_ acres, and that the description (and sketch, if any), of this date, hereto attached, signed by me, set forth in detail to the best of my knowledge and ability its position, form and dimensions.

6. That I make this application in good faith to acquire the land for the sole purpose of mining to be prosecuted by myself, or by myself and associates, or by my assigns.

Sworn before me at  
 this \_\_\_\_\_ day of \_\_\_\_\_ } (Signature.)  
 18 \_\_\_\_\_

FORM B.—RECEIPT FOR FEE PAID BY APPLICANT FOR  
 MINING LOCATION.

No.....

Department of Indian Affairs,  
 Office of the Indian Agency at \_\_\_\_\_ 18

Received from \_\_\_\_\_ (A.B.) \_\_\_\_\_ of  
 five dollars, being the fee required by sub-section *b*, of Section  
 4 of the Indian Lands Mining Regulations, accompanying  
 his application No. \_\_\_\_\_, dated \_\_\_\_\_ 18  
 for a mining location in  
 (insert general description of locality).

This receipt authorizes the said \_\_\_\_\_ (A.B.)  
 his legal representatives or assigns, to enter into possession  
 of the said mining location, and, during the term of one  
 year from the date of this receipt, to take therefrom and dis-  
 pose of any mineral deposit contained within its boundaries,  
 and, on due compliance at any time within that period with  
 the several requirements in that behalf of the said mining  
 regulations, entitles him or them to purchase the said loca-  
 tion which, provisionally, and until survey thereof, may be  
 made known and described as follows: (insert description  
 in detail).

If the said \_\_\_\_\_ (A.B.) or his legal representa-  
 tives or assigns, fail to comply, as aforesaid, with the condi-  
 tions that would entitle him or them to purchase within  
 one year from this date, or, having so complied, do not  
 within that time make payment in full for the land, and  
 also pay the sum of fifty dollars prescribed in the said  
 regulations for the survey of the location, then the right to  
 purchase shall lapse and the mining location shall revert to  
 the Crown, to be otherwise disposed of as may be directed  
 by the Superintendent General of Indian Affairs.

*Indian Agent.*

*Indian Lands—Mining Regulations.*

## Chap. 31.

FORM C.—RECEIPT FOR FEE ON EXTENSION OF TIME FOR  
PURCHASE OF A MINING LOCATION.

No.....

Department of Indian Affairs,  
Office of the Indian Agency at 18

Received from (A.B.) of five  
dollars, being the fee required by Section eight of the  
Indian Lands Mining Regulations, accompanying his appli-  
cation No. , dated 18 , for the extension of  
the time within which he may purchase the mining loca-  
tion described as follows: (insert description in detail) for  
which he obtained an entry No. on the  
18

This receipt authorizes the said (A.B.) his  
legal representatives or assigns, to continue in possession of  
the said mining location, and during the term of one year  
from the 18 , to take therefrom and dis-  
pose of any mineral deposit contained within its boundaries,  
and, on due compliance at any time within that period  
with the several requirements in that behalf of the said  
mining regulations, entitles him or them to purchase the  
said location which, provisionally, and until survey thereof,  
may be known and described as above.

If the said (A.B.) or his legal representatives or  
assigns, fail to comply, as aforesaid, with the conditions  
that would entitle him or them to purchase within one  
year from this date, or having so complied, do not within  
that time make payment in full for the land, and also pay  
the sum of fifty dollars prescribed in the said regulations  
for the survey of the location, then the right to purchase  
shall lapse, and the mining location shall revert to the  
Crown, to be otherwise disposed of as may be directed by the  
Superintendent General of Indian Affairs.

*Indian Agent.*

## FORM D.—PATENT OF A MINING LOCATION.

Victoria, by the Grace of God, of the United Kingdom of  
Great Britain and Ireland, Queen, Defender of the  
Faith—To all to whom these presents shall come,  
Greeting:

Know Ye that We do by these presents, for Us, Our  
heirs and successors, in consideration of (the fulfilment of  
the Indian Lands Mining Regulations of Our Dominion of  
Canada) give and grant unto h  
heirs and assigns, all that parcel or lot of land situate

and numbered \_\_\_\_\_ on the official plan of survey of the said \_\_\_\_\_ to have and to hold the said parcel of land, and all minerals, precious and base, which may be found therein, unto the said \_\_\_\_\_ h \_\_\_\_\_ heirs and assigns forever ;

Provided that it shall at all times be lawful for Us, Our heirs and successors, or for any person by Our authority, to resume any portion (not exceeding one-twentieth part) of the said lands for making roads, canals, bridges, towing paths, or other works of public utility or convenience, but no such resumption shall be made of land on which any permanent buildings may have been erected, without compensation ;

Provided, also, that it shall be lawful for any person duly authorized by Us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such right of carrying water over, through or under any parts of the hereditaments hereby granted as may be reasonably required for agricultural or other purposes in the vicinity of the said land, upon paying therefor a reasonable compensation to the aforesaid \_\_\_\_\_ h \_\_\_\_\_ heirs and assigns ;

Provided further, that a royalty of two and one-half per cent. shall be paid to Us, Our heirs and successors, upon all the gold and silver produced from the said lands.

NOTE.—In the case of a patent of a mining location situate in the District of Algoma the last clause of Form D respecting royalty shall be omitted from said Form.

FORM E —CERTIFICATE OF THE ASSIGNMENT OF A MINING LOCATION.

No.....

Department of Indian Affairs,  
Office of the Indian Agency at \_\_\_\_\_

18 .

This is to certify that (B.C.) of \_\_\_\_\_ has filed an assignment in due form, dated \_\_\_\_\_ 18 \_\_\_\_\_, and accompanied by a registration fee of two dollars, of the right of (A.B.) of \_\_\_\_\_ to purchase the mining location in (here insert general description of locality) applied for by the said (A.B.) on the \_\_\_\_\_ 18 \_\_\_\_\_.

This certificate entitles the said (B.C.) or his legal representatives or assigns, to all the rights and privileges of the said (A.B.) in respect of the claim assigned and hereinafter described ; that is to say, to enter into possession of the said mining location, and during the term of one year from the

*Indian Lands — Mining Regulations.*

## Chap. 31.

date of the receipt No. \_\_\_\_\_, granted to the said (A.B.) dated the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, to take therefrom and dispose of any mineral deposit contained within its boundaries, and on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location, which, provisionally, and until survey thereof, may be known and described as follows:—(Insert description in detail.)

If the said (B.C.) or his legal representatives or assigns, fail to comply as aforesaid with the conditions that would entitle them to purchase within one year of the date of the receipt granted to (A.B.), and now deposited with me, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Superintendent General of Indian Affairs.

*Indian Agent.*

FORM F.—APPLICATION FOR GRANT FOR PLACER MINING  
AND AFFIDAVIT OF APPLICANT.

I, (A.B.), of \_\_\_\_\_, hereby apply, under the Indian Lands Mining Regulations, for a grant of a claim for placer mining, as defined in the said regulations, in (here describe locality) and I solemnly swear:

1. That I have discovered therein a deposit of (here name the metal or mineral).

2. That I am, to the best of my knowledge and belief, the first discoverer of the said deposit; or

(2.) That the said claim was previously granted to (here name the last grantee), but has remained unworked by the said grantee for not less than \_\_\_\_\_

3. That I am unaware that the land is other than vacant Indian land.

4. That I did, on the \_\_\_\_\_ day of \_\_\_\_\_, mark out on the ground, in accordance, in every particular, with the provisions of sub-section *a* of Section 4 of the said mining regulations, the claim for which I make this application, and that in so doing I did not encroach on any other claim or mining location previously laid out by any other person.

5. That the said claim contains, as nearly as I could measure or estimate, an area of \_\_\_\_\_ square feet, and that the description (and sketch, if any.) of this date hereto attached, signed by me, set forth in detail,





dollars, being the fee for the registration of this grant required by Section forty-two of the said regulations ;

The Superintendent General of Indian Affairs hereby grants to (names of members of company) forming together a bed-rock flume company [known as the (title of the company)], the following rights and privileges, that is to say :—

(a.) The rights of way through and entry upon any new and unworked river, creek, gulch or ravine, and the exclusive right to locate and work a strip of ground 100 feet wide and 200 feet long in the bed thereof to each individual of the company ;

(b.) The rights of way through and entry upon any river, creek, gulch, or ravine, worked by miners for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, 100 feet in width and  $\frac{1}{4}$  of a mile in length for each individual of the company ;

(c.) The rights of way through and entry upon all claims which at the time of the notice of application, are in good faith being worked, for the purpose of cutting a channel and laying their flume therein, with such reasonable space for constructing, maintaining and repairing the flume as may be necessary ;

(d.) The use of so much of the unappropriated water of the stream on which they may be located, and of other adjacent streams, as may be necessary for the use of their flumes, hydraulic power, and machinery to carry on their operations and the right of way for ditches and flumes to convey the necessary water to their works, subject to the payment of any damage which may be done to other parties by running such ditch or flume through or over their ground ;

Provided, that the rights herein granted shall apply only to such claims and streams as are here specified :

(insert description of claims and streams) and such other claims and streams as may after due notice and application, be subsequently added to the above list by the Superintendent General of Indian Affairs, under the hand of the local agent ;

Provided also, that the said company shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by them ;

Provided further, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

This grant shall cease and determine at the expiration of years from the date hereof.

*Indian Agent.*

*Indian Lands—Mining Regulations.*

Chap. 31.

## FORM J — GRANT FOR DRAINAGE.

No.....

Department of Indian Affairs,  
Office of the Indian Agency at

18 .

In consideration of the payment of a deposit of twenty-five dollars required by Section forty-six of the Indian Lands Mining Regulations to be made with the application for a grant of right of way to construct drains, and of the further sum of                   dollars, being the fee for the registration of this grant required by Section forty-seven of the said Regulations;

The Superintendent General of Indian Affairs hereby grants to                   (name or names of grantee or grantees) the right to run a drain or tunnel for drainage purposes through the occupied mining lands here specified (here describe mining lands) and further, for a term of                   from the date hereof, exclusive rights of way through and entry upon the following mining grounds:                   (here insert description) for the purpose of constructing a drain or drains for the drainage thereof; and the right to charge the following tolls for the use thereof:                   (insert tariff of tolls);

Provided, that the grantee shall construct such drain or drains of sufficient size to meet all requirements within                   from the date hereof and keep the same in thorough working order and repair, and free from all obstructions; and shall, within a reasonable time, construct proper tap-drains from or into any adjacent claims, upon being requested to do so by the owners thereof, and in default thereof shall permit such parties to make them themselves, in which case such parties shall only be chargeable with one-half the rates of drainage toll herein authorized;

Provided, also, that the said grantee shall compensate the owners of lands or holders of claims entered upon by                   for any damage they may sustain by the construction of such tunnel or drain;

Provided, further, that the said grantee shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by                   ;

Provided, further, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

*Indian Agent.*

## FORM K.—GRANT OF RIGHT TO DIVERT WATER AND CONSTRUCT DITCHES.

No.....

Department of Indian Affairs,  
Office of the Indian Agency at

18 .

In consideration of the payment of a deposit of twenty-five dollars, required by Section fifty of the Indian Lands Mining Regulations to be made with the application for the right to divert water and construct ditches ;

The Superintendent General of Indian Affairs hereby grants to (A.B.) , for the term of years from the date hereof, the right to divert and use the water from (specify stream or lake) to the extent of inches, and no more, to be distributed as follows:—

(describe locality of distribution) together with the right to charge the following rates for the use of the said water:— (insert rates to be charged) and the rights of way through and entry upon the following mining grounds (insert description) for the purpose of constructing ditches and flumes to convey such water, provided such ditches and flumes are constructed and in working order within from the date hereof ;

Provided that this grant shall be deemed to be appurtenant to mining claim No. , and shall cease and determine whenever the said claim shall have been worked out or abandoned, or the occasion for the use of such water upon the said claim shall have permanently ceased ;

Provided, also, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

*Indian Agent*

O. C. Oct. 1, 1887 ; May 2, 1888.

## CHAPTER 32.

### COAL LANDS WITHIN INDIAN RESERVES IN MANITOBA AND THE NORTH-WEST TERRITORIES.

Government House, Ottawa,

The 15th day of September, 1888.

On the recommendation of the Superintendent General of Indian Affairs, and under the provisions of Chapter 43 of the Revised Statutes of Canada, intituled "The Indian Act,"

His Excellency in Council has been pleased to make and does hereby make the following regulations respecting coal lands within Indian Reserves in the province of Manitoba and in the North-West Territories.

#### REGULATIONS.

The Indians owning Reserves on which coal lands are situated may surrender the same to Her Majesty the Queen, in accordance with the provisions of "The Indian Act," aforesaid, to be sold for their benefit under the following conditions:—

Section 1. A royalty of ten cents on every ton of coal excavated shall be paid by the purchaser or purchasers of any coal lands situated within an Indian Reserve. Royalty of 10 cents.

Sec. 2. Coal lands situated on any Reserve within the Cascade coal district which have been surrendered shall be sold at an upset price of \$12.50 per acre, cash, and the lands situated on Indian Reserves within all other coal districts at an upset price of \$10.00 per acre, cash. Reserve within the Cascade coal district.

(a.) Not more than three hundred and twenty acres shall be sold to one applicant. 320 acres.

(b.) When there is more than one applicant for the same coal location, the Superintendent General of Indian Affairs may invite competition between the several applicants, or offer the land for sale at public competition by tender or by auction as he may think expedient, at the upset price of coal lands in the district in which such coal location is situated. Several applicants for same location.

(c.) When applications are made to purchase coal locations situated outside of the organized coal districts, the Superintendent General of Indian Affairs may sell the same to the applicants at the price and on the terms which would apply if the lands were within an organized coal district. Locations outside of organized districts.

Chap. 32. *Coal lands within Indian Reserves in Manitoba and the North-West Territories.*

Boundaries  
beneath sur-  
face.

Sec. 3. The boundaries beneath the surface of coal mining locations shall be the vertical planes or lines in which their surface boundaries lie.

Employes  
must be mar-  
ried men.

Sec. 4. All the employes, not being Indians of the Reserve, engaged in mining on an Indian Reserve, shall be married men living with their wives and families at or in the vicinity of the mines.

Purchasers  
shall pay  
wages of  
constables  
appointed to  
prevent  
intercourse.

Sec. 5. The purchaser or purchasers shall pay the wages of such number of constables, to be appointed by the Department, as may be necessary to prevent all intercourse between the Indians resident upon a Reserve and the employes engaged in mining, and to preserve order among the employes. This regulation, however, is not to apply to Indians resident upon such Reserve who are legitimately employed in connection with the said mines, but it is intended for the purpose of excluding from the mines, Indians, — male or female — not so employed, as well as to prevent employes other than Indians engaged in mining from visiting the portion of the Reserve occupied by the Indians.

O. C. Oct. 11, 1887.