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Natives can harvest Crown timber for personal use, high court rules

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OTTAWA (CP) - Natives must be allowed to harvest timber on Crown land for personal use, the Supreme Court of Canada ruled Thursday in a potentially far-reaching judgment on aboriginal rights.

The unanimous judgment said harvesting wood for survival purposes was integral to the culture of the Mi'kmaq and Maliseet peoples. "The right to harvest wood for the construction of temporary shelters must be allowed to evolve into a right to harvest wood by modern means to be used in the construction of a modern dwelling," said the judgment.

"Any other conclusion would freeze the right in its pre-(European) contact form."

That right is geographically limited, said the court, to lands traditionally used by the band member in question.

And the timber harvesting right "has no commercial dimension," added the judgment.

"The harvested wood cannot be sold, traded or bartered to produce assets or raise money."

The high court had already ruled against aboriginal rights to log Crown lands for commercial purposes.

But after the New Brunswick court of appeal upheld lower court rulings that absolved native men from taking timber for personal use, the Supreme Court agreed to hear the Crown's appeal.

Darrell Gray, of the Pabineau First Nation Mi'kmaq, was originally charged in 1999 after taking four maple trees from Crown land.

The trees were bird's-eye maple, an extremely valuable wood used for fine furniture, cabinetry and the dashboards of high-end automobiles.

Two others from the Woodstock First Nation, Dale Sappier and Clark Polchies, were accused of taking Crown timber in 2001.

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