
INDIAN LAND REGULATIONS

AND

TIMBER REGULATIONS.

ADOPTED AND ESTABLISHED BY ORDERS OF HIS EXCELLENCY
IN COUNCIL ON THE 15TH OF SEPTEMBER, 1888.

PAVIA LAND REGULATIONS

AND

TIMBER REGULATIONS

ISSUED BY THE GOVERNMENT OF INDIA
IN CONNECTION WITH THE FOREST ACT, 1907

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.

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 violation 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

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 not exceed the area stated in Section 1 of the "Regulations for

Settler's li-
cense: when
granted.

the disposal of Indian Lands," namely, 400 acres or 640 acres as the case may be. [See *ante*, page 3.]

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 tim-
ber 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 the 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.

Sellers tariff of dues

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 surveys 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 berth 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,

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.

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 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.

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. Cord wood, hard, per cord, in advantageous localities	0 40
20. Cord wood, soft, per cord.....	0 20
21. Cord wood, 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

Licenses Tariff
See Revised Tariff.

TARIFF

OF

DUES CHARGEABLE ON INDIAN TIMBER CUT UNDER LICENSE.

(Approved by Order in Council, October 13, 1909.)

Ash per M. cubic feet.....	\$20.00
Ash per M. feet B. M.....	2.00
Birch per M. cubic feet.....	15.00
Birch per M. feet B. M.....	1.50
Beech per M. cubic feet.....	15.00
Beech per M. feet B. M.....	1.50
Basswood per M. cubic feet.....	15.00
Basswood per M. feet B. M.....	1.50
Cedar per M. cubic feet.....	15.00
Cedar per M. feet B. M.....	1.50
Cordwood, hard, per cord.....	0.30
Cordwood, soft, per cord.....	0.20
Cypress per M. feet B. M.....	0.75
Elm per M. cubic feet.....	20.00
Elm per M. feet B. M.....	2.00
Hemlock per M. cubic feet.....	10.00
Hemlock per M. feet B. M.....	1.00
Hemlock bark, per cord.....	0.60
Hickory per M. feet B. M.....	2.00
Maple per M. cubic feet.....	20.00
Maple per M. feet B. M.....	2.00
Oak per M. cubic feet.....	25.00
Oak per M. feet B. M.....	2.00
Pine per M. cubic feet.....	25.00
Pine per M. cubic feet, Dokis Reserve.....	50.00
Pine per M. feet B. M.....	2.50
Pine per M. feet B. M., Dokis Reserve.....	2.00

RAILWAY TIES—

Cedar, each.....	0.04
Tamarack, each.....	0.04
Hemlock, “.....	0.03
Jack Pine, “.....	0.03
Spruce per M. cubic feet.....	12.00
Spruce per M. feet B. M.....	1.25
Spruce pulpwood, per cord 128 cubic feet.....	0.40
Tamarack per M. cubic feet.....	15.00
Tamarack per M. feet B. M.....	1.50
Tamarack knees, lineal measure, per M. feet.....	12.00
Telegraph poles, 10 inches in diameter at butt, per 100.....	10.00
“ “ over 10 inches in diameter at butt, per 100.....	15.00
Walnut per M. feet B. M.....	2.00
West Indian staves per M. Standard.....	4.00
Pipe staves, per M.....	10.00

ROUND TIMBER, OVER 18 FEET LONG—

Pine per M. cubic feet.....	15.00
Cedar per M. cubic feet.....	15.00
Poplar, Balsam, Balm of Gilead per M. feet B. M.....	0.80
Cedar posts 8 feet long 8 inches and under.....	0.02
Hoop poles per 100.....	0.50
Hoop poles, soft maple, each.....	0.50
Cull sawlogs.....	charged for at full rates.
Burnt timber.....	$\frac{3}{4}$ of tariff rates.
Shingles per M.....	0.25
Shingle bolts per cord.....	0.75

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 quantites 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 cannot 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 Licenses or occupants to furnish proof, under oath, as to locality, number of pieces, and description, names of settlers, and other particulars.

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 lands, 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,

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 the 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 hereinafter mentioned:—from

19 , to thirtieth day of April, 19 , 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

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 nine hundred and _____

*Deputy of the Superintendent
General of Indian Affairs.*

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

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 description 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 with-
out 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 fel-
ony.

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 com-
panies, &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

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 affect 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 limit.

Limit, how affected 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 neighbour 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 neighbour 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 esta-
blished; 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, 1888.