

CONSOLIDATION OF INDIAN LEGISLATION.

VOLUME I:  
UNITED KINGDOM AND CANADA

Gail Hinge

Under contract to:  
Department of Indian  
and Northern Affairs.

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v.1  
c.3

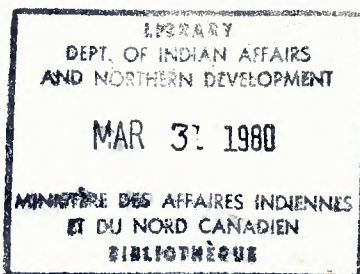


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## INTRODUCTION

This consolidation of legislation pertaining to native peoples was prepared for the internal use of the Office of Native Claims, Department of Indian and Northern Affairs, and the legal officers. It consists of three volumes:

### VOLUME I

#### UNITED KINGDOM AND CANADA

United Kingdom -	Constitutional documents
Canada	- Pre-Confederation statutes
Canada	- Post-Confederation statutes

This Post-Confederation Legislation is further divided in the following order:

Administrative	Lands
Constitutional documents	Manitoba
Electoral provisions	Miscellaneous
Federal grants, assistance, etc.	Northern Canada
Federal provincial agreements	Saskatchewan and Alberta
International agreements	

### VOLUME II

#### INDIAN ACTS AND AMENDMENTS, 1868-1975

These have been set up as follows: commencing with the Revised Statute of 1886, the relevant portions of each amending statute of the revised Indian Act have been inserted directly following the provision affected. The citations to these amending acts are given in the margin. The citation to the revised statute is given at the top of each page.

### VOLUME III

#### PROVINCIAL LEGISLATION - PRE - AND POST-CONFEDERATION

Only those provisions of the provincial legislation which specifically relate to Indians have been reproduced herein. This legislation is separated into provinces, and then further divided in the following order:

Education	Liquor provisions
Electoral provisions	Miscellaneous
Game	Provincial grants, assistance, etc.
Lands	Taxation

While attempts have been made to be exhaustive, the user is reminded that it is a consolidation for internal use of government officials.



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The Royal Proclamation. December 9, 1761.

By the Honorable Jonathan Belcher Esq., Lieutenant Governor and Commander in Chief in and over His Majesty's Province of Nova Scotia or Acadia etc., etc., etc.,

A PROCLAMATION:

His Majesty by His Royal Instruction, Given at the Court at St. James, the 9th Day of December, 1761, having been pleased to Signify,

THAT the Indians have made, and still do continue to make great Complaints, that Settlements have been made, and Possessions taken, of Lands, the Property of which they have by Treaties reserved to themselves, by Persons claiming the said Lands, under Pretence of Deeds of Sale & Conveyance, illegally, Fraudulently, and surreptitiously obtained of said Indians,

AND THAT His Majesty had taken this Matter into His Royal Consideration, as also the fatal Effects which would attend a Discontent among the Indians in the present Situation of Affairs,

AND BEING determined upon all Occasions to support and protect the said Indians in their just Rights and Possessions and to keep inviolable the treaties and Compacts which have been entered into with them, was pleased to declare His Majesty's further Royal Will and Pleasure, that His Governor or Commander in Chief in this Province should publish a Proclamation in His Majesty's Name, for this special purpose;

WHEREFORE in dutiful Obedience to His Majesty's Royal Orders I do accordingly publish this proclamation in His Majesty's Royal Name, strictly injoining and requiring all Persons what ever, who may either willfully or inadvertently have seated themselves upon any Lands so reserved to or claimed by the said Indians, without any lawful Authority for so doing, forthwith to remove therefrom.

AND, WHEREAS Claims have been laid before me in behalf of the Indians for Frensic Passage and from thence to Nartigonneich, and from Nartigonneich to Filrtouk, and from thence to Cape Jeanne, from thence to Enchih, from thence to Ragi Pontouch, from thence to Tedueck, from thence to Cape Rermentin, from thence to Miramichy, and from thence to Bay Des Chaleurs, and the environs of Conco, From thence to Mushkoodabwet, and so along the coast, as the Claims and Possessions of the said Indians, for the more special purpose of hunting, fowling and fishing, I do hereby strictly injoin and caution all persons to avoid all molestation of the said Indians in their said claims, till His Majesty's pleasure in this behalf shall be signified.

AND if any person or persons have possessed themselves of any part of the same to the prejudice of the said Indians in their Claims before specified or without lawful Authority, they are hereby required forthwith to remove, as they will otherwise be prosecuted with the utmost Rigour of the Law.

Given under my Hand and Seal at Halifax this Fourth Day of May 1762, and in the Second Year of His Majesty's Reign.

J. Belcher.



The Royal Proclamation. October 7, 1763.

No. 1

THE ROYAL PROCLAMATION

October 7, 1763

BY THE KING, A PROCLAMATION  
GEORGE R.

Whereas We have taken into Our Royal Consideration the extensive and valuable Acquisitions in America, secured to our Crown by the late Definitive Treaty of Peace, concluded at Paris, the 10th Day of February last; and being desirous that all Our loving Subjects, as well of our Kingdom as of our Colonies in America, may avail themselves with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation, We have thought fit, with the Advice of our Privy Council, to issue this our Royal Proclamation, hereby to publish and declare to all our loving Subjects, that we have, with the Advice of our Said Privy Council, granted our Letters Patent, under our Great Seal of Great Britain, to erect, within the Countries and Islands ceded and confirmed to Us by the said Treaty, Four distinct and separate Governments, styled and called by the names of Quebec, East Florida, West Florida and Grenada, and limited and bounded as follows, viz.

First—The Government of Quebec bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John, to the South end of the Lake Nipissim; from whence the said Line, crossing the River St. Lawrence, and the Lake Champlain, in 45. Degrees of North Latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River St. Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid River of St. John.

Secondly—The Government of East Florida, bounded to the Westward by the Gulph of Mexico and the Apalachicola River; to the Northward by a Line drawn from that part of the said River where the Chatahouchee and Flint Rivers meet, to the source of St. Mary's River, and by the course of the said River to the Atlantic Ocean; and to the Eastward and Southward by the Atlantic Ocean and the Gulph of Florida, including all Islands within Six Leagues of the Sea Coast.

Royal Proclamation of 1763, cont'd.

Thirdly—The Government of West Florida, bounded to the Southward by the Gulph of Mexico, including all Islands within Six Leagues of the Coast, from the River Apalachicola to Lake Pontchartrain; to the Westward by the said Lake, the Lake Maurepas, and the River Mississippi; to the Northward by a Line drawn due East from that part of the River Mississippi which lies in 31 Degrees North Latitude, to the River Apalachicola or Chatahouchee; and to the Eastward by the said River.

Fourthly—The Government of Grenada, comprehending the Island of that name, together with the Grenadines, and the Islands of Dominico, St. Vincent's and Tobago. And to the end that the open and free Fishery of our Subjects may be extended to and carried on upon the Coast of Labrador, and the adjacent Islands, We have thought fit, with the advice of our said Privy Council to put all that Coast, from the River St. John's to Hudson's Streights, together with the Islands of Anticosti and Madelaine, and all other smaller Islands lying upon the said Coast, under the care and Inspection of our Governor of Newfoundland.

We have also, with the advice of our Privy Council, thought fit to annex the Islands of St. John's and Cape Breton, or Isle Royale, with the lesser Islands adjacent thereto, to our Government of Nova Scotia.

We have also, with the advice of our Privy Council aforesaid, annexed to our Province of Georgia all the Lands lying between the Rivers Alatomaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling of our said new Governments, that our loving Subjects should be informed of our Paternal care, for the security of the Liberties and Properties of those who are and shall become Inhabitants thereof, We have thought fit to publish and declare, by this Our Proclamation, that We have, in the Letters Patent under our Great Seal of Great Britain, by which the said Governments are constituted, given express Power and Direction to our Governors of our Said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of our Council, summon and call General Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under our immediate Government; And We have also given Power to the said Governors, with the consent of our Said Councils, and the Representatives of the



## Royal Proclamation of 1763, cont'd.

People so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes, and Ordinances for the Public Peace, Welfare, and good Government of our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other Colonies; and in the mean Time, and until such Assemblies can be called as aforesaid, all Persons Inhabiting in or resorting to our Said Colonies may confide in our Royal Protection for the Enjoyment of the Benefit of the Laws of our Realm of England; for which Purpose We have given Power under our Great Seal to the Governors of our said Colonies respectively to erect and constitute, with the Advice of our said Councils respectively, Courts of Judicature and public Justice within our Said Colonies for hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts, in all Civil Cases, to appeal, under the usual Limitations and Restrictions, to Us in our Privy Council.

We have also thought fit, with the advice of our Privy Council as aforesaid, to give unto the Governors and Councils of our said Three new Colonies, upon the Continent full Power and Authority to settle and agree with the Inhabitants of our said new Colonies or with any other Persons who shall resort thereto, for such Lands, Tenements and Hereditaments, as are now or hereafter shall be in our Power to dispose of; and them to grant to any such Person or Persons upon such Terms, and under such moderate Quit-Rents, Services and Acknowledgments, as have been appointed and settled in our other Colonies, and under such other Conditions as shall appear to us to be necessary and expedient for the Advantage of the Grantees, and the Improvement and settlement of our said Colonies.

Royal Proclamation of 1763, cont'd.

And Whereas, We are desirous, upon all occasions, to testify our Royal Sense and Approbation of the Conduct and bravery of the Officers and Soldiers of our Armies, and to reward the same, We do hereby command and empower our Governors of our said Three new Colonies; and all other our Governors of our several Provinces on the Continent of North America, to grant without Fee or Reward, to such reduced Officers as have served in North America during the late War, and to such Private Soldiers as have been or shall be disbanded in America, and are actually residing there, and shall personally apply for the same, the following Quantities of Lands, subject, at the Expiration of Ten Years, to the same Quit-Rents as other Lands are subject to in the Province within which they are granted, as also subject to the same Conditions of Cultivation and Improvement; viz.

To every Person having the Rank of a Field Officer—5,000 Acres.

To every Captain—3,000 Acres.

To every Subaltern or Staff Officer,—2,000 Acres.

To every Non-Commission Officer,—200 Acres.

To every Private Man—50 Acres.

We do likewise authorize and require the Governors and Commanders in Chief of all our said Colonies upon the Continent of North America to grant the like Quantities of Land, and upon the same conditions, to such reduced Officers of our Navy of like Rank as served on board our Ships of War in North America at the times of the Reduction of Louisbourg and Quebec in the late War, and

who shall personally apply to our respective Governors for such Grants.

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.—We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure, that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as

## Royal Proclamation of 1763, cont'd.

described in their Commissions; as also that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid.

And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial leave and Licence for that Purpose first obtained.

And, We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described, or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests, and to the great Dissatisfaction of the said Indians; In order, therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of our Privy Council strictly enjoin and require, that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement; but that, if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respec-



## Royal Proclamation of 1763, cont'd.

tively within which they shall lie; and in case they shall lie within the limits of any Proprietary Government, they shall be purchased only for the Use and in the name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose; And we do, by the Advice of our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever, provided that every Person who may incline to Trade with the said Indians do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of our Colonies respectively where such Person shall reside, and also give Security to observe such Regulations as We shall at any Time think fit, by ourselves or by our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade:

And we do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all our Colonies respectively, as well those under Our immediate Government as those under the Government and Direction of

Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited in case the Person to whom the same is granted shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all Officers whatever, as well Military as those Employed in the Management and Direction of Indian Affairs, within the Territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all Persons whatever, who standing charged with Treason, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice and take Refuge in the said Territory, and to send them under a proper guard to the Colony where the Crime was committed of which they stand accused, in order to take their Trial for the same.

Given at our Court at St. James's the 7th Day of October 1763, in the Third Year of our Reign.

GOD SAVE THE KING

An Act to amend and render more effectual an Act made in the Twenty-fifth Year of the Reign of King James the Fifth, intituled, An Act for the general Quiet of the Subjects against all Pretences of Concealment whatsoever.  
(U.K.) 9 Geo. III, c. 16. (1769)

# C A P. XVI.

*An Act to amend and render more effectual an Act made in the Twenty-first Year of the Reign of King James the First, intituled, An Act for the general Quiet of the Subjects against all Pretences of Concealment whatsoever.*

Preamble.  
Act 21 Jac. I.  
c. 2.

The Crown disabled to sue, or implead any Person for any Manors, Lands, or Hereditaments, &c.

**W**HEREAS an Act of Parliament was made and passed in the Twenty-first Year of the Reign of King James the First, intituled, *An Act for the general Quiet of the Subjects against all Pretences of Concealment whatsoever*; and thereby the Right and Title of the King, His Heirs and Successors, in and to all Manors, Lands, Tenements, Tythes, and Hereditaments, (except Liberties and Franchises) were limited to Sixty Years next before the Beginning of the said Session of Parliament; and other Provisions and Regulations were therein made, for securing to all His Majesty's Subjects the free and quiet Enjoyment of all Manors, Lands, and Hereditaments, which they, or those under whom they claimed, respectively had, held, or enjoyed, or whereof they had taken the Rents, Revenues, Issues, or Profits, for the Space of Sixty Years next before the Beginning of the said Session of Parliament: And whereas the said Act is now, by Efflux of Time, become ineffectual to answer the good End and Purpose of securing the general Quiet of the Subject against all Pretences of Concealment whatsoever: Wherefore be it enacted by the King's most excellent Majesty, by and with the Assent and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That the King's Majesty, His Heirs, or Successors, shall not at any Time hereafter, sue, impeach, question, or implead, any Person or Persons, Bodies Politick or Corporate, for or in any wise concerning any Manors, Lands, Tenements, Rents, Tythes, or Hereditaments whatsoever (other than Liberties or Franchises) or for or in any wise concerning the Revenues, Issues, or Profits thereof, or make any Title, Claim, Challenge, or Demand, of, in, or to the same, or any of them, by

reason of any Right or Title which hath not first accrued and grown, or which shall not hereafter first accrue and grow, within the Space of Sixty Years next before the filing, issuing, or commencing, of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding, as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof; unless His Majesty, or some of His Progenitors, Predecessors, or Ancestors, Heirs, or Successors, or some other Person or Persons, Bodies Politick or Corporate, under whom His Majesty, His Heirs, or Successors, any Thing hath or lawfully claimeth, or shall have or lawfully claim, have or shall have been answered by Force and Virtue of any such Right or Title to the same, the Rents, Revenues, Issues, or Profits thereof, or the Rents, Issues, or Profits of any Honour, Manor, or other Hereditament, whereof the Premises in Question shall be Part or Parcel, within the said Space of Sixty Years; or that the same have or shall have been duly in charge to His Majesty, or some of His Progenitors, Predecessors, or Ancestors, Heirs, or Successors, or have or shall have stood *insuper* of Record within the said Space of Sixty Years: And that all and every Person or Persons, Bodies Politick and Corporate, their Heirs and Successors, and all claiming by, from, or under them, or any of them, for and according to their and every of their several Estates and Interests which they have, or claim to have, or shall or may have or claim to have, in the same respectively, shall, at all Times hereafter, quietly and freely have, hold, and enjoy, against His Majesty, His Heirs and Successors, claiming by any Title which hath not first accrued or grown, or which shall not hereafter first accrue or grow, within the said Space of Sixty Years, all and singular Manors, Lands, Tenements, Rents, Tythes, and Hereditaments whatsoever, (except Liberties and Franchises) which he or they, or his or their, or any of their Ancestors or Predecessors, or those from, by, or under whom they do or shall claim, have or shall have held or enjoyed, or taken the Rents, Revenues, Issues, or Profits thereof, by the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof; unless His Majesty, or some of His Progenitors, Predecessors, or Ancestors, Heirs, or Successors, or some other Person or Persons, Bodies Politick or Corporate, by, from, or under whom His Majesty, His Heirs, or Successors, any Thing hath or lawfully claimeth, or shall have or lawfully claim, in the said Manors, Lands, Tenements, Rents, Tythes, or Hereditaments, by Force of any Right or Title, have been or shall have been answered, by virtue of any such Right or Title, the Rents, Revenues, Issues, or other Profits thereof, within the said Space of Sixty Years; or that the same have or shall have been duly in Charge, or stood *insuper* of Record as aforesaid, within the said Space of Sixty Years: And furthermore that all and every Person and Persons, Bodies Politick and Corporate, their Heirs and Successors, and all claiming or to claim by, from, or under them, or any of them, for and according to their and every of their several Estates and Interests which they have or claim, or shall or may have or claim, respectively, shall, for ever hereafter, quietly and freely have, hold, and enjoy, all such Manors, Lands, Tenements, Rents, Tythes, and Hereditaments (except Liberties and Franchises) as they now have, claim, or enjoy, or hereafter shall or may have, claim, or enjoy, whereof His Majesty, his Progenitors, Predecessors, or Ancestors, or whereof His Majesty, His Heirs, or Successors, or he or they by, from, or under whom His Majesty, His Heirs, or Successors, any Thing hath or lawfully claimeth, or shall have or lawfully claim, or some of them, by Force of some Right or Title to the same, have not or shall not have been answered,

where the Right hath not, or shall not first accrue and grow within 60 Years next before the commencing such Suit, &c.

and the Subject secured in the free and quiet Enjoyment thereof, as well against the Crown, &c.



by virtue of such Right or Title, the Rents, Revenues, Issues or Profits thereof, within the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof, nor the same have been nor shall have been duly in Charge, or stood *in fieri* of Record as aforesaid, within the said Space of Sixty Years, against all and as against all Persons claiming any Estate or Interest therein, by Colour of any Letters Patent, or Patentees or Grantees, or any Letters Patents or Grants, upon Suggestion of Concealment or wrongful Detaining, or not being in Charge, or defective Titles, or by, from, or under, any Detaining, or not being in Charge, or defective Titles, of or for which said Manors, Lands, Tenements, Rents, Tythes, and Hereditaments, or any of them, no Verdict, Judgement, Decree, Judicial Order upon Hearing, or Sentence of any Court now standing in Force, hath been had or given, or any such Verdict, Judgement, Decree, Judicial Order upon Hearing, or Sentence of Court, shall hereafter be had or given, in any Action, Bill, Plaint, or Information, in any of His Majesty's Courts at *Westminster*, for or in the Name of the King's Majesty, or any of His Ancestors, Progenitors, Predecessors, Heirs, or Successors, or of any of the said Patentees or Grantees, or for their or any of their Heirs, or Assigns, within the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof as aforesaid.

II. Provided always, and be it enacted, That where the Rents, Revenues, Issues, or Profits of any Manors, Lands, Tenements, Tythes, or Hereditaments, are or shall be in Charge, by, to, or with any Auditor or Auditors, or other proper Officer or Officers of the Revenue, such Rents, Revenues, Issues, and Profits, shall be held, deemed, and taken to be duly in Charge within the Meaning and Intent of this Act; any Usage or Custom to the contrary notwithstanding.

Cases wherein Reversions or Remainders in the Crown, of any Manors, &c. are not liable to be impeached by this Act.

III. Provided always, That this Act, or any Thing therein contained, shall not extend to bar, impeach, or hinder His Majesty, His Heirs, or Successors, of, for, or from, any Manors, Tenements, Rents, Tythes, or Hereditaments, whereof any Reversion or Remainder now is in his Majesty, for or concerning the said Reversion or Remainder; nor of, for, or from any Reversion or Remainder, or Possibility of Reversion or Remainder, in any of His Majesty's Progenitors, or Predecessors, or Ancestors, which by the Expiration, End, or other Determination of any limited Estate of Fee-simple, or of any Fee-tail or other particular Estate, hath or ought to have first fallen or become in Possession, or which shall or may or ought hereafter first to fall or come in Possession, within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding, as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof; nor of, for, or from any Right or Title first accrued or grown to his Majesty, or any of His Progenitors, Predecessors, or Ancestors, or which shall first accrue or grow to His Majesty, or any of His Heirs, or Successors, of, in, or to, any Manors, Lands, Tenements, Rents, Tythes, or Hereditaments, at any Time or Times within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Plaint, Information, Commission, or other Suit of Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof, and not before.

Limitation of the Act with respect to Grants from the Crown of any limited Estate, &c.

IV. Provided also, and be it enacted by Authority of the present Parliament, That this Act, or any Thing therein contained, shall not extend to any Manors, Lands, Tenements, Rents, Tythes, or Hereditaments, mentioned to be granted or conveyed by any of His Majesty's Progenitors, Predecessors, or Ancestors, or by any other under whom His Majesty claimeth, to any Person or Persons, of any limited Estate in Fee-simple, or of any Estate in Tail, or other particular Estate, which several Estates, (if the same had been good and effectual in Law) have or ought to have first fallen or become in Possession, or will or ought first to fall or come in Possession, within the Space of Sixty Years next before the filing, issuing, or commencing, of any such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof as aforesaid; nor to any Manors, Lands, Tenements, Rents, Tythes, or Hereditaments, mentioned to be granted or conveyed by any of His Majesty's Progenitors, Predecessors, or Ancestors, or by any other under whom His Majesty claimeth, to any Person or Persons in Fee-tail, or other particular Estate, whereof the Reversion or Inheritance (if such Estate Tail, or other particular Estate, had been good and effectual in Law) should have been and continued in his Majesty, or any of His Progenitors, Predecessors, or Ancestors, or should or ought hereafter to be and continue in His Majesty, His Heirs, or Successors, at any Time within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof as aforesaid.

The said Manors, &c. to be holden of the Crown upon the usual Tenures, Services, and Duties.

V. Provided also, and be it enacted by the Authority of this present Parliament, That all and singular the said Manors, Lands, Tenements, and Hereditaments, shall at all Times hereafter be holden of His Majesty, His Heirs, and Successors, and of other Person and Persons, Bodies Politick and Corporate, their Heirs and Successors respectively, by the same Tenures, Services, Fee-farms, Chief Rents, Hciots, and other Duties, to all Intents and Purposes, as the same should or ought of Right to have been holden if the Estates, Rights, and Interests, established and made sure by this present Act, had been, before the making of this Act, firm, good, and effectual in Law.



General Reserva-  
tion of Rights.

VL. Saving to every Person and Persons, Bodies Politick and Corporate, their Heirs and Successors (other than His most Excellent Majesty, His Heirs and Successors, and other than all Patentees or Grantees of Concealments, or defective Titles, and all and every Person or Persons claiming from, by, or under them, or any of them, for or in respect or by reason of any such Patents or Grants of Concealments, or defective Titles) all such Rights, Title, Interest, Estate, Rents, Commons, Customs, Duties, Profits, and other Claims and Demands whatsoever, in, to, or out of the said Manors, Lands, Tenements, Tythes, or Hereditaments, as they or any of them had or ought to have had before the making of this Act; any Thing in this Act to the contrary notwithstanding.

Provision for se-  
curing to the  
Crown such Fee  
Farm or other  
Rents, &c. as  
have been paid  
within a limited  
Time.

VII. Provided also, and be it enacted, That where any Fee Farm Rent, or other Rent or Rents, have been or shall be answered and actually paid to the King's Majesty, or to any His Predecessors, Heirs, or Successors, within the Space of Sixty Years next before an Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding, shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof, out of any Manors, Lands, Tenements, or Hereditaments, of which Manors, Lands, Tenements, or Hereditaments, the Estates, Rights, or Interests being defective, are established, and made sure by this present Act, that the King's Majesty, His Heirs and Successors, shall from henceforth for ever have, hold, and enjoy the said Rents, and Arrearages thereof, in such Manner and Form, and as fully and amply, as the same are or were enjoyed at any Time within the said Space of Sixty Years.

Right under any  
Grant from the  
Crown, of any  
Manors, &c.  
made before

VIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be pre-judicial to the Right, Title, or Claim, of any Person or Persons in or to any Manors, Lands, Tenements, or Hereditaments, by virtue of or under any Grant or Grants, Letters Patent or Letters Patents, from any of His Majesty's Progenitors, Ancestors, or Predecessors, or by virtue of or under any Grant or

Grants, Letters Patent or Letters Patents, from His Majesty, made or passed before the First Day of *1 Jan. 1769.*  
*January*, One thousand seven hundred and sixty-nine; so as such Right, Title, or Claim, be prosecuted not prejudiced by  
with Effect by Bill, Plaint, Information, or other Suit or Proceeding, in some of His Majesty's Courts this Act.  
of Record at *Westminster*, within the Space of One Year from the First Day of *January*, One thousand if prosecuted  
seven hundred and sixty-nine, within a Year.

IX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be pre-judicial to any Right, Title, or Claim, which His Majesty now hath to any Lands, Tenements, or Hereditaments, within the Manor of *East Greenwich*, in the County of *Kent*; or to any Messuages, Lands, Tenements, or Hereditaments, within the Precinct, District, or Liberty, commonly called *The Savoy*, in the County of *Middlesex*; or to any the Manors, Messuages, Advowsons, Buildings, Lands, Tenements, Hereditaments, and Appurtenances, being the Estate and Possession of the late Hospital of the *Savoy*, or District of the of the Master and Chaplains of the said Hospital; so as such Right, Title, or Claim, be prosecuted with Savoy,  
Effect by Bill, Plaint, Information, or other Suit or Proceeding, in some of His Majesty's Courts of not prejudiced,  
Record at *Westminster*, within the Space of Two Years from the First Day of *January*, One thousand if prosecuted  
seven hundred and sixty-nine, within 2 Years.

X. Provided always, and be it enacted by the Authority of this present Parliament, That no putting Provision declar-  
in Charge, nor standing *in super*, nor taking or answering the Farm Rents, Revenues, or Profits of any of ing what shall,  
the said Manors, Lands, Tenements, or Hereditaments, by Force, Colour, or Pretext of any Letters or shall not be  
Patent or Grants of Concealments, or defective Titles, or of Manors, Lands, Tenements, or Heredi- deemed a Putting  
taments, out of Charge, or by Force, Colour, or Pretext, of any Inquisitions, Presentments, by or by in Charge, stand-  
reason of any Commission or other Authority to find out Concealments, defective Titles, or Lands, Te- ing *in super*, or  
nements, or Hereditaments out of Charge, shall be deemed, construed, or taken to be a Putting in Charge, taking or answer-  
standing *in super*, or taking or answering the Farm Rents, Revenues, or Profits by or to His Majesty, or ing by or to the  
any of His Progenitors or Predecessors, Heirs or Successors; unless thereupon such Manors, Lands, Te- Crown, &c.  
nements, or Hereditaments, have been or shall be, upon some Information or Suit, on the Behalf of His Majesty, or some of his Progenitors or Predecessors, Heirs or Successors, upon a lawful Verdict given or  
to be given, or Demurrer in Law adjudged, or upon a Hearing, ordered or decreed for His Majesty, or some of His Progenitors or Predecessors, Heirs or Successors, or some of them, within the Space of Sixty  
Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceedings as shall at any Time or Times hereafter be filed, issued, or com-  
menced, for recovering the same, or in respect thereof as aforesaid.



An Act for making more effectual Provision for the Government of the Province of Quebec in North America. (U.K.) 14 Geo. III, c. 83. (1774)

C A P. LXXXIII.

An Act for making more effectual Provision for the Government of the Province of *Quebec* in *North America*.

Preamble.

‘ WHEREAS his Majesty, by his Royal Proclamation, bearing Date the seventh Day of *October*, in the third Year of his Reign, thought fit to declare the Provisions which had been made in respect to certain Countries, Territories, and Islands in *America*, ceded to his Majesty by the definitive Treaty of Peace, concluded at *Paris* on the tenth Day of *February*, one thousand seven hundred and sixty-three: And whereas, by the Arrangements made by the said Royal Proclamation, a very large Extent of Country, within which there were several Colonies and Settlements of the Subjects of *France*, who claimed to remain therein under the Faith of the said Treaty, was left, without any Provision being made for the Administration of Civil Government therein; and certain Parts of the Territory of *Canada*, where sedentary Fisheries had been established and carried on by the Subjects of *France*, Inha-

bitants of the said Province of *Canada*, under Grants and Concessions from the Government thereof, were annexed to the Government of *Newfoundland*, and thereby subjected to Regulations inconsistent with the Nature of such Fisheries: May it therefore please your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Territories, Islands, and Countries in *North America*, belonging to the Crown of *Great Britain*, bounded on the South by a Line from the Bay of *Chaleurs*, along the High Lands which divide the Rivers that empty themselves into the River *Saint Lawrence* from those which fall into the Sea, to a Point in forty-five Degrees of Northern Latitude, on the Eastern Bank of the River *Connellicut*, keeping the same Latitude directly West, through the Lake *Champlain*, until, in the same Latitude, it meets the River *Saint Lawrence*; from thence up the Eastern Bank of the said River to the Lake *Ontario*; thence through the Lake *Ontario*, and the River commonly called *Niagara*; and thence along by the Eastern and South-eastern Bank of Lake *Erie*, following the said Bank, until the same shall be intersected by the Northern Boundary, granted by the Charter of the Province of *Pennsylvania*, in case the same shall be so intersected; and from thence along the said Northern and Western Boundaries of the said Province, until the said Western Boundary strike the *Ohio*: But in case the said Bank of the said Lake shall not be found to be so intersected, then following the said Bank until it shall arrive at that Point of the said Bank which shall be nearest to the North-western Angle of the said Province of *Pennsylvania*, and thence by a right Line, to the said North-western Angle of the said Province; and thence along the Western Boundary of the said Province, until it strike the River *Ohio*; and along the Bank of the said River, Westward, to the Banks of the *Mississippi*, and Northward to the Southern Boundary of the Territory granted to the Merchants Adventurers of *England*, trading to *Hudson's Bay*; and also all such Territories, Islands, and Countries, which have, since the tenth of *February*, one thousand seven hundred and sixty-three, been made Part of the Government of *Newfoundland*, be, and they are hereby, during his Majesty's Pleasure, annexed to, and made Part and Parcel of, the Province of *Quebec*, as created and established by the said Royal Proclamation of the seventh of *October*, one thousand seven hundred and sixty-three.

The Territories, Islands, and Countries in *North America*, belonging to *Great Britain*,

II. Provided always, That nothing herein contained, relative to the Boundary of the Province of *Quebec*, shall in anywise affect the Boundaries of any other Colony.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to make void, or to vary or alter any Right, Title, or Possession, derived under any Grant, Conveyance, or otherwise howsoever, of or to any Lands within the said Province, or the Provinces thereto adjoining; but that the same shall remain and be in Force, and have Effect, as if this Act had never been made.

annexed to the Province of *Quebec*. Not to affect the Boundaries of any other Colony; nor to make void other Rights formerly granted.

IV. And whereas the Provisions, made by the said Proclamation, in respect to the Civil Government of the said Province of *Quebec*, and the Powers and Authorities given to the Governor and other Civil Officers of the said Province, by the Grants and Commissions issued in consequence thereof, have been found, upon Experience, to be inapplicable to the State and Circumstances of the said Province, the Inhabitants whereof amounted, at the Conquest, to above sixty-five thousand Persons professing the Religion of the Church of *Rome*, and enjoying an established Form of Constitution and System of Laws, by which their Persons and Property had been protected, governed, and ordered, for a long Series of Years, from the first Establishment of the said Province of *Canada*; be it therefore further enacted by the Authority aforesaid, That the said Proclamation, so far as the same relates to the said Province of *Quebec*, and the Commission under the Authority whereof the Government of the said Province is at present administered, and all and every the Ordinance and Ordinances made by the Governor and Council of *Quebec* for the Time being, relative to the Civil Government and Administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first Day of *May*, one thousand seven hundred and seventy-five.

Former Provisions made for the Province to be null and void after *May 1, 1775*.



V. And, for the more perfect Security and Ease of the Minds of the Inhabitants of the said Province, it is hereby declared, That his Majesty's Subjects, professing the Religion of the Church of *Rome* of and in the said Province of *Quebec*, may have, hold, and enjoy, the free Exercise of the Religion of the Church of *Rome*, subject to the King's Supremacy, declared and established by an Act, made in the first Year of the Reign of Queen *Elizabeth*, over all the Dominions and Countries which then did, or thereafter should belong, to the Imperial Crown of this Realm; and that the Clergy of the said Church may hold, receive, and enjoy, their accustomed Dues and Rights, with respect to such Persons only as shall profess the said Religion.

VI. Provided nevertheless, That it shall be lawful for his Majesty, his Heirs or Successors, to make such Provision out of the rest of the said accustomed Dues and Rights, for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province, as he or they shall, from Time to Time, think necessary and expedient.

VII. Provided always, and be it enacted, That no Person, professing the Religion of the Church of *Rome*, and residing in the said Province, shall be obliged to take the Oath required by the said Statute passed in the first Year of the Reign of Queen *Elizabeth*, or any other Oaths substituted by any other Act in the Place thereof; but that every such Person who, by the said Statute, is required to take the Oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following Oath before the Governor, or such other Person in such Court of Record as his Majesty shall appoint, who are hereby authorised to administer the same; *videlicet*,

The Oath.

I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true Allegiance to his Majesty King *George*, and him will defend to the utmost of my Power, against all traitorous Conspiracies, and Attempts whatsoever, which shall be made against his Person, Crown, and Dignity; and I will do my utmost Endeavour to disclose and make known to his Majesty, his Heirs and Successors, all Treasons, and traitorous Conspiracies, and Attempts, which I shall know to be against him, or any of them; and all this I do swear without any Equivocation, mental Evasion, or secret Reservation, and renouncing all Pardons and Dispensations from any Power or Person whomsoever to the contrary.

So help me GOD.

Persons refusing the Oath to be subject to the Penalties by Act 1 Eliz.

His Majesty's Canadian Subjects (religious Orders excepted) may hold all their Possessions, &c. and in Matters of Controversy, Resort may be had to the Laws of Canada for the Decision.

And every such Person, who shall neglect or refuse to take the said Oath before mentioned, shall incur and be liable to the same Penalties, Forfeitures, Disabilities, and Incapacities, as he would have incurred and been liable to for neglecting or refusing to take the Oath required by the said Statute passed in the first Year of the Reign of Queen *Elizabeth*.

VIII. And be it further enacted by the Authority aforesaid, That all his Majesty's Canadian Subjects within the Province of *Quebec*, the religious Orders and Communities only excepted, may also hold and enjoy their Property and Possessions, together with all Customs and Usages relative thereto, and all other their Civil Rights, in as large, ample, and beneficial Manner, as if the said Proclamation, Commissions, Ordinances, and other Acts and Instruments, had not been made, and as may consist with their Allegiance to his Majesty, and Subjection to the Crown and Parliament of *Great Britain*; and that in all Matters of Controversy, relative to Property and Civil Rights, Resort shall be had to the Laws of *Canada*, as the Rule for the Decision of the same; and all Causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said Province by his Majesty, his Heirs and Successors, shall, with respect to such Property and Rights, be determined agreeably to the said Laws and Customs of *Canada*, until they shall be varied or altered by any Ordinances that shall, from Time to Time, be passed in the said Province by the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, by and with the Advice and Consent of the Legislative Council of the same, to be appointed in Manner herein-after mentioned.

Not to extend to Lands granted by his Majesty in common Socage.

Owners of Goods may alienate the same by Will, &c. if executed according to the Laws of Canada. Criminal Law of England to be continued in the Province.

IX. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to any Lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his Heirs and Successors, to be holden in free and common Socage.

X. Provided also, That it shall and may be lawful to and for every Person that is Owner of any Lands, Goods, or Credits, in the said Province, and that has a Right to alienate the said Lands, Goods, or Credits, in his or her Life-time, by Deed of Sale, Gift, or otherwise, to devise or bequeath the same at his or her Death, by his or her last Will and Testament; any Law, Usage, or Custom, heretofore or now prevailing in the Province; to the contrary hereof in any-wise notwithstanding; such Will being executed either according to the Laws of *Canada*, or according to the Forms prescribed by the Laws of *England*.

XI. And whereas the Certainty and Lenity of the Criminal Law of *England*, and the Benefits and Advantages resulting from the Use of it, have been sensibly felt by the Inhabitants, from an Experience of more than nine Years, during which it has been uniformly administered; be it therefore further enacted by the Authority aforesaid, That the same shall continue to be administered, and shall be observed as Law in the Province of *Quebec*, as well in the Description and Quality of the Offence as in the Method of Prosecution and Trial; and the Punishments and Forfeitures thereby inflicted to the Exclusion of every other Rule of Criminal Law, or Mode of Proceeding thereon, which did or might prevail in the said Province before the Year of our Lord one thousand seven hundred and sixty-four; any Thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such Alterations and Amendments as the Governor, Lieutenant-governor, or Commander in Chief for the Time being, by and with the Advice and Consent of the legislative Council of the said Province, hereafter to be appointed, shall, from Time to Time, cause to be made therein, in Manner herein-after directed.

Inhabitants of Quebec may profess the Romish Religion, subject to the King's Supremacy, as by Act 1 Eliz.; and the Clergy enjoy their accustomed Dues.

Provision may be made by his Majesty for the Clergy.

No Person professing the Romish Religion obliged to take the Oath of 1 Eliz.; but to take, before the Governor, &c. the following Oath.



His Majesty may appoint a Council for the Affairs of the Province;

which Council may make Ordinances, with the Consent of the Governor.

The Council are not empowered to lay Taxes, publick Roads or Buildings excepted.

XII. And whereas it may be necessary to ordain many Regulations for the future Welfare and good Government of the Province of *Quebec*, the Occasions of which cannot now be foreseen, nor, without much Delay and Inconvenience, be provided for, without intrusting that Authority, for a certain Time, and under proper Restrictions, to Persons resident there: And whereas it is at present inexpedient to call an Assembly; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, his Heirs and Successors, by Warrant under his or their Signet or Sign Manual, and with the Advice of the Privy Council, to constitute and appoint a Council for the Affairs of the Province of *Quebec*, to consist of such Persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his Heirs and Successors, shall be pleased to appoint; and, upon the Death, Removal, or Absence of any of the Members of the said Council, in like Manner to constitute and appoint such and so many other Person or Persons as shall be necessary to supply the Vacancy or Vacancies; which Council, so appointed and nominated, or the major Part thereof, shall have Power and Authority to make Ordinances for the Peace, Welfare, and good Government, of the said Province, with the Consent of his Majesty's Governor, or, in his Absence, of the Lieutenant-governor, or Commander in Chief for the Time being.

XIII. Provided always, That nothing in this Act contained shall extend to authorise or empower the said legislative Council to lay any Taxes or Duties within the said Province, such Rates and Taxes only excepted as the Inhabitants of any Town or District within the said Province may be authorised by the said Council to assess, levy, and apply, within the said Town or District, for the Purpose of making Roads, erecting and repairing publick Buildings, or for any other Purpose respecting the local Convenience and Oeconomy of such Town or District.

XIV. Provided also, and be it enacted by the Authority aforesaid, That every Ordinance so to be made, shall, within six Months, be transmitted by the Governor, or, in his Absence, by the Lieutenant-governor, or Commander in Chief for the Time being, and laid before his Majesty for his Royal Approbation; and if his Majesty shall think fit to disallow thereof, the same shall cease and be void from the Time that his Majesty's Order in Council thereupon shall be promulgated at *Quebec*.

Ordinances made to be laid before his Majesty for his Approbation.

XV. Provided also, That no Ordinance touching Religion, or by which any Punishment may be inflicted greater than Fine or Imprisonment for three Months, shall be of any Force or Effect, until the same shall have received his Majesty's Approbation.

Ordinances touching Religion not to be in Force without his Majesty's Approbation.

XVI. Provided also, That no Ordinance shall be passed at any Meeting of the Council where less than a Majority of the whole Council is present, or at any Time except between the first Day of *January* and the first Day of *May*, unless upon some urgent Occasion, in which Case every Member thereof resident at *Quebec*, or within fifty Miles thereof, shall be personally summoned by the Governor, or, in his Absence, by the Lieutenant-governor, or Commander in Chief for the Time being, to attend the same.

When Ordinances are to be passed by a Majority.

XVII. And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder his Majesty, his Heirs and Successors, by his or their Letters Patent under the Great Seal of *Great Britain*, from erecting, constituting, and appointing, such Courts of Criminal, Civil, and Ecclesiastical Jurisdiction within and for the said Province of *Quebec*, and appointing, from Time to Time, the Judges and Officers thereof, as his Majesty, his Heirs and Successors, shall think necessary and proper for the Circumstances of the said Province.

Nothing to hinder his Majesty to constitute Courts of Criminal, Civil, and Ecclesiastical Jurisdiction. All Acts formerly made are hereby enforced within the Province.

XVIII. Provided always, and it is hereby enacted, That nothing in this Act contained shall extend, or be construed to extend, to repeal or make void, within the said Province of *Quebec*, any Act or Acts of the Parliament of *Great Britain* heretofore made, for prohibiting, restraining, or regulating, the Trade or Commerce of his Majesty's Colonies and Plantations in *America*; but that all and every the said Acts, and also all Acts of Parliament heretofore made concerning or respecting the said Colonies and Plantations, shall be, and are hereby declared to be, in Force, within the said Province of *Quebec*, and every Part thereof.

An Act to repeal certain Parts of an Act, passed in the fourteenth Year of his Majesty's Reign, intituled, An Act for making more effectual Provision for the Government of the Province of Quebec, in North America; and to make further Provision for the Government of the said Province. (U.K.) 31 Geo. III, c. 31. (1791)

# C A P. XXXI.

An Act to repeal certain Parts of an Act, passed in the fourteenth Year of his Majesty's Reign, intituled, *An Act for making more effectual Provision for the Government of the Province of Quebec, in North America*; and to make further Provision for the Government of the said Province.

**W**HEREAS an Act was passed in the fourteenth Year of the Reign of his present Majesty, intituled, *An Act for making more effectual Provision for the Government of the Province of Quebec in North America*: And whereas the said Act is in many Respects inapplicable to the present Condition and Circumstances of the said Province: And whereas it is expedient and necessary that further Provision should now be made for the good Government and Prosperity thereof: May it therefore please your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as in any Manner relates to the Appointment of a Council for the Affairs of the said Province of *Quebec*, or to the Power given by the said Act to the said Council, or to the major Part of them, to make Ordinances for the Peace, Welfare, and good Government of the said Province, with the Consent of his Majesty's Governor, Lieutenant Governor, or Commander in Chief for the Time being, shall be, and the same is hereby repealed.

Preamble.  
14 Geo. 3. c.  
83, recited.

So much of recited Act as relates to the Appointment of a Council for *Quebec*, or its Powers, repealed.

II. And whereas his Majesty has been pleased to signify, by his Message to both Houses of Parliament, his royal Intention to divide his Province of *Quebec* into two separate Provinces, to be called *The Province of Upper Canada*, and *The Province of Lower Canada*; be it enacted by the Authority aforesaid, That there shall be within each of the said Provinces respectively a Legislative Council, and an Assembly to be severally composed and constituted in the Manner herein-after described; and that in each of the said Provinces respectively his Majesty, his Heirs or Successors, shall have Power, during the Continuance of this Act, by and with the Advice and Consent of the Legislative Council and Assembly of such Provinces respectively, to make Laws for the Peace, Welfare, and good Government thereof, such Laws not being repugnant to this Act; and that all such Laws, being passed by the Legislative Council and Assembly of either of the said Provinces respectively, and assented to by his Majesty, his Heirs or Successors, or assented to in his Majesty's Name, by such Person as his Majesty, his Heirs or Successors, shall from Time to Time appoint to be the Governor, or Lieutenant Governor, of such Province, or by such Person as his Majesty, his Heirs and Successors, shall from Time to Time appoint to administer the Government within the same, shall be, and the same are hereby declared to be, by virtue of and under the Authority of this Act, valid and binding to all Intents and Purposes whatever, within the Province in which the same shall have been so passed.

Within each of the intended Provinces a Legislative Council and Assembly to be constituted, by whose Advice his Majesty may make Laws for the Government of the Province.

III. And be it further enacted by the Authority aforesaid, That for the Purpose of constituting such Legislative Council as aforesaid in each of the said Provinces respectively, it shall and may be lawful for his Majesty, his Heirs or Successors, by an Instrument under his or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, within the Time herein-after mentioned, in his Majesty's Name, and by an Instrument under the Great Seal of such Province, to summon to the said Legislative Council, to be established in each of the said Provinces respectively, a sufficient Number of discreet and proper Persons, being not fewer than seven to the Legislative Council for the Province of *Upper Canada*, and not fewer than fifteen to the Legislative Council for the Province of *Lower Canada*; and that it shall also be lawful for his

His Majesty may authorize the Governor, or Lieutenant Governor, of each Province, to summon Members to the Legislative Council.

Majesty, his Heirs or Successors, from Time to Time, by an Instrument under his or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, to summon to the Legislative Council of such Province, in like Manner, such other Person or Persons as his Majesty, his Heirs or Successors, shall think fit; and that every Person who shall be so summoned to the Legislative Council of either of the said Provinces respectively, shall thereby become a Member of such Legislative Council to which he shall have been so summoned.

IV. Provided always, and be it enacted by the Authority aforesaid, That no Person shall be summoned to the said Legislative Council, in either of the said Provinces, who shall not be of the full Age of twenty-one Years, and a natural-born Subject of his Majesty, or a Subject of his Majesty naturalized by Act of the *British* Parliament, or a Subject of his Majesty, having become such by the Conquest and Cession of the Province of *Canada*.

No Person under 21 Years of Age, &c. to be summoned.



Members to hold their Seats for Life.

His Majesty may annex to hereditary Titles of Honour, the Right of being summoned to the Legislative Council.

Such descendible Right forfeited, and

Seats in Council vacated in certain Cases.

Hereditary Rights and Seats so forfeited or vacated, to remain suspended during the Lives of the Parties, but on their Deaths to go to the Persons next intitled thereto.

Seats in Council forfeited, and hereditary Rights extinguished for Treason.

V. And be it further enacted by the Authority aforesaid, That every Member of each of the said Legislative Councils shall hold his Seat therein for the Term of his Life, but subject nevertheless to the Provisions herein-after contained for vacating the same, in the Cases herein-after specified.

VI. And be it further enacted by the Authority aforesaid, That whenever his Majesty, his Heirs or Successors, shall think proper to confer upon any Subject of the Crown of *Great Britain*, by Letters Patent under the Great Seal of either of the said Provinces, any hereditary Title of Honour, Rank, or Dignity of such Province, descendible according to any Course of Descent limited in such Letters Patent, it shall and may be lawful for his Majesty, his Heirs or Successors, to annex thereto, by the said Letters Patent, if his Majesty, his Heirs or Successors, shall so think fit, an hereditary Right of being summoned to the Legislative Council of such Province, descendible according to the Course of Descent so limited with respect to such Title, Rank, or Dignity; and that every Person on whom such Right shall be so conferred, or to whom such Right shall severally so descend, shall thereupon be entitled to demand from the Governor, Lieutenant Governor, or Person administering the Government of such Province, his Writ of Summons to such Legislative Council, at any Time after he shall have attained the Age of twenty-one Years, subject nevertheless to the Provisions herein-after contained.

VII. Provided always, and be it further enacted by the Authority aforesaid, That when and so often as any Person to whom such hereditary Right shall have descended shall, without the Permission of his Majesty, his Heirs or Successors, signified to the Legislative Council of the Province by the Governor, Lieutenant Governor, or Person administering the Government there, have been absent from the said Province for the Space of four Years continually, at any Time between the Date of his succeeding to such Right and the Time of his applying for such Writ of Summons, if he shall have been of the Age of twenty-one Years or upwards at the Time of his so succeeding, or at any Time between the Date of his attaining the said Age and the Time of his so applying, if he shall not have been of the said Age at the Time of his so succeeding; and also when and so often as any such Person shall at any Time, before his applying for such Writ of Summons, have taken any Oath of Allegiance or Obedience to any foreign Prince or Power, in every such Case such Person shall not be entitled to receive any Writ of Summons to the Legislative Council by virtue of such hereditary Right, unless his Majesty, his Heirs or Successors, shall at any Time think fit, by Instrument under his or their Sign Manual, to direct that such Person shall be summoned to the said Council; and the Governor, Lieutenant Governor, or Person administering the Government in the said Provinces respectively, is hereby authorized and required, previous to granting such Writ of Summons to any Person so applying for the same, to interrogate such Person upon Oath touching the said several Particulars, before such Executive Council as shall have been appointed by his Majesty, his Heirs or Successors, within such Province, for the Affairs thereof.

VIII. Provided also, and be it further enacted by the Authority aforesaid, That if any Member of the Legislative Councils of either of the said Provinces respectively shall leave such Province, and shall reside out of the same for the Space of four Years continually, without the Permission of his Majesty, his Heirs or Successors, signified to such Legislative Council by the Governor or Lieutenant Governor, or Person administering his Majesty's Government there, or for the Space of two Years continually, without the like Permission, or the Permission of the Governor, Lieutenant Governor, or Person administering the Government of such Province, signified to such Legislative Council in the Manner aforesaid; or if any such Member shall take any Oath of Allegiance or Obedience to any foreign Prince or Power; his Seat in such Council shall thereby become vacant.

IX. Provided also, and be it further enacted by the Authority aforesaid, That in every Case where a Writ of Summons to such Legislative Council shall have been lawfully with-held from any Person to whom such hereditary Right as aforesaid shall have descended, by Reason of such Absence from the Province as aforesaid, or of his having taken an Oath of Allegiance or Obedience to any foreign Prince or Power, and also in every Case where the Seat in such Council of any Member thereof, having such hereditary Right as aforesaid, shall have been vacated by Reason of any of the Causes herein-before specified, such hereditary Right shall remain suspended during the Life of such Person, unless his Majesty, his Heirs or Successors, shall afterwards think fit to direct that he be summoned to such Council; but that on the Death of such Person such Right, subject to the Provisions herein contained, shall descend to the Person who shall next be entitled thereto, according to the Course of Descent limited in the Letters Patent by which the same shall have been originally conferred.

X. Provided also, and be it further enacted by the Authority aforesaid, That if any Member of either of the said Legislative Councils shall be attainted for Treason in any Court of Law within any of his Majesty's Dominions, his Seat in such Council shall thereby become vacant, and any such hereditary Right as aforesaid then vested in such Person, or to be derived to any other Persons through him, shall be utterly forfeited and extinguished.

XI. Provided also, and be it further enacted by the Authority aforesaid, That whenever any Question shall arise respecting the Right of any Person to be summoned to either of the said Legislative Councils respectively, or respecting the Vacancy of the Seat in such Legislative Council of any Person having been summoned thereto, every such Question shall, by the Governor or Lieutenant Governor of the Province, or by the Person administering the Government there, be referred to such Legislative Council, to be by the said Council heard and determined; and that it shall and may be lawful either for the Person desiring such Writ of Summons, or respecting whose Seat such Question shall have arisen, or for his Majesty's Attorney General of such Province in his Majesty's Name, to appeal from the Determination of the said Council, in such Case, to his Majesty in his Parliament of *Great Britain*; and that the Judgment thereon of his Majesty in his said Parliament shall be final and conclusive to all Intents and Purposes whatever.

Questions respecting the Right to be summoned to Council, &c. to be determined as herein mentioned.



XII. And be it further enacted by the Authority aforesaid, That the Governor or Lieutenant Governor of the said Provinces respectively, or the Person administering his Majesty's Government therein respectively, shall have Power and Authority from Time to Time, by an Instrument under the Great Seal of such Province, to constitute, appoint, and remove the Speakers of the Legislative Councils of such Provinces respectively.

The Governor of the Province may appoint and remove the Speaker.

XIII. And be it further enacted by the Authority aforesaid, That, for the Purpose of constituting such Assembly as aforesaid, in each of the said Provinces respectively, it shall and may be lawful for his Majesty, his Heirs or Successors, by an Instrument under his or their Sign Manual, to authorise and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, within the Time herein-after mentioned, and thereafter from Time to Time, as Occasion shall require, in his Majesty's Name, and by an Instrument under the Great Seal of such Province, to summon and call together an Assembly in and for such Province.

His Majesty may authorise the Governor to call together the Assembly,

XIV. And be it further enacted by the Authority aforesaid, That, for the Purpose of electing the Members of such Assemblies respectively, it shall and may be lawful for his Majesty, his Heirs or Successors, by an Instrument under his or their Sign Manual, to authorise the Governor, or Lieutenant Governor, of each of the said Provinces respectively, or the Person administering the Government therein, within the Time herein-after mentioned, to issue a Proclamation dividing such Province into Districts, or Counties, or Circles, and Towns or Townships, and appointing the Limits thereof, and declaring and appointing the Number of Representatives to be chosen by each of such Districts, or Counties, or Circles, and Towns or Townships respectively; and that it shall also be lawful for his Majesty, his Heirs or Successors, to authorise such Governor, or Lieutenant Governor, or Person administering the Government, from Time to Time, to nominate and appoint proper Persons to execute the Office of Returning Officer in each of the said Districts, or Counties, or Circles, and Towns or Townships respectively; and that such Division of the said Provinces into Districts, or Counties, or Circles, and Towns or Townships, and such Declaration and Appointment of the Number of Representatives to be chosen by each of the said Districts, or Counties, or Circles, and Towns or Townships respectively, and also such Nomination and Appointment of Returning Officers in the same, shall be valid and effectual to all the Purposes of this Act, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his Heirs or Successors.

and, for the Purpose of electing the Members, to issue a Proclamation dividing the Province into Districts, &c

XV. Provided nevertheless, and be it further enacted by the Authority aforesaid, That the Provision herein-before contained, for empowering the Governor, Lieutenant Governor, or Person administering the Government of the said Provinces respectively, under such Authority as aforesaid from his Majesty, his Heirs or Successors, from Time to Time, to nominate and appoint proper Persons to execute the Office of Returning Officer in the said Districts, Counties, Circles, and Towns or Townships, shall remain and continue in force in each of the said Provinces respectively, for the Term of two Years, from and after the Commencement of this Act, within such Province, and no longer; but subject nevertheless to be sooner repealed or varied by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his Heirs or Successors.

Power of the Governor to appoint Returning Officers, to continue two Years from the Commencement of this Act.

XVI. Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be obliged to execute the said Office of Returning Officer for any longer Time than one Year, or oftener than once, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his Heirs or Successors.

No Person obliged to serve as Returning Officer more than once, unless

otherwise provided by an Act of the Province.

XVII. Provided also, and be it enacted by the Authority aforesaid, That the whole Number of Members to be chosen in the Province of *Upper Canada* shall not be less than sixteen, and that the whole Number of Members to be chosen in the Province of *Lower Canada* shall not be less than fifty.

Number of Members in each Province.

XVIII. And be it further enacted by the Authority aforesaid, That Writs for the Election of Members to serve in the said Assemblies respectively shall be issued by the Governor, Lieutenant Governor, or Person administering his Majesty's Government within the said Provinces respectively, within fourteen Days after the sealing of such Instrument as aforesaid for summoning and calling together such Assembly, and that such Writs shall be directed to the respective Returning Officers of the said Districts, or Counties, or Circles, and Towns or Townships, and that such Writs shall be made returnable within fifty Days at farthest from the Day on which they shall bear Date, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his Heirs or Successors; and that Writs shall in like Manner and Form be issued for the Election of Members in the Case of any Vacancy which shall happen by the Death of the Person chosen, or by his being summoned to the Legislative Council of either Province, and that such Writs shall be made returnable within fifty Days at

Regulations for issuing Writs for the Election of Members to serve in the Assemblies.

farthest from the Day on which they shall bear Date, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his Heirs or Successors; and that in the Case of any such Vacancy which shall happen by the Death of the Person chosen, or by Reason of his being so summoned as aforesaid, the Writ for the Election of a new Member shall be issued within six Days after the same shall be made known to the proper Office for issuing such Writs of Election.

XIX. And be it further enacted by the Authority aforesaid, That all and every the Returning Officers so appointed as aforesaid, to whom any such Writs as aforesaid shall be directed, shall, and they are hereby authorised and required duly to execute such Writs.

Returning Officers to execute Writs.



## 31 Geo. III, c. 31, cont'd.

By whom the  
Members are to  
be chosen.

XX. And be it further enacted by the Authority aforesaid, That the Members for the several Districts, or Counties, or Circles of the said Provinces respectively, shall be chosen by the Majority of Votes of such Persons as shall severally be possessed, for their own Use and Benefit, of Lands or Tenements within such District, or County, or Circle, as the Case shall be, such Lands being by them held in Freehold, or in Fief, or in Roture, or by Certificate derived under the Authority of the Governor and Council of the Province of *Quebec*, and being of the yearly Value of forty Shillings Sterling, or upwards, over and above all Rents and Charges payable out of or in respect of the same; and that the Members for the several Towns or Townships within the said Provinces respectively shall be chosen by the Majority of Votes of such Persons as either shall severally be possessed, for their own Use and Benefit, of a Dwelling House and Lot of Ground in such Town or Township, such Dwelling House and Lot of Ground being by them held in like Manner as aforesaid, and being of the yearly Value of five Pounds Sterling, or upwards, or, as having been resident within the said Town or Township for the Space of twelve Calendar Months next before the Date of the Writ of Summons for the Election, shall *bona fide* have paid one Year's Rent for the Dwelling House in which they shall have so resided, at the Rate of ten Pounds Sterling *per Annum*, or upwards.

Certain Persons  
not eligible to  
the Assemblies.

XXI. Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of being elected a Member to serve in either of the said Assemblies, or of sitting or voting therein, who shall be a Member of either of the said Legislative Councils to be established as aforesaid in the said two Provinces, or who shall be a Minister of the Church of *England*, or a Minister, Priest, Ecclesiastic, or Teacher, either according to the Rites of the Church of *Rome*, or under any other Form or Profession of religious Faith or Worship.

No Person under  
21 Years of  
Age, &c. ca-  
pable of voting  
or being elected;

XXII. Provided also, and be it further enacted by the Authority aforesaid, That no Person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election, who shall not be of the full Age of twenty-one Years, and a natural-born Subject of his Majesty, or a Subject of his Majesty naturalized by Act of the *British* Parliament, or a Subject of his Majesty, having become such by the Conquest and Cession of the Province of *Canada*.

nor any Person  
attainted for  
Treason or Fe-  
lony.

XXIII. And be it also enacted by the Authority aforesaid, That no Person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election, who shall have been attainted for Treason or Felony in any Court of Law within any of his Majesty's Dominions, or who shall be within any Description of Persons disqualified by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his Heirs or Successors.

Voters, if re-  
quired, to take  
the following

XXIV. Provided also, and be it further enacted by the Authority aforesaid, That every Voter, before he is admitted to give his Vote at any such Election, shall, if required by any of the Candidates, or by the Returning Officer, take the following Oath, which shall be administered in the *English* or *French* Language, as the Case may require :

Oath,

" I *A. B.* do declare and testify, in the Presence of Almighty God, That I am, to the best of my Knowledge and Belief, of the full Age of twenty-one Years, and that I have not voted before at this Election."

and to make  
Oath to the Par-  
ticulars herein  
specified.

And that every such Person shall also, if so required as aforesaid, make Oath previous to his being admitted to vote, that he is, to the best of his Knowledge and Belief, duly possessed of such Lands and Tenements, or of such a Dwelling House and Lot of Ground, or that he has *bona fide* been so resident, and paid such Rent for his Dwelling House, as entitles him, according to the Provisions of this Act, to give his Vote at such Election for the County, or District, or Circle, or for the Town or Township for which he shall offer the same.

His Majesty may  
authorise the  
Governor to fix  
the Time and  
Place of holding  
Elections,

XXV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, his Heirs or Successors, to authorise the Governor, or Lieutenant Governor, or Person administering the Government within each of the said Provinces respectively, to fix the Time and Place of holding such Elections, giving not less than eight Days Notice of such Time, subject nevertheless to such Provisions as may hereafter be made in these Respects by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his Heirs or Successors.

and of holding  
the Sessions of  
the Council and  
Assembly, &c.

XXVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, his Heirs or Successors, to authorise the Governor, or Lieutenant Governor, or each of the said Provinces respectively, or the Person administering the Government therein, to fix the Places and Times of holding the first and every other Session of the Legislative Council and Assembly of such Province, giving due and sufficient Notice thereof, and to prorogue the same, from Time to Time, and to dissolve the same, by Proclamation or otherwise, whenever he shall judge it necessary or expedient.

XXVII. Provided always, and be it enacted by the Authority aforesaid, That the said Legislative Council and Assembly, in each of the said Provinces, shall be called together once at the least in every twelve Calendar Months, and that every Assembly shall continue for four Years from the Day of the Return of the Writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor or Lieutenant Governor of the Province, or Person administering his Majesty's Government therein.

Council and As-  
sembly to be  
called together  
once in twelve  
Months, &c.



XXVIII. And be it further enacted by the Authority aforesaid, That all Questions which shall arise in the said Legislative Councils or Assemblies respectively shall be decided by the Majority of Voices of such Members as shall be present; and that in all Cases where the Voices shall be equal, the Speaker of such Council or Assembly, as the Case shall be, shall have a casting Voice.

and all Questions therein to be decided by the Majority of Votes.

XXIX. Provided always, and be it enacted by the Authority aforesaid, That no Member, either of the Legislative Council or Assembly, in either of the said Provinces, shall be permitted to sit or to vote therein until he shall have taken and subscribed the following Oath, either before the Governor or Lieutenant Governor of such Province, or Person administering the Government therein, or before some Person or Persons authorised by the said Governor, or Lieutenant Governor, or other Person as aforesaid, to administer such Oath, and that the same shall be administered in the *English* or *French* Language, as the Case shall require:

No Member to sit or vote till he has taken the following

"I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true Allegiance to his Majesty King *George*, as lawful Sovereign of the Kingdom of *Great Britain*, and of these Provinces dependent on and belonging to the said Kingdom; and that I will defend him to the utmost of my Power against all traiterous Conspiracies and Attempts whatever which shall be made against his Person, Crown, and Dignity; and that I will do my utmost Endeavour to disclose and make known to his Majesty, his Heirs or Successors, all Treasons and traiterous Conspiracies and Attempts which I shall know to be against him, or any of them: and all this I do swear without any Equivocation, mental Evasion, or secret Reservation, and renouncing all Pardons and Dispensations from any Person or Power whatever to the contrary.

Oath.

"So help me G O D."

XXX. And be it further enacted by the Authority aforesaid, That whenever any Bill which has been passed by the Legislative Council, and by the House of Assembly, in either of the said Provinces respectively, shall be presented, for his Majesty's Assent, to the Governor or Lieutenant Governor of such Province, or to the Person administering his Majesty's Government therein, such Governor, or Lieutenant Governor, or Person administering the Government, shall, and he is hereby authorised and required to declare, according to his Discretion, but subject nevertheless to the Provisions contained in this Act, and to such Instructions as may from Time to Time be given in that Behalf by his Majesty, his Heirs or Successors, that he assents to such Bill in his Majesty's Name, or that he with-holds his Majesty's Assent from such Bill, or that he reserves such Bill for the Signification of his Majesty's Pleasure thereon.

Governor may give or, with-hold his Majesty's Assent to Bills passed by the Legislative Council and Assembly, or reserve them for his Majesty's Pleasure.

XXXI. Provided always, and be it further enacted by the Authority aforesaid, That whenever any Bill, which shall have been so presented for his Majesty's Assent to such Governor, Lieutenant Governor, or Person administering the Government, have been assented to in his Majesty's Name, such Governor, Lieutenant Governor, or Person as aforesaid, shall, and he is hereby required, by the first convenient Opportunity, to transmit to one of his Majesty's principal Secretaries of State an authentic Copy of such Bill so assented to; and that it shall and may be lawful, at any Time within two Years after such Bill shall have been so received by such Secretary of State, for his Majesty, his Heirs or Successors, by his or their Order in Council, to declare his or their Disallowance of such Bill, and that such Disallowance, together with a Certificate, under the Hand and Seal of such Secretary of State, testifying the Day on which such Bill was received as aforesaid, being signified by such Governor, Lieutenant Governor, or Person administering the Government, to the Legislative Council and Assembly of such Province, or by Proclamation, shall make void and annul the same, from and after the Date of such Signification.

Governor to transmit to the Secretary of State Copies of such Bills as have been assented to, which his Majesty in Council may declare his Disallowance of within two Years from the Receipt.

XXXII. And be it further enacted by the Authority aforesaid, That no such Bill, which shall be so reserved for the Signification of his Majesty's Pleasure thereon, shall have any Force or Authority within either of the said Provinces respectively, until the Governor, or Lieutenant Governor, or Person administering the Government, shall signify, either by Speech or Message, to the Legislative Council and Assembly of such Province, or by Proclamation, that such Bill has been laid before his Majesty in Council, and that his Majesty has been pleased to assent to the same; and that an Entry shall be made, in the Journals of the said Legislative Council, of every such Speech, Message, or Proclamation; and a Duplicate thereof, duly attested, shall be delivered to the proper Officer, to be kept amongst the publick Records of the Province: And that no such Bill, which shall be so reserved as aforesaid, shall have any Force or Authority within either of the said Provinces respectively, unless his Majesty's Assent thereto shall have been so signified as aforesaid, within the Space of two Years from the Day on which such Bill shall have been presented for his Majesty's Assent to the Governor, Lieutenant Governor, or Person administering the Government of such Province.

Bills reserved for his Majesty's Pleasure not to have any Force till his Majesty's Assent be communicated to the Council and Assembly, &c.

XXXIII. And be it further enacted by the Authority aforesaid, That all Laws, Statutes, and Ordinances, which shall be in force on the Day to be fixed in the Manner herein-after directed for the Commencement of this Act, within the said Provinces, or either of them, or in any Part thereof respectively, shall remain and continue to be of the same Force, Authority, and Effect, in each of the said Provinces respectively, as if this Act had not been made, and as if the said Province of *Quebec* had not been divided; except in so far as the same are expressly repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue of and under the Authority of this Act, be repealed or varied by his Majesty, his Heirs or Successors,

Laws in force at the Commencement of this Act to continue so, except repealed or varied by it, &c.

by and with the Advice and Consent of the Legislative Councils and Assemblies of the said Provinces respectively, or in so far as the same may be repealed or varied by such temporary Laws or Ordinances as may be made in the Manner herein-after specified.



## 31 Geo. III, c. 31, cont'd.

Establishment of  
a Court of Civil  
Jurisdiction in  
each Province.

14 Geo. 3. c. 83.  
and

Instructions of  
Jan. 3, 1775, to  
Sir Guy Carle-  
ton, &c. and

Instructions to  
Sir Frederick  
Haldimand, and  
to Lord Dor-  
chester, recited;

and the Decla-  
ration and Pro-  
visions therein  
respecting the  
Clergy of the  
Church of Rome  
to continue in  
force.  
His Majesty's  
Message to Par-  
liament recited.

His Majesty may  
authorize the Go-  
vernor to make  
Allotments of  
Lands for the  
Support of a  
Protestant  
Clergy in each  
Province:

'XXXIV. And whereas by an Ordinance passed in the Province of *Quebec*, the Governor and Council of the said Province were constituted a Court of Civil Jurisdiction, for hearing and determining Appeals in certain Cases therein specified; be it further enacted by the Authority aforesaid, That the Governor, or Lieutenant Governor, or Person administering the Government of each of the said Provinces respectively, together with such Executive Council as shall be appointed by his Majesty for the Affairs of such Province, shall be a Court of Civil Jurisdiction within each of the said Provinces respectively, for hearing and determining Appeals within the same, in the like Cases, and in the like Manner and Form, and subject to such Appeal therefrom, as such Appeals might before the passing of this Act have been heard and determined by the Governor and Council of the Province of *Quebec*; but subject nevertheless to such further or other Provisions as may be made in this Behalf, by any Act of the Legislative Council and Assembly of either of the said Provinces respectively, assented to by his Majesty, his Heirs or Successors.

'XXXV. And whereas, by the above-mentioned Act, passed in the fourteenth Year of the Reign of his present Majesty, it was declared, That the Clergy of the Church of *Rome*, in the Province of *Quebec*, might hold, receive, and enjoy their accustomed Dues and Rights, with respect to such Persons only as should profess the said Religion; provided nevertheless, that it should be lawful for his Majesty, his Heirs or Successors, to make such Provision out of the rest of the said accustomed Dues and Rights, for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province, as he or they should from Time to Time think necessary and expedient: And whereas by his Majesty's Royal Instructions, given under his Majesty's Royal Sign Manual on the third Day of *January*, in the Year of our Lord one thousand seven hundred and seventy-five, to *Guy Carleton*, Esquire, now Lord *Dorchester*, at that Time his Majesty's Captain General and Governor in Chief in and over his Majesty's Province of *Quebec*, his Majesty was pleased, amongst other Things, to direct, "That no Incumbent professing the Religion of the Church of *Rome*, appointed to any Parish in the said Province, should be entitled to receive any Tythes for Lands or Possessions occupied by a Protestant, but that such Tythes should be received by such Persons as the said *Guy Carleton*, Esquire, his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province of *Quebec*, should appoint, and should be reserved in the Hands of his Majesty's Receiver General of the said Province, for the Support of a Protestant Clergy in his Majesty's said Province, to be actually resident within the same, and not otherwise, according to such Directions as the said *Guy Carleton* Esquire, his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province, should receive from his Majesty in that Behalf; and that in like Manner all growing Rents and Profits of a vacant Benefice should, during such Vacancy, be reserved for and applied to the like Uses:" And whereas his Majesty's Pleasure has likewise been signified to the same Effect in his Majesty's Royal Instructions, given in like Manner to Sir *Frederick Haldimand*, Knight of the Most Honourable Order of the Bath, late his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province of *Quebec*; and also in his Majesty's Royal Instructions, given in like Manner to the said Right Honourable *Guy Lord Dorchester*, now his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province of *Quebec*; be it enacted by the Authority aforesaid, That the said Declaration and Provision contained in the said above-mentioned Act, and also the said Provision so made by his Majesty in consequence thereof, by his Instructions above recited, shall remain and continue to be of full Force and Effect in each of the said two Provinces of *Upper Canada* and *Lower Canada* respectively, except in so far as the said Declaration or Provisions respectively, or any Part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by his Majesty, his Heirs or Successors, under the Restriction herein-after provided.

'XXXVI. And whereas his Majesty has been graciously pleased, by Message to both Houses of Parliament, to express his Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces, for the Support and Maintenance of a Protestant Clergy within the same, in Proportion to such Lands as have been already granted within the same by his Majesty: And whereas his Majesty has been graciously pleased, by his said Message, further to signify his Royal Desire that such Provision may be made, with respect to all future Grants of Land within the said Provinces respectively, as may best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in Proportion to such Increase as may happen in the Population and Cultivation thereof: Therefore, for the Purpose of more effectually fulfilling his Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, be it enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, his Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of Lands, for the Support and Maintenance of a Protestant Clergy within the same, as may bear a due Proportion to the Amount of such Lands within the same as have at any Time been granted by or under the Authority of his Majesty; and that whenever any Grant of Lands within either of the said Provinces shall hereafter be made, by or under the Authority of his Majesty, his Heirs or Successors, there shall at the same Time be made, in respect of the same, a proportionable Allotment and Appropriation of Lands for the above-mentioned Purpose, within the Township or Parish to which such Lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as Circumstances will admit; and that no such Grant shall be valid or effectual unless the same shall contain a Specification of the Lands so allotted and appropriated, in

respect of the Lands to be thereby granted; and that such Lands, so allotted and appropriated, shall be, as nearly as the Circumstances and Nature of the Case will admit, of the like Quality as the Lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the Time of making such Grant, equal in Value to the seventh Part of the Lands so granted.

XXXVII. And be it further enacted by the Authority aforesaid, That all and every the Rents, Profits, or Emoluments, which may at any Time arise from such Lands so allotted and appropriated as aforesaid, shall be applicable solely to the Maintenance and Support of a Protestant Clergy within the Province in which the same shall be situated, and to no other Use or Purpose whatever.

and the Rents arising from such Allotments to be applicable to that Purpose solely.



XXXVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, his Heirs or Successors, to authorise the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, from Time to Time, with the Advice of such Executive Council as shall have been appointed by his Majesty, his Heirs or Successors, within such Province, for the Affairs thereof, to constitute and erect, within every Township or Parish which now is or hereafter may be formed, constituted, or erected within such Province, one or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of *England*; and, from Time to Time, by an Instrument under the Great Seal of such Province, to endow every such Parsonage or Rectory with so much or such Part of the Lands so allotted and appropriated as aforesaid, in respect of any Lands within such Township or Parish, which shall have been granted subsequent to the Commencement of this Act, or of such Lands as may have been allotted and appropriated for the same Purpose, by or in virtue of any Instruction which may be given by his Majesty, in respect of any Lands granted by his Majesty before the Commencement of this Act, as such Governor, Lieutenant Governor, or Person administering the Government, shall, with the Advice of the said Executive Council, judge to be expedient under the then existing Circumstances of such Township or Parish.

His Majesty may authorise the Governor, with the Advice of the Executive Council, to erect Parsonages, and endow them;

XXXIX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, his Heirs or Successors, to authorise the Governor, Lieutenant Governor, or Person administering the Government of each of the said Provinces respectively, to present to every such Parsonage or Rectory an Incumbent or Minister of the Church of *England*, who shall have been duly ordained according to the Rites of the said Church, and to supply from Time to Time such Vacancies as may happen therein; and that every Person so presented to any such Parsonage or Rectory, shall hold and enjoy the same, and all Rights, Profits, and Emoluments thereunto belonging or granted, as fully and amply, and in the same Manner, and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in *England*.

and the Governor to present Incumbents to them, who are to enjoy the same as incumbents in *England*.

XL. Provided always, and be it further enacted by the Authority aforesaid, That every such Presentation of an Incumbent or Minister to any such Parsonage or Rectory, and also the Enjoyment of any such Parsonage or Rectory, and of the Rights, Profits, and Emoluments thereof, by any such Incumbent or Minister, shall be subject and liable to all Rights of Institution, and all other Spiritual and Ecclesiastical Jurisdiction and Authority, which have been lawfully granted by his Majesty's Royal Letters Patent to the Bishop of *Nova Scotia*, or which may hereafter, by his Majesty's Royal Authority, be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of *Nova Scotia*, or by any other Person or Persons, according to the Laws and Canons of the Church of *England*, which are lawfully made and received in *England*.

Presentations to Parsonages, and the Enjoyment of them, to be subject to the Jurisdiction granted to the Bishop of *Nova Scotia*, &c.

XLI. Provided always, and be it further enacted by the Authority aforesaid, That the several Provisions herein-before contained, respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces, and also respecting the Presentation of Incumbents or Ministers to the same, and also respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express Provisions for that Purpose, contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by his Majesty, his Heirs or Successors, under the Restriction herein-after provided.

Provisions respecting the Allotment of Lands for the Support of a Protestant Clergy, &c. may be varied or repealed by the Legislative Council and Assembly.

XLII. Provided nevertheless, and be it further enacted by the Authority aforesaid, That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any Provisions to vary or repeal the above-recited Declaration and Provision contained in the said Act passed in the fourteenth Year of the Reign of his present Majesty; or to vary or repeal the above-recited Provision contained in his Majesty's Royal Instructions, given on the third Day of *January*, in the Year of our Lord one thousand seven hundred and seventy-five, to the said *Guy Carleton*, Esquire, now Lord *Dorchester*; or to vary or repeal the Provisions herein-before contained for continuing the Force and Effect of the said Declaration and Provisions; or to vary or repeal any of the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces; or respecting the constituting, erecting, or endowing Parsonages or Rectories within the said Provinces; or respecting the Presentation of Incumbents or Ministers to the same; or respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same: And also that whenever any Act or Acts shall be so passed, containing any Provisions which shall in any Manner relate to or affect the Enjoyment or Exercise of any religious Form or Mode of Worship; or shall impose or create any Penalties, Burthens, Disabilities, or Disqualifications in respect of the same; or shall in any Manner relate to or affect the Payment, Recovery, or Enjoyment of any of the accustomed Dues or Rights herein-before mentioned; or shall in any Manner relate to the granting, imposing, or recovering any other Dues, or Stipends, or Emoluments

Acts of the Legislative Council and Assembly, containing Provisions to the Effect herein mentioned, to be laid before Parliament, previous to receiving his Majesty's Assent, &c.

whatever, to be paid to or for the Use of any Minister, Priest, Ecclesiastic, or Teacher, according to any religious Form or Mode of Worship, in respect of his said Office or Function; or shall in any Manner relate to or affect the Establishment or Discipline of the Church of *England*, amongst the Ministers and Members thereof within the said Provinces; or shall in any Manner relate to or affect the King's Prerogative touching the granting the Waste Lands of the Crown within the said Provinces; every such Act or Acts shall, previous to any Declaration or Signification of the King's Assent thereto, be laid before both Houses of Parliament in *Great Britain*; and that it shall not be lawful for his Majesty, his Heirs or Successors, to signify his or their Assent to any such Act or Acts, until thirty Days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall, within the said thirty Days, address his Majesty, his Heirs or Successors, to withhold his or their Assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said Purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province shall, in the Session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor, or Person administering the Government of such Province, an Address or Addresses, specifying that such Act contains Provisions for some of the said Purposes herein-before specially described, and desiring that, in order to give Effect to the same, such Act should be transmitted to *England* without Delay, for the Purpose of being laid before Parliament previous to the Signification of his Majesty's Assent thereto.



Lands in Upper Canada to be granted in Free and Common Soccage, and also in Lower Canada if desired.

+

Persons holding Lands in Upper Canada may have fresh Grants.

Such fresh Grants not to bar any Right or Title to the Lands.

18 Geo. 3. c. 22. recited.

This Act not to prevent the Operation of any Act of Parliament, establishing Prohibitions or imposing Duties for the Regulation of Navigation and Commerce, &c.

XLIII. And be it further enacted by the Authority aforesaid, That all Lands which shall be hereafter granted within the said Province of *Upper Canada* shall be granted in Free and Common Soccage, in like Manner as Lands are now holden in Free and Common Soccage, in that Part of *Great Britain* called *England*; and that in every Case where Lands shall be hereafter granted within the said Province of *Lower Canada*, and where the Grantee thereof shall desire the same to be granted in Free and Common Soccage, the same shall be so granted; but subject nevertheless to such Alterations, with respect to the Nature and Consequences of such Tenure of Free and Common Soccage, as may be established by any Law or Laws which may be made by his Majesty, his Heirs or Successors, by and with the Advice and Consent of the Legislative Council and Assembly of the Province.

XLIV. And be it further enacted by the Authority aforesaid, That if any Person or Persons holding any Lands in the said Province of *Upper Canada*, by virtue of any Certificate of Occupation derived under the Authority of the Governor and Council of the Province of *Quebec*, and having Power and Authority to alienate the same, shall at any Time, from and after the Commencement of this Act, surrender the same into the Hands of his Majesty, his Heirs or Successors, by Petition to the Governor or Lieutenant Governor, or Person administering the Government of the said Province, setting forth that he, she, or they is or are desirous of holding the same in Free and Common Soccage, such Governor or Lieutenant Governor, or Person administering the Government, shall thereupon cause a fresh Grant to be made to such Person or Persons of such Lands, to be holden in Free and Common Soccage.

XLV. Provided nevertheless, and be it further enacted by the Authority aforesaid, That such Surrender and Grant shall not avoid or bar any Right or Title to any such Lands so surrendered, or any Interest in the same, to which any Person or Persons, other than the Person or Persons surrendering the same, shall have been entitled, either in Possession, Remainder, or Reversion, or otherwise, at the Time of such Surrender; but that every such Surrender and Grant shall be made subject to every such Right, Title, and Interest, and that every such Right, Title, or Interest shall be as valid and effectual as if such Surrender and Grant had never been made.

XLVI. And whereas by an Act passed in the eighteenth Year of the Reign of his present Majesty, intituled, *An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of Great Britain, in any of the Colonies, Provinces, and Plantations in North America, and the West Indies; and for repealing so much of an Act, made in the seventh Year of the Reign of his present Majesty, as imposes a Duty on Tea imported from Great Britain into any Colony or Plantation in America, or relates thereto, it has been declared*, "That the King and Parliament of *Great Britain* will not impose any Duty, Tax, or Assessment whatever, payable in any of his Majesty's Colonies, Provinces, and Plantations in *North America* or the *West Indies*, except only such Duties as it may be expedient to impose for the Regulation of Commerce, the net Produce of such Duties to be always paid and applied to and for the Use of the Colony, Province, or Plantation in which the same shall be respectively levied, in such Manner as other Duties collected by the Authority of the respective General Courts or General Assemblies of such Colonies, Provinces, or Plantations, are ordinarily paid and applied:" And whereas it is necessary, for the general Benefit of the *British* Empire, that such Power of Regulation of Commerce should continue to be exercised by his Majesty, his Heirs or Successors, and the Parliament of *Great Britain*, subject nevertheless to the Condition herein-before recited, with respect to the Application of any Duties which may be imposed for that Purpose: Be it therefore enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to prevent or affect the Execution of any Law which hath been or shall at any Time be made by his Majesty, his Heirs or Successors, and the Parliament of *Great Britain*, for establishing Regulations or Prohibitions, or for imposing, levying, or collecting Duties for the Regulation of Navigation, or for the Regulation of the Commerce to be carried on between the said two Provinces, or between either of the said Provinces and any other Part of his Majesty's Dominions, or between either of the said Provinces and any foreign Country or State, or for appointing and directing the Payment of Drawbacks of such Duties so imposed, or to give to his Majesty, his Heirs or Successors, any Power or Authority, by and with the Advice and Consent of such Legislative Councils and Assemblies respectively, to vary or repeal any such Law or Laws, or any Part thereof, or in any Manner to prevent or obstruct the Execution thereof.

XLVII. Provided always, and be it enacted by the Authority aforesaid, That the net Produce of all Duties which shall be so imposed shall at all Times hereafter be applied to and for the Use of each of the said Provinces respectively, and in such Manner only as shall be directed by any Law or Laws which may be made by his Majesty, his Heirs or Successors, by and with the Advice and Consent of the Legislative Council and Assembly of such Province.

XLVIII. And whereas, by Reason of the Distance of the said Provinces from this Country, and of the Change to be made by this Act in the Government thereof, it may be necessary that there should be some Interval of Time between the Notification of this Act to the said Provinces respectively, and the Day of its Commencement within the said Provinces respectively: Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, with the Advice of his Privy Council, to fix and declare, or to authorize the Governor or Lieutenant Governor of the Province of *Quebec*, or the Person administering the Government there, to fix and declare the Day of the Commencement of this Act within the said Provinces respectively, provided that such Day shall not be later than the thirty-first Day of *December* in the Year of our Lord one thousand seven hundred and ninety-one.

Such Duties to be applied to the Use of the respective Provinces.

His Majesty in Council to fix and declare the Commencement of this Act, &c.

31 Geo. III, c. 31, cont'd.

XLIX. And be it further enacted by the Authority aforesaid, That the Time to be fixed by his Majesty, his Heirs or Successors, or under his or their Authority, by the Governor, Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, for issuing the Writs of Summons and Election, and calling together the Legislative Councils and Assemblies of each of the said Provinces respectively, shall not be later than the thirty-first Day of *December* in the Year of our Lord one thousand seven hundred and ninety-two.

L. Provided always, and be it further enacted by the Authority aforesaid, That during such Interval as may happen between the Commencement of this Act, within the said Provinces respectively, and the first Meeting of the Legislative Council and Assembly of each of the said Provinces respectively, it shall and may be lawful for the Governor or Lieutenant Governor of such Province, or for the Person administering the Government therein, with the Consent of the major Part of such Executive Council as shall be appointed by his Majesty for the Affairs of such Province, to make temporary Laws and Ordinances for the good Government, Peace, and Welfare of such Province, in the same Manner, and under the same Restrictions, as such Laws or Ordinances might have been made by the Council for the Affairs of the Province of *Quebec*, constituted by virtue of the above mentioned Act of the fourteenth Year of the Reign of his present Majesty; and that such temporary Laws or Ordinances shall be valid and binding within such Province, until the Expiration of six Months after the Legislative Council and Assembly of such Province shall have been first assembled by virtue of and under the Authority of this Act; subject nevertheless to be sooner repealed or varied by any Law or Laws which may be made by his Majesty, his Heirs or Successors, by and with the Advice and Consent of the said Legislative Council and Assembly.

Time for issuing the Writs of Summons and Election, &c. not to be later than Dec. 31, 1792.

Between the Commencement of this Act, and the first Meeting of the Legislative Council and Assembly, temporary Laws may be made.



Treaty of Amity, Commerce and Navigation. (Jay Treaty.)  
 Concluded November 19, 1794 between the United States of America  
 and Great Britain.

His Britannic Majesty and the United States of America, being desirous, by a treaty of amity, commerce and navigation, to terminate their difference in such a manner, as, without reference to the merits of their respective complaints and pretentions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their Plenipotentiaries, and given them full powers to treat of, and conclude the said treaty, that is to say:

His Britannic Majesty has named for his Plenipotentiary, the Right Honorable William Wyndham Baron Grenville of Wotton, one of His Majesty's Privy Council, and His Majesty's Principal Secretary of State for Foreign Affairs; and the President of the said United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiary, the Honorable John Jay, Chief Justice of the said United States, and their Envoy Extraordinary to His Majesty;

Who have agreed on and concluded the following articles:

#### ARTICLE III.

It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this article does not extend to the admission of vessels of the United States into the sea-ports, harbours, bays or creeks of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof, and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of His Majesty in Great Britain.

## Jay Treaty, cont'd.

All goods and merchandize whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandize shall be subject to no higher or other duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner all goods and merchandize whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by His Majesty's subjects, and such goods and merchandize shall be subject to no higher or other duties than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said States. And all goods not prohibited to be exported from the said territories respectively, may in like manner be carried out of the same by the two parties respectively, paying duty as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately re-embarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same; and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.



Jay Treaty, cont'd.

EXPLANATORY ARTICLE TO THE THIRD ARTICLE OF THE TREATY OF NOVEMBER 19, 1794, RESPECTING THE LIBERTY TO PASS AND REPASS THE BORDERS AND TO CARRY ON TRADE AND COMMERCE.

Concluded May 4, 1796; Ratification advised by Senate May 9, 1796.

Whereas by the third article of the treaty of amity, commerce and navigation, concluded at London on the nineteenth day of November, one thousand seven hundred and ninety-four, between His Britannic

Majesty and the United States of America, it was agreed that it should at all times be free to His Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, assigned by the treaty of peace to the United States, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: And whereas by the eighth article of the treaty of peace and friendship concluded at Greenville on the third day of August, one thousand seven hundred and ninety-five, between the United States and the nations or tribes of Indians called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimies, Miamis, Eel River, Weeas, Kickapoos, Piankashaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or the hunting camps of the said Indian tribes, as a trader, who is not furnished with a licence for that purpose under the authority of the United States: Which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the third article of the treaty of amity, commerce and navigation: And it being the sincere desire of His Britannic Majesty and of the United States that this point should be so explained as to remove all doubts and promote mutual satisfaction and friendship: And for this purpose His Britannic Majesty having named for his Commissioner, Phineas Bond, Esquire, His Majesty's Consul-General for the Middle and Southern States of America, (and now His Majesty's Chargé d'Affaires to the United States,) and the President of the United States having named for their Commissioner, Timothy Pickering, Esquire, Secretary of State of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation: They, the said Commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce and navigation, entered into this explanatory article, and do by these presents explicitly agree and declare, that no stipulations in any treaty subsequently concluded by either of the contracting parties with any other State or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce and navigation, to the subjects of his Majesty and to the citizens of the United

Jay Treaty, cont'd.

States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce and navigation.

This explanatory article, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the said treaty of amity, commerce and navigation, and shall be permanently binding upon His Majesty and the United States.

In witness whereof we, the said Commissioners of His Majesty the Kind of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals.

Done at Philadelphia this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

(SEAL.)

(SEAL.)

P. BOND.

TIMOTHY PICKERING.



An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces. (U.K.) 43 Geo. III, c. 138. (1803)

C A P. CXXXVIII.

An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of *Lower* and *Upper Canada*, to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of *North America* adjoining to the said Provinces. [11th August 1803.] [See 14 G. 3. c. 83. 31 G. 3. c. 31.]

WHEREAS Crimes and Offences have been committed in the *Indian Territories*, and other Parts of *America*, not within the Limits of the Provinces of *Lower* or *Upper Canada*, or either of them, or of the Jurisdiction of any of the Courts established in those Provinces, or within the Limits of any Civil Government of the United States of *America*, and are therefore not cognizable by any Jurisdiction whatever, and by reason thereof great Crimes and Offences have gone and may hereafter go unpunished, and greatly increase: For Remedy whereof may it please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, all Offences committed within any of the *Indian Territories*, or Parts of *America* not within the Limits of either of the said Provinces of *Lower* or *Upper Canada*, or of any Civil Government of the United States of *America*, shall be and be deemed to be Offences of the same Nature, and shall be tried in the same Manner and Subject to the same Punishment, as if the same had been committed within the Provinces of *Lower* or *Upper Canada*.

Offences committed within any *Indian Territories*, &c. may be tried as if committed in *Lower* or *Upper Canada*.

II. And be it further enacted, That it shall be lawful for the Governor or Lieutenant-Governor, or Person administering the Government for the Time being of the Province of *Lower Canada*, by Commission under his Hand and Seal, to authorize and empower any Person or Persons, wheresoever resident or being at the Time, to act as Civil Magistrates and Justices of the Peace for any of the *Indian Territories* or Parts of *America* not within the Limits of either of the said Provinces, or of any Civil Government of the United States of *America*, as well as within the Limits of either of the said Provinces, either upon Informations taken or given within the said Provinces of *Lower* or *Upper Canada*, or out of the said Provinces in any Part of the *Indian Territories* or Parts of *America* aforesaid, for the Purpose only of hearing Crimes and Offences, and committing any Person or Persons guilty of any Crime or Offence to safe Custody, in order to his or their being conveyed to the said Province of *Lower Canada*, to be dealt with according to Law; and it shall be lawful for any Person or Persons whatever to apprehend and take before any Persons so commissioned as aforesaid, or to apprehend and convey, or cause to be safely conveyed with all convenient Speed, to the Province of *Lower Canada*, any Person or Persons guilty of any Crime or Offence, there to be delivered into safe Custody for the Purpose of being dealt with according to Law.

The Governor of *Lower Canada* may empower Persons to act as Justices for the *Indian Territories*, &c. for committing Offenders till conveyed to *Canada* for Trial, &c.

III. And be it further enacted, That every such Offender may and shall be prosecuted and tried in the Courts of the Province of *Lower Canada* (or if the Governor or Lieutenant-Governor, or Person administering the Government for the Time being, shall, from any of the Circumstances of the Crime or Offence, or the local Situation of any of the Witnesses for the Prosecution or Defence, think that Justice may more conveniently be administered in relation to such Crime or Offence in the Province of *Upper Canada*, and shall by any Instrument

Offenders may be tried in the Courts of *Lower* (or *Upper*) *Canada*, and punished accordingly.

ment under the Great Seal of the Province of *Lower Canada*, declare the same, then that every such Offender may and shall be prosecuted and tried in the Court of the Province of *Upper Canada*), in which Crimes or Offences of the like Nature are usually tried, and where the same would have been tried if such Crime or Offence had been committed within the Limits of the Province where the same shall be tried under this Act; and every Offender tried and convicted under this Act shall be liable and subject to such Punishment as may by any Law in Force in the Province where he or she shall be tried be inflicted for such Crime or Offence; and such Crime or Offence may and shall be laid and charged to have been committed within the Jurisdiction of such Court, and such Court may and shall proceed therein to Trial, Judgement, and Execution, or other Punishment for such Crime or Offence in the same Manner in every Respect as if such Crime or Offence had been really committed within the Jurisdiction of such Court; and it shall also be lawful for the Judges and other Officers of the said Courts to issue Subpœnas and other Processes for enforcing the Attendance of Witnesses on any such Trial; and such Subpœnas and other Processes shall be as valid and effectual, and be in full Force and put in Execution in any Parts of the *Indian Territories*, or other Parts of *America* out of and not within the Limits of the Civil Government of the United States of *America*, as well as within the Limits of either of the said Provinces of *Lower* or *Upper Canada*, in relation to the Trial of any Crimes or Offences by this Act made cognizable in such Court, or to the more speedily and effectually bringing any Offender or Offenders to Justice under this Act, as fully and amply as any Subpœnas or other Processes are, within the Limits of the Jurisdiction of the Court, from which any such Subpœnas or Processes shall issue as aforesaid; any Act or Acts, Law or Laws, Custom, Usage, Matter, or Thing to the contrary notwithstanding.

IV. Provided always, and be it further enacted, That if any Crime or Offence charged and prosecuted under this Act shall be proved to have been committed, by any Person or Persons not being a Subject or Subjects of his Majesty, and also within the Limits of any Colony, Settlement, or Territory belonging to any *European* State, the Court before which such Prosecution shall be had shall forthwith acquit such Person or Persons not being such Subject or Subjects as aforesaid of such Charge.

V. Provided nevertheless, That it shall and may be lawful for such Court to proceed in the Trial of any other Person, being a Subject or Subjects of his Majesty, who shall be charged with the same or any other Offence, notwithstanding such Offence shall appear to have been committed within the Limits of any Colony, Settlement, or Territory belonging to any *European* State as aforesaid.

Offenders not being British Subjects, shall be acquitted, if Offence is committed within *European Territories*.

But Subjects shall be tried.



An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of North America. (U.K.) 1 & 2 Geo. IV, c. 66. (1821).

C A P. LXVI.

An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of *North America*. [2d July 1821.]

WHEREAS the Competition in the Fur Trade between the Governor and Company of Adventurers of *England* trading into *Hudson's Bay*, and certain Associations of Persons trading under the Name of "The North West Company of *Montreal*," has been found for some Years past to be productive of great Inconvenience and Loss, not only to the said Company and Associations, but to the said Trade in general, and also of great Injury to the native *Indians*, and of other Persons Subjects of His Majesty: And Whereas the Animositities and Feuds, arising from such Competition, have also for some Years past kept the Interior of *America*, to the Northward and Westward of the Provinces of *Upper and Lower Canada*, and of the Territories of the United States of *America*, in a State of continued Disturbance: And Whereas many Breaches of the Peace, and Violence extending to the Loss of Lives, and considerable Destruction of Property, have continually occurred therein: And Whereas, for Remedy of such Evils, it is expedient and necessary that some more effectual Regulations should be established for the apprehending, securing and bringing to Justice all Persons committing such Offences, and that His Majesty should be empowered to regulate the said Trade: And Whereas Doubts have been entertained, whether the Provisions of an Act passed in the Forty third Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces*, extended to the Territories granted by Charter to the said Governor and Company; and it is expedient that such Doubts should be removed, and that the said Act should be further extended: Be it therefore enacted by The King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall be lawful for His Majesty, His Heirs or Successors, to make Grants or give His Royal Licence, under the Hand and Seal of One of His Majesty's Principal Secretaries of State, to any Body Corporate, or Company, or Person or Persons, of or for the exclusive Privilege of Trading with the *Indians* in all such Parts of *North America* as shall be specified in any such Grants or Licences respectively, not being Part of the Lands or Territories heretofore granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*, and not being Part of any of His Majesty's Provinces in *North America*, or of any Lands or Territories belonging to the United States of *America*; and all such Grants and Licences shall be good, valid and effectual for the Purpose of securing to all such Bodies Corporate, or Companies, or Persons, the sole and exclusive Privilege of trading with the *Indians* in all such Parts of *North America* (except as hereinafter excepted), as shall be specified in such Grants or Licences; any thing contained in any Act or Acts of Parliament, or any Law to the contrary notwithstanding.

43 G. 3. c. 138.

His Majesty may make Grants for exclusive Trade with *Indians* in certain Parts of *North America*.

For what Periods such Grants may be made.

Reservation of Rents.

Persons to whom such Grants made, to enter into Security,

for the Purposes herein mentioned.

II. Provided always, and be it further enacted, That no such Grant or Licence, made or given by His Majesty, His Heirs or Successors, of any such exclusive Privileges of trading with the *Indians* in such Parts of *North America* as aforesaid, shall be made or given for any longer Period than Twenty one Years; and no Rent shall be required or demanded for or in respect of any such Grant or Licence, or any Privileges given thereby under the Provisions of this Act, for the first Period of Twenty one Years; and from and after the Expiration of such first Period of Twenty one Years, it shall be lawful for His Majesty, His Heirs or Successors, to reserve such Rents in any future Grants or Licences to be made to the same or any other Parties, as shall be deemed just and reasonable, with Security for the Payment thereof; and such Rents shall be deemed Part of the Land Revenues of His Majesty, His Heirs and Successors, and be applied and accounted for as the other Land Revenues of His Majesty, His Heirs or Successors, shall, at the time of Payment of any such Rent being made, be applied and accounted for.

III. And be it further enacted, That from and after the passing of this Act, the Governor and Company of Adventurers trading to *Hudson's Bay*, and every Body Corporate and Company and Person to whom every such Grant or Licence shall be made or given as aforesaid, shall respectively keep accurate Registers of all Persons in their Employ in any Parts of *North America*, and shall, once in each Year, return to His Majesty's Secretaries of State, accurate Duplicates of such Registers, and shall also enter into such Security as shall be required by His Majesty for the due Execution of all Processes criminal and civil, as well within the Territories included in any such Grant, as within those granted by Charter to the Governor and Company of Adventurers trading to *Hudson's Bay*, and for the producing or delivering into safe Custody, for Purpose of Trial, of all Persons in their Employ or acting under their Authority, who shall be charged with any Criminal Offence, and also for the due and faithful Observance of all such Rules, Regulations and Stipulations as shall be contained in any such Grant or Licence, either for diminishing or preventing the Sale or Distribution of Spirituous Liquors to the *Indians*, or for promoting their moral and religious Improvement, or for any other Object which His Majesty may deem necessary for the Remedy or Prevention of the other Evils which have hitherto been found to exist.



1 & 2 Geo. IV, c. 66, cont'd.

IV. And Whereas by a Convention entered into between His Majesty and the United States of America, it was stipulated and agreed, that any Country on the North West Coast of America, to the Westward of the *Stony Mountains*, should be free and open to the Citizens and Subjects of the Two Powers, for the Term of Ten Years from the Date of the Signature of that Convention; Be it therefore enacted, That nothing in this Act contained shall be deemed or construed to authorize any Body Corporate, Company or Person, to whom His Majesty may have, under the Provisions of this Act, made a Grant or given a Licence of exclusive Trade with the *Indians* in such Parts of *North America* as aforesaid, to claim or exercise any such exclusive Trade within the Limits specified in the said Article, to the Prejudice or Exclusion of any Citizens of the said United States of America, who may be engaged in the said Trade: Provided always, that no *British Subject* shall trade with the *Indians* within such Limits, without such Grant or Licence as is by this Act required.

Such Grants not to interfere with Trade of United States Westward of the *Stony Mountains*. Proviso.

V. And be it declared and enacted, That the said Act passed in the Forty third Year of the Reign of His late Majesty, intituled *An Act for extending the Jurisdiction of the Courts of Justices in the Provinces of Lower and Upper Canada, to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces*, and all the Clauses and Provisoes therein contained, shall be deemed and construed, and it is and are hereby respectively declared, to extend to and over, and to be in full force in and through all the Territories heretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay*; any thing in any Act or Acts of Parliament, or this Act, or in any Grant or Charter to the Company, to the contrary notwithstanding.

43 G. 3. c. 138. extended to Territories granted to *Hudson's Bay Company*.

VI. And be it further enacted, That from and after the passing of this Act, the Courts of Judicature now existing, or which may be hereafter established in the Province of *Upper Canada*, shall have the same Civil Jurisdiction, Power and Authority, as well in the Cognizance of Suits, as in the issuing Process, mesne and final, and in all other Respects whatsoever, within the said *Indian Territories*, and other Parts of *America* not within the Limits of either of the Provinces of *Lower* or *Upper Canada*, or of any Civil Government of the United States, as the said Courts have or are invested with within the Limits of the said Provinces of *Lower* or *Upper Canada* respectively; and that all and every Contract, Agreement, Debt, Liability and Demand whatsoever, made, entered into, incurred or arising within the said *Indian Territories* and other Parts of *America*, and all and every Wrong and Injury to the Person or to Property, real or personal, committed or done within the same, shall be and be deemed to be of the same Nature, and be cognizable by the same Courts, Magistrates or Justices of the Peace, and be tried in the same Manner and subject to the same Consequences, in all Respects, as if the same had been made, entered into, incurred, arisen, committed or done within the said Province of *Upper Canada*; any thing in any Act or Acts of Parliament, or Grant or Charter, to the contrary notwithstanding: Provided always, that all such Suits and Actions relating to Lands, or to any Claims in respect of Land, not being within the Province of *Upper Canada*, shall be decided according to the Laws of that Part of the United Kingdom called *England*, and shall not be subject to or affected by any Local Acts, Statutes or Laws of the Legislature of *Upper-Canada*.

Courts of Judicature established in *Upper Canada* to take Cognizance of Causes in *Indian Territories*.

Actions relating to Lands not within *Upper Canada* decided according to Law of *England*.

VII. And be it further enacted, That all Process, Writs, Orders, Judgments, Decrees and Acts whatsoever, to be issued, made, delivered, given and done by or under the Authority of the said Courts, or either of them, shall have the same Force, Authority and Effect within the said *Indian Territory* and other Parts of *America* as aforesaid, as the same now have within the said Province of *Upper Canada*.

Proceedings of Courts issued as heretofore.

VIII. And be it further enacted, That it shall be lawful for the Governor or Lieutenant Governor or Person administering the Government for the time being of *Lower Canada*, by Commission under his Hand and Seal, to authorize all Persons who shall be appointed Justices of the Peace under the Provisions of this Act, within the said *Indian Territories*, or other Parts of *America* as aforesaid, or any other Person who shall be specially named in any such Commission, to act as a Commissioner within the same, for the Purpose of executing, enforcing and carrying into Effect all such Process, Writs, Orders, Judgments, Decrees and Acts, which shall be issued, made, delivered, given or done by the said Courts of Judicature, and which may require to be enforced and executed within the said *Indian Territories* or such other Parts of *North America* as aforesaid; and in case any Person or Persons whatsoever residing or being within the said *Indian Territories*, or such other Parts of *America* as aforesaid, shall refuse to obey or perform any such Process, Writ, Order, Judgment, Decree or Act of the said Courts, or shall resist or oppose the Execution thereof, it shall and may be lawful for the said Justices of the Peace or Commissioners, and they or any of them are and is hereby required, on the same being proved before him, by the Oath or Affidavit of One credible Witness, to commit the said Person or Persons so offending as aforesaid to Custody, in order to his or their being conveyed to *Upper Canada*; and that it shall be lawful for any such Justice of the Peace or Commissioner, or any Person or Persons acting under his Authority, to convey or cause to be conveyed such Person or Persons so offending as aforesaid to *Upper Canada*, in pursuance of such Process, Writ, Order, Decree, Judgment or Act, and such Person and Persons shall be committed to Gaol by the said Court, on his, her or their being so brought into the said Province of *Upper Canada*, by which such Process, Writ, Order, Decree, Judgment or Act was issued, made, delivered, given or done, until a final Judgment or Decree shall have been pronounced in such Suit, and shall have been duly performed, and all Costs paid, in case such Person or Persons shall be a Party or Parties in such Suit, or until the Trial of such Suit shall have been concluded, in case such Person or Persons shall be a Witness or Witnesses therein: Provided always, that if any

Justices of Peace authorized by Governor, &c. to act as Commissioners for executing Process, &c.

Persons residing in *Indian Territories* refusing to obey Process.

Committed and conveyed to *Upper Canada*.

Costs.



Proviso for  
Recognizance.

Person or Persons so apprehended as aforesaid shall enter into a Bond Recognizance to any such Justice of the Peace or Commissioner, with Two sufficient Sureties, to the Satisfaction of such Justice of the Peace or Commissioner, or the said Courts, conditioned to obey and perform such Process, Writ, Order, Judgment, Decree or Act as aforesaid, then and in such case it shall and may be lawful for the said Justice of the Peace or Commissioner, or the said Courts, to discharge such Person or Persons out of Custody.

Such Recognizance may be assigned,

IX. And be it further enacted, That in case such Person or Persons shall not perform and fulfil the Condition or Conditions of such Recognizance, then and in such case it shall and may be lawful for any such Justice or Commissioner, and he is hereby required, to assign such Recognizance to the Plaintiff or Plaintiffs, in any Suit in which such Process, Writ, Order, Decree, Judgment or Act shall have been issued, made, delivered, given or done, who may maintain an Action in the said Courts in his own Name against the said Sureties, and recover against such Sureties the full Amount of such Loss or Damage as such Plaintiff shall prove to have been sustained by him, by reason of the original Cause of Action in respect of which such Process, Writ, Order, Decree, Judgment or Act of the said Courts were issued, made, delivered, given or done as aforesaid, notwithstanding any thing contained in any Charter granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*.

notwithstanding Charter to Hudson's Bay Company.

Appointment by His Majesty of Justices of Peace to determine Causes.

X. And be it further enacted, That it shall be lawful for His Majesty, if He shall deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of *America* as aforesaid, as well within any Territories heretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay*, as within the *Indian* Territories of such other Parts of *America* as aforesaid; and it shall be lawful for the Court in the Province of *Upper Canada*, in any case in which it shall appear expedient to have any Evidence taken by Commission, or any Facts or Issue, or any Cause or Suit ascertained, to issue a Commission to any Three or more of such Justices to take such Evidence, and return the same, or try such Issue, and for that Purpose to hold Courts, and to issue Subpœnas or other Processes to compel Attendance of Plaintiffs, Defendants, Jurors, Witnesses and all other Persons requisite and essential to the Execution of the several Purposes for which such Commission or Commissions had issued, and with the like Power and Authority as are vested in the Courts of the said Province of *Upper Canada*; and any Order, Verdict, Judgment or Decree that shall be made, found, declared or published by or before any Court or Courts held under and by virtue of such Commission or Commissions, shall be considered to be of as full Effect, and enforced in like Manner, as if the same had been made, found, declared or published within the Jurisdiction of the Court of the said Province; and at the Time of issuing such Commission or Commissions shall be declared the Place or Places where such Commission is to be opened, and the Courts and Proceedings thereunder held; and it shall be at the same time provided how and by what Means the Expences of such Commission, and the Execution thereof, shall be raised and provided for.

Effect of such Decree, &c.

His Majesty may issue Commissions under Great Seal, empowering Justices to hold Courts of Record for Trial of Criminal and Civil Offences.

XI. And be it further enacted, That it shall be lawful for His Majesty, notwithstanding any thing contained in this Act, or in any Charter granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*, from time to time, by any Commission under the Great Seal, to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid, to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes; and it shall be lawful for His Majesty to order, direct and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission; any thing in this Act, or in any Charter of the Governor and Company of Merchant Adventurers of *England* trading to *Hudson's Bay*, to the contrary notwithstanding.

Such Courts constituted as His Majesty shall direct. Power of Court not to extend to Capital Offences; nor to Civil Actions where the Amount in Issue exceeds 200l.

XII. Provided always, and be it further enacted, That such Courts shall be constituted, as to the Number of Justices to preside therein, and as to such Places within the said Territories of the said Company, or any *Indian* Territories, or other Parts of *North America* as aforesaid, and the Times and Manner of holding the same, as His Majesty shall from time to time order and direct; but shall not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing Sentence affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take Cognizance of or try any Civil Action or Suit, in which the Cause of such Suit or Action shall exceed in Value the Amount or Sum of Two hundred Pounds; and in every case of any Offence subjecting the Person committing the same to Capital Punishment or Transportation, the Court or any Judge of any such Court, or any Justice or Justices of the Peace, before whom any such Offender shall be brought, shall commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of *Upper Canada*.

Appeal.

XIII. And be it further enacted, That all Judgments given in any Civil Suit shall be subject to Appeal to His Majesty in Council, in like manner as in other cases in His Majesty's Province of *Upper Canada*, and also in any case in which the Right or Title to any Land shall be in question.

Proviso for Hudson's Bay Company.

XIV. And be it further enacted, That nothing in this Act contained shall be taken or construed to affect any Right, Privilege, Authority or Jurisdiction which the Governor and Company of Adventurers trading to *Hudson's Bay* are by Law entitled to claim and exercise under their Charter; but that all such Rights, Privileges, Authorities and Jurisdictions shall remain in as full force, virtue and effect, as if this Act had never been made; any thing in this Act to the contrary notwithstanding.



An Act to amend the Act of the Ninth Year of King George the Third, Chapter Sixteen, for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of Cornwall.  
(U.K.) 24 & 25 Vic., c. 62. (1861).

## C A P. LXII.

An Act to amend the Act of the Ninth Year of King *George* the Third, Chapter Sixteen, for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of *Cornwall*.

[1st *August* 1861.]

**W**HEREAS by an Act passed in the Ninth Year of King *George* the Third, Chapter Sixteen, Provision is made for limiting the Right of the King's Majesty to sue and implead any Person for or concerning Lands and Hereditaments, or the Rents, Issues, or Profits thereof, and for quieting Possessions and Titles against the Crown: And whereas the good Purpose of that Act has not been fully obtained by reason of the Provisions therein relating to Lands and Hereditaments which have been in charge to Her Majesty or have stood insuper of Record, and also by reason of certain Provisions therein relating to Lands and Hereditaments Part or Parcel of Honours, Manors, or other Hereditaments: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

24 & 25 Vic., c. 62, cont'd.

The Crown  
not to sue  
after Sixty  
Years by  
reason of  
Lands  
having been  
in charge,  
&c.

1. The Queen's Majesty, Her Heirs and Successors, shall not at any Time hereafter sue, impeach, question, or implead any Person or Persons for or in anywise concerning any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments whatsoever (other than Liberties or Franchises) which such Person or Persons, or his or their or any of their Ancestors or Predecessors, or those from, by, or under whom they do or shall claim, have, or shall have held or enjoyed or taken the Rents, Revenues, Issues, or Profits thereof by the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same or in respect thereof, by reason only that the same Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, or the Rents, Revenues, Issues, or Profits thereof, have or shall have been in charge to Her Majesty or Her Predecessors or Successors, or stood insuper of Record, within the said Space of Sixty Years, but that such having been in charge and such standing insuper of Record shall be as against such Person and Persons, and all claiming by, from, or under them or any of them, of no Force and Effect.

Provisions  
of this Act to  
apply to  
Actions by  
the Duke of  
Cornwall.  
and to Pro-  
visions of  
7 & 8 Vict.  
c. 105. and  
23 & 24 Vict.  
c. 53.

2. And whereas an Act was passed in the Session held in the Seventh and Eighth Years of Her Majesty, Chapter One hundred and five, "for quieting Titles within the County of *Cornwall* as against " the Duchy of *Cornwall*, and other Purposes:" And whereas another Act was passed in the Session held in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter Fifty-three, "for the Limitation " of Actions and Suits by the Duke of *Cornwall* in relation to Real " Property, and for other Purposes:" And whereas it is expedient that the Limitation applicable to Actions and Suits by the Crown should be made applicable to Actions and Suits by the Duke of *Cornwall*: Be it enacted, That the Provisions of this Act herein-before contained applicable to the Queen's Majesty shall extend and be applicable to the Duke of *Cornwall*, and to the said Two last-recited Acts in the same Manner as if the Duke of *Cornwall* were herein-before mentioned or referred to where the Queen's Majesty is mentioned or referred to; and this Act shall be construed together with and be deemed to form Part of the said Two last-recited Acts.

Provision  
as to the  
answering of  
Rent, &c. to  
the Crown.

3. The Queen's Majesty, Her Predecessors and Successors, shall not be held, deemed, or taken, for the Purposes of the said Act of the Ninth Year of King *George* the Third, to have been answered the Rents,



Rents, Revenues, Issues, or Profits of any Lands, Manors, Tenements, Rents, Tithes, or Hereditaments which shall have been held or enjoyed, or of which the Rents, Revenues, Issues, or Profits shall have been taken, by any other Persons or Person, by the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Suit, Bill, Complaint, Information, Commission, or other Suit or Proceeding for recovering the same or in respect thereof, as in the said Act is mentioned, by reason only of the same Lands, Manors, Tenements, Rents, Tithes, or Hereditaments having been Part or Parcel of any Honour or Manor or other Hereditaments of which the Rents, Revenues, Issues, or Profits shall have been answered to Her Majesty or Her Predecessors or Successors, or some other Person under whom Her Majesty hath or lawfully claimeth or shall hereafter have or lawfully claim as aforesaid, or of any Honour, Manor, or other Hereditaments which shall have been duly in charge to Her Majesty, Her Predecessors or Successors, or stood insuper of Record as aforesaid.

4. In the Construction of the said Act of the Ninth Year of King *George* the Third and of this Act the Right or Title of the Queen's Majesty, Her Heirs or Successors, or of the Duke of *Cornwall*, to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments which are now or shall at any Time hereafter be subject to or comprised in any Demise or Lease for any Term or Terms of Years, or for any Life or Lives, granted by or on behalf of Her Majesty, or any of Her Royal Predecessors or Successors, or the Duke of *Cornwall*, shall not be deemed to have first accrued or grown until the Expiration or Determination of such Demise or Lease as against any Person or Persons whose Possession, Holding, or Enjoyment of such Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, or whose Receipt of the Rents, Issues, or Profits thereof, shall have commenced during the Term of such Demise or Lease, or who shall claim from, by, or under any Person or Persons whose Possession, Holding, or Enjoyment of such Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, or whose Receipt of the Rents, Issues, or Profits thereof, shall have so commenced as aforesaid.

Preserving  
Right to Re-  
versionary  
Interests.

5. Nothing contained in this Act shall extend to any Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding instituted or commenced before the passing of this Act and now pending.

Act not to  
apply to  
existing  
Suits.

## VI. DISTRIBUTION OF LEGISLATIVE POWERS

*Powers of the Parliament*

Legislative  
Authority of  
Parliament of  
Canada

91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next herein-after enumerated; that is to say,—

Amendment as  
to legislative  
authority of  
Parliament of  
Canada

1. The amendment from time to time of the Constitution of Canada, except as regards matters coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces, or as regards rights or privileges by this or any other Constitutional Act granted or secured to the Legislature or the Government of a province, or to any class of persons with respect to schools or as regards the use of the English or the French language or as regards the requirements that there shall be a session of the Parliament of Canada at least one each year, and that no House of Commons shall continue for more than five years from the day of the return of the Writs for choosing the House: Provided, however, that a House of Commons may in

time of real or apprehended war, invasion or insurrection be continued by the Parliament of Canada if such continuation is not opposed by the votes of more than one-third of the members of such House.

[NOTE: Added by the *British North America Act (No. 2, 1949, 13 Geo. VI, c. 81 (U.K.) (No. 31 infra).*]

24. Indians, and Lands reserved for the Indians.

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.



Order of Her Majesty in Council admitting British Columbia into the Union.

ORDER OF HER MAJESTY IN  
COUNCIL ADMITTING  
BRITISH COLUMBIA INTO THE  
UNION

At the Court at Windsor, the 16th day of  
May, 1871

PRESENT

The QUEEN'S Most Excellent Majesty

His Royal Highness Prince ARTHUR

Lord Privy Seal

Earl Cowper

Earl of Kimberley

Lord Chamberlain

Mr. Secretary Cardwell

Mr. Ayrton

Whereas by the "British North America Act, 1867," provision was made for the Union of the Provinces of Canada, Nova Scotia and New Brunswick into the Dominion of Canada, and it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and of the Legislature of the Colony of British Columbia, to admit that colony into the said Union on such terms and conditions as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act. And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

And whereas by Addresses from the Houses of the Parliament of Canada and from the Legislative Council of British Columbia respectively, of which Addresses copies are contained in the Schedule to this Order annexed, Her Majesty was prayed, by and with the advice of Her Most Honourable Privy Council, under the one hundred and forty-sixth section of the hereinbefore recited Act, to admit British Columbia into the Dominion of Canada, on the terms and conditions set forth in the said Addresses.

## British Columbia Act of Union, cont'd.

And whereas Her Majesty has thought fit to approve of the said terms and conditions. It is hereby ordered and declared by Her Majesty, by and with the advice of Her Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Act of Parliament, that from and after the twentieth day of July, one thousand eight hundred and seventy-one, the said Colony of British Columbia shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions set forth in the hereinbefore recited Addresses. And, in accordance with the terms of the said Addresses relating to the electoral districts in British Columbia, for which the first election of members to serve in the House of Commons of the said Dominion shall take place, it is hereby further ordered and declared that such electoral districts shall be as follows:—

"New Westminster District" and the "Coast District," as defined in a public notice issued from the Lands and Works Office in the said colony on the fifteenth day of December, one thousand eight hundred and sixty-nine, by the desire of the Governor, and purporting to be in accordance with the provisions of the thirty-ninth clause of the "Mineral Ordinance, 1869," shall constitute one district, to be designated "New Westminster District," and return one member.

"Cariboo District" and "Lillooet District," as specified in the said public notice, shall constitute one district, to be designated "Cariboo District," and return one member.

"Yale District" and "Kootenay District," as specified in the said public notice, shall constitute one district, to be designated "Yale District," and return one member.

Those portions of Vancouver Island, known as "Victoria District," "Esquimalt District," and "Metchosin District," as defined in the official maps of those districts which are in the Land Office, Victoria, and are designated respectively, "Victoria District Official Map, 1858," "Esquimalt District Official Map, 1858," and "Metchosin District Official Map, A.D. 1858," shall constitute one district, to be designated "Victoria District," and return two members.



British Columbia Act of Union, cont'd.

All the remainder of Vancouver Island, and all such islands adjacent thereto, as were formerly dependencies of the late Colony of Vancouver Island District, shall constitute one district, to be designated "Vancouver Island District," and return one Member.

And the Right Honourable Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions therein accordingly.

(Signed) ARTHUR HELPS.

Schedule

13. The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

**CHAPTER 26.**

An Act to confirm and give effect to certain agreements entered into between the Government of the Dominion of Canada and the Governments of the Provinces of Manitoba, British Columbia, Alberta and Saskatchewan respectively.

[10th July 1930.]

**W**HEREAS the agreements set out in the Schedule to this Act were entered into between the Government of the Dominion of Canada and the Governments of the Provinces of Manitoba, British Columbia, Alberta and Saskatchewan respectively subject, however, in each case to approval by the Parliament of Canada and the Legislature of the Province to which the agreement relates and also to confirmation by the Parliament of the United Kingdom :

And whereas each of the said agreements has been duly approved by the Parliament of Canada and by the Legislature of the Province to which it relates :

And whereas, after the execution of the said agreement relating to the Province of Alberta, it was agreed between the parties concerned, subject to such approval and confirmation as aforesaid, that the said Province should, in addition to the rights accruing to it under the said agreement as originally executed, be entitled to such further rights, if any, with respect to the subject matter of the said agreement as were required to be vested in the Province in order that it might enjoy rights equal to those which might be conferred upon or reserved to the Province of Saskatchewan under any agreement upon a like subject matter thereafter approved and confirmed in the manner aforesaid, and provision in that behalf was accordingly made by the Parliament of Canada and the Legislature of the Province of Alberta when approving the said agreement :

And whereas the Senate and Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to give his consent to the submission of a measure to the Parliament of the United Kingdom for the confirmation of the said agreements :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

Confirma-  
tion of  
scheduled  
agreements.  
30 & 31 Vict.  
c. 3.

1. The agreements set out in the Schedule to this Act are hereby confirmed and shall have the force of law notwithstanding anything in the British North America Act, 1867, or any Act amending the same, or any Act of Parliament of Canada, or in any Order in Council or terms or conditions of union made or approved under any such Act as aforesaid.

Extension  
of scheduled  
agreement  
relating to  
Alberta.

2. The agreement relating to the Province of Alberta which is confirmed by this Act shall be construed and have effect for all purposes as if it contained a provision to the following effect, namely, that the said Province shall, in addition to the rights accruing to it under the said agreement as originally executed, be entitled to such further rights, if any, with respect to the subject matter of the said agreement as are required to be vested in the Province in order that it may enjoy rights equal to those conferred upon, or reserved to, the Province of Saskatchewan under the agreement relating to that Province which is confirmed by this Act.

Short title.

3. This Act may be cited as the British North America Act, 1930, and the British North America Acts, 1867 to 1916, and this Act may be cited together as the British North America Acts, 1867 to 1930.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

## SCHEDULE.

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### (1.) MANITOBA.

#### MEMORANDUM OF AGREEMENT.

Made this fourteenth day of December, 1929.

Between

The Government of the Dominion of Canada, represented herein  
by the Honourable Ernest Lapointe, Minister of Justice, and  
the Honourable Charles Stewart, Minister of the Interior,  
Of the First Part,

and

The Government of the Province of Manitoba, represented herein  
by the Honourable John Bracken, Premier of Manitoba, and  
the Honourable Donald G. McKenzie, Minister of Mines and  
Natural Resources - - - Of the Second Part.

Whereas by section thirty of the Manitoba Act, being chapter three of thirty-three Victoria, it was provided that all ungranted or waste lands in the Province should be vested in the Crown and administered by the Government of Canada for the purposes of the Dominion, subject to the conditions and stipulations contained in the Agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty:

And whereas the boundaries of the Province as defined by the Manitoba Act were altered and the area included in the said Province enlarged by the statutes forty-four Victoria chapter fourteen, and two George the Fifth chapter thirty-two:

And whereas by an Order in Council adopted upon a report from the Right Honourable W. L. Mackenzie King, Prime Minister of Canada, and approved by His Excellency the Governor General on the first day of August, 1928, it was provided, pursuant to an agreement in that behalf entered into with representatives of the Government of the Province that the Province would be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1870, that a commission of three persons would be appointed to inquire into and report as to what financial readjustments should be made to effect that end and that upon agreement between the Government of Canada and the Government of the Province upon the financial terms, following consideration of the report of the Commission, a transfer would be made by Canada to the Province of the unalienated natural resources within the bound-

aries of the Province subject to any trust existing in respect thereof and without prejudice to any interest other than that of the Crown in the same:



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

And whereas a Commission, composed of the Honourable Mr. Justice W. F. A. Turgeon, the Honourable Thomas Alexander Crerar and Charles M. Bowman, Esquire, was appointed to conduct an inquiry into the financial readjustments involved in the proposed transfer, and the Commission has since reported its findings and these findings have been accepted and agreed to by the Government of Canada and the Government of the Province :

And whereas it is now expedient, in order to carry out the purpose of the aforesaid Order in Council and to give effect to the agreement arrived at in the premises between the Government of Canada and the Government of the Province, to modify the provisions of the statutes above referred to as herein set out.

Now Therefore This Agreement Witnesseth :

*Transfer of Public Lands Generally.*

1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the British North America Act, 1867, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall, from and after the coming into force of this agreement, and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals or royalties before the coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interest therein, irrespective of who may be the parties thereto.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

3. Any power or right, which, by any such contract, lease or other arrangement, or by any Act of the Parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred, or by any regulation made under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time, and until otherwise directed, may be exercised by the Minister of Mines and Natural Resources of the Province.

4. The Province will perform every obligation of Canada arising by virtue of the provisions of any statute or Order in Council or regulation in respect of the public lands to be administered by it hereunder to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of land for right of way, road bed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances.

5. The Province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the Deed of Surrender from the said Company to the Crown as modified by the Dominion Lands Act and the Agreement dated the 23rd day of December, 1924, between His Majesty and the said Company, which said Agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the Province will grant to the Company any lands in the Province which the Company may be entitled to select and may select from the lists of lands furnished to the Company by the Minister of the Interior under and pursuant to the said Agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said Company pursuant to the Deed of Surrender from it to the Crown, the Dominion Lands Act or the said Agreement of the 23rd day of December, 1924.

*School Lands Fund and School Lands.*

6. Upon the coming into force of this agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund, created under sections twenty-two and twenty-three of the Act to amend and consolidate the several Acts respecting Public Lands of the Dominion, being chapter thirty-one of forty-two Victoria, and subsequent statutes, which is derived from the disposition of any school lands within the Province or within those parts of the District of Keewatin and of the Northwest Territories now included within the boundaries of the said Province.



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

7. The School Lands Fund to be transferred to the Province as aforesaid and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province.

*Water.*

8. The Province will pay to Canada, by yearly payments on the first day of January in each year after the coming into force of this agreement, the proportionate part, chargeable to the development of power on the Winnipeg River within the Province, of the sums which have been or shall hereafter be expended by Canada pursuant to the agreement between the Governments of Canada and of the Provinces of Ontario and Manitoba, made on the 15th day of November, 1922, and set forth in the Schedule hereto, the Convention and Protocol relating to the Lake of the Woods entered into between His Majesty and the United States of America on the 24th day of February, 1925, and the Lac Seul Conservation Act, 1928, being chapter thirty-two of eighteen and nineteen George the Fifth, the annual payments hereunder being so calculated as to amortise the expenditures aforesaid in a period of fifty years from the date of the coming into force of this agreement and the interest payable to be at the rate of five per cent. per annum.

9. Canada agrees that the provision contained in section four of the Dominion Water Power Act, being chapter two hundred and ten of the Revised Statutes of Canada, 1927, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to such undertakings within the Province;

nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section ninety-two of the British North America Act, 1867.

*Fisheries.*

10. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this agreement, belong to and be administered by the Province, and the Province shall have the right to dispose of all such rights of fishery by sale, licence or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

*Indian Reserves.*

11. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the Minister of Mines and Natural Resources of the Province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof.

12. The provisions of paragraphs one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1924, which said agreement was confirmed by statute of Canada, fourteen and fifteen George the Fifth chapter forty-eight, shall (except so far as they relate to the Bed of Navigable Waters Act) apply to the lands included in such Indian reserves as may hereafter be set aside under the last preceding clause as if the said agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

13. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians

within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

*Soldier Settlement Lands.*

14. All interests in Crown lands in the Province upon the security of which any advance has been made under the provisions of the Soldier Settlement Act, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

*National Park.*

15. The lands specified as included in the Riding Mountain Forest Reserve, as such reserve is described in the schedule to the Dominion Forest Reserves and Parks Act, being chapter seventy-eight of the Revised Statutes of Canada, 1927, as amended by eighteen and nineteen George the Fifth chapter twenty, shall be established as a national park, and the said lands, together with the mines and minerals (precious and base) in such area and the royalties incident thereto shall continue to be vested in and shall be administered by the Government of Canada for the purposes of a national park, but in the event of the Parliament of Canada at any time declaring that the said lands or any part thereof are no longer required for such purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration.

16. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of the said park, notwithstanding that portions of such area may not form part of the park proper; the laws now in force within the said area shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

*Seed Grain, Etc., Liens.*

17. Every lien upon any interest in any unpatented land passing to the Province under this agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Minister of Mines and Natural Resources or such other Minister of the Province as may be designated in that behalf under the laws thereof.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

*General Reservation to Canada.*

18. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (a) any lands for which Crown grants have been made and registered under the Real Property Act of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become the registered owner at the date upon which this agreement comes into force, or (b) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

*Historic Sites, Bird Sanctuaries, Etc.*

19. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Minister of Mines and Natural Resources, or such other Minister of the Province as may be specified under the laws thereof.

*Financial Terms.*

20. In lieu of the provision made by section five of the statute two George the Fifth chapter thirty-two, above referred to, Canada will, from and after the date of the coming into force

of this agreement, pay to the Province by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the Province as from time to time ascertained by the quinquennial census thereof, as follows :—

The sum payable until the population of the said Province reaches eight hundred thousand shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

21. If at the date of the coming into force of this agreement any payment has been made under the provisions of section five of the statute two George the Fifth chapter thirty-two, above referred to in respect of any half-year commencing before but terminating, after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions hereof.

22. In order to provide an adequate financial readjustment in favour of the Province for the period intervening between its entrance into Confederation in 1870 and the first day of July, 1908, before which date it received either no subsidy in lieu of public lands or a smaller subsidy than it should have received in order to put it on an equality with the other Provinces, Canada, forthwith after the coming into force of this agreement, will, in accordance with the report of the hereinbefore recited Commission, pay to the said Province the sum of four million, five hundred and eighty-four thousand, two hundred and twelve dollars and forty-nine cents with interest thereon at the rate of five per cent. per annum from the first day of July, 1929.

*Records.*

23. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

*Amendment of Agreement.*

24. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

*When Agreement Comes Into Force.*

25. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Manitoba, and shall take effect on the fifteenth day of July, 1930, if His Majesty has theretofore given His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same, and if He has not given such Assent before the said day, then on such date as may be agreed upon.

In witness whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable John Bracken, Premier of Manitoba, and the Honourable Donald G. McKenzie, Minister of Mines and Natural Resources thereof, have hereunto set their hands on behalf of the Province of Manitoba.

Signed on behalf of the Government of Canada by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, in the presence of	}	ERNEST LAPOINTE. CHAS. STEWART.
O. M. BIGGAR.		

Signed on behalf of the Province of Manitoba by the Honourable John Bracken, Premier of the said Pro- vince, and the Honourable Donald G. McKenzie, Minister of Mines and Natural Resources thereof, in the presence of	}	JOHN BRACKEN. DONALD G. MCKENZIE.
W. J. MAJOR.		



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

## SCHEDULE.

### AGREEMENT BETWEEN CANADA, ONTARIO AND MANITOBA.

Ottawa, November 15, 1922.

Memorandum of agreement arrived at regarding the control of the upper waters of the Winnipeg River.

Present :

*Representing the Dominion Government :*

Right Honourable Mackenzie King, Prime Minister ; Honourable Charles Stewart, Minister of the Interior ; Mr. W. W. Cory, Deputy Minister of the Interior.

*In attendance :*

Mr. W. J. Stewart and Mr. J. B. Challies, Consulting Engineers to the Department of External Affairs ; Mr. S. S. Scovil, Engineer of Lake of the Woods Control Board.

*Representing the Province of Ontario :*

Honourable E. C. Drury, Premier.

*In attendance :*

Mr. H. G. Acres and Mr. L. V. Rorke.

*Representing the Province of Manitoba :*

Honourable John Bracken, Premier.  
Honourable R. W. Craig, Attorney-General ; also  
Honourable T. H. Johnson, K.C., Counsel.

This agreement, as a working basis for the regulation of the English and Winnipeg rivers, is entered into on the understanding that all parties are agreeable to the repeal of the Lake of the Woods Regulation Act, 1920, but Ontario does not bind itself to the terms of this agreement in the event of that Act not being repealed.

The Government representatives agreed that the general advantage legislation could be rescinded on the following basis (Mr. Bracken undertaking to urge the acceptance thereof by the Manitoba power interests) :

1. *Control of Lake of the Woods :*

The recommendation of the Lake of the Woods Control Board that the Norman Dam be expropriated was agreed to in principle.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

It was further understood that the Board should immediately investigate and report to the three governments concerned, whether—

- (1) There is some alternative method of securing control by construction of a new structure above the present dam or otherwise;
- (2) Failing such an alternative being found, under what procedure and whether under Federal or Provincial auspices should the dam be expropriated.

The cost of securing the results contemplated under either (1) or (2) above should be borne on the following basis:—

One-third of the total cost to be attributable to navigation and borne by the Federal Government;

The remaining two-thirds to be considered chargeable to power, to be borne in the first instance by the expropriating Government, but

(a) Ontario to be responsible for the share chargeable to the undeveloped power site at White Dog Falls;

(b) The Federal Government (as proprietors of the water powers on the Winnipeg river in Manitoba) to be responsible in the first instance for the amount chargeable to the remaining fall of the Winnipeg river in the Province of Manitoba; the Department of the Interior to recover cost of same from the present power developments on the river and from prospective power developments on such basis as that Department may consider advisable.

So far as the amount chargeable to power is concerned, the basis of settlement between the Dominion Government and the Province of Ontario should be that of the ratio of potential head in Ontario and Manitoba.

## 2. *Regulation under Concurrent Legislation :*

It was agreed that the Lake of the Woods Control Board should be instructed to immediately canvass the necessities of the situation and make appropriate recommendations to the Governments of Canada and Ontario with a view to having approved and authorized whatever operating regulations are considered necessary to make practically effective the existing concurrent legislation.

## 3. *Lac Seul :*

With regard to storage on Lac Seul, it is agreed that if the power interests in Manitoba or their administrative agency desire storage on Lac Seul, they shall immediately notify the Government



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

of Ontario to this effect. In the event of such notification the Government of Ontario shall undertake not to permit the construction of any development which would later be destroyed, wholly or in part, by the creation of this storage, and shall agree to grant flooding rights, on Crown Lands affected, under the customary conditions, including recompense for timber destroyed, and the usual rental for water powers which may be wholly or partially destroyed incidental to the construction of the said works. Further, the power interests benefited shall be prepared, when required by the Government of Ontario, to pay the said Government an amount to be ascertained by the Control Board, sufficient to pay the difference between the cost of power feasible of development at Pelican Falls and the cost of a similar amount of power to be developed at some other possible site designated by the Government of Ontario and delivered at Sioux Lookout at a distribution voltage.

It is agreed that whatever storage scheme may be worked out covering Lac Seul shall be under the jurisdiction of the Lake of the Woods Control Board, the cost of the same to be borne by the power interests as and when benefited.

#### 4. *International Questions:*

With regard to the international issues it was unanimously agreed that there was not sufficient data to enable a commitment at the present stage with regard to storage and regulation on Rainy and upper international lakes, and that in any case all the interests concerned, governmental, municipal, corporate and private, on both sides of the boundary, should be afforded the opportunity and the advantage of presenting their views, and of hearing the views of others presented, to the International Joint Commission.

It was further agreed that the basis for an international arrangement between the two countries arrived at by the technical advisers of the United States and Canada at Washington in December, should be adhered to, namely:—

- (a) An immediate settlement by treaty of the Lake of the Woods issues; and
- (b) Concurrent with the ratification of such a treaty, an appropriate reference to the International Joint Commission respecting Rainy and upper lakes matters.

It was further agreed that once a reference of the upper lakes matter has been agreed to, the Canadian Governments, Dominion and Provincial, should facilitate in every possible way, a thorough investigation and an early report by the International Joint Commission, but that pending such a report, the Dominion Government could not make any commitment as to policy.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

With regard to financial obligations arising under settlement of the Lake of the Woods issues it was agreed that the same should be borne by the respective Governments on the same basis as that set out above for the acquirement of the Norman Dam.

(Signed) E. C. DRURY,  
*For the Government of Ontario.*

(Signed) JOHN BRACKEN,  
*For the Government of Manitoba.*

(Signed) W. L. MACKENZIE KING,  
*For the Government of Canada.*

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(2) ALBERTA.

MEMORANDUM OF AGREEMENT.

Made this fourteenth day of December, 1929.

Between

The Government of the Dominion of Canada, represented herein  
by the Honourable Ernest Lapointe, Minister of Justice,  
and the Honourable Charles Stewart, Minister of the Interior,  
Of the First Part,

and

The Government of the Province of Alberta, represented herein  
by the Honourable John Edward Brownlee, Premier of  
Alberta, and the Honourable George Hoadley, Minister  
of Agriculture and Health - - Of the Second Part.

Whereas by section twenty-one of the Alberta Act, being chapter three of four and five Edward the Seventh, it was provided that "All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the Province under the North-west Irrigation Act, 1898, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said Province with the substitution therein of the said Province for the North-west Territories":

And whereas it is desirable that the Province should be placed in a position of equality with the other Provinces of Con-



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

federation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905 :

And whereas it has been agreed between Canada and the said Province that the provisions of the Alberta Act should be modified as herein set out :

Now Therefore This Agreement Witnesseth :

*Transfer of Public Lands Generally.*

1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the British North America Act, 1867, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall, from and after the coming into force of this agreement and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals or royalties before the coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangement, or by any Act of the Parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred or by any regulation made under any such Act, is

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time and until otherwise directed, may be exercised by the Provincial Secretary of the Province.

4. The Province will perform every obligation of Canada arising by virtue of the provisions of any statute or Order in Council or regulation in respect of the public lands to be administered by it hereunder to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of lands for right of way, road bed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances.

5. The Province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the Deed of Surrender from the said Company to the Crown as modified by the Dominion Lands Act and the Agreement dated the 23rd day of December, 1924, between His Majesty and the said Company, which said Agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the Province will grant to the Company any lands in the Province which the Company may be entitled to select and may select from the lists of lands furnished to the Company by the Minister of the Interior under and pursuant to the said Agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said Company pursuant to the Deed of Surrender from it to the Crown, the Dominion Lands Act or the said Agreement of the 23rd day of December, 1924.

*School Lands Fund and School Lands.*

6. Upon the coming into force of this agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund, created under sections twenty-two and twenty-three of the Act to amend and consolidate the several Acts respecting Public Lands of the Dominion, being chapter thirty-one of forty-two Victoria, and subsequent statutes, which is derived from the disposition of any school lands within

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

the Province or within that part of the Northwest Territories now included within the boundaries thereof.

7. The School Lands Fund to be transferred to the Province as aforesaid and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province.

#### *Water.*

8. Canada agrees that the provision contained in section four of the Dominion Water Power Act, being chapter two hundred and ten of the Revised Statutes of Canada, 1927, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to undertakings within the Province; nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section ninety-two of the British North America Act, 1867.

#### *Fisheries.*

9. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this agreement, belong to and be administered by the Province, and the Province shall have the right to dispose of all such rights of fishery by sale, licence or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.

#### *Indian Reserves.*

10. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

in the same way in all respect as if they had never passed to the Province under the provisions hereof.

11. The provisions of paragraphs one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1924, which said agreement was confirmed by statute of Canada, fourteen and fifteen George the Fifth chapter forty-eight, shall (except so far as they relate to the Bed of Navigable Waters Act) apply to the lands included in such Indian reserves as may hereafter be set aside under the last preceding clause as if the said agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

12. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

*Soldier Settlement Lands.*

13. All interests in Crown lands in the Province upon the security of which any advance has been made under the provisions of the Soldier Settlement Act, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.

*National Parks.*

14. The parks mentioned in the Schedule hereto shall continue as national parks and the lands included therein, as the same are described in the Orders in Council in the said Schedule referred to (except such of the said lands as may be hereafter excluded therefrom), together with the mines and minerals (precious and base) in each of the said parks and the royalties incident thereto, shall continue to be vested in and administered by the Government of Canada as national parks, but in the event of the Parliament of Canada at any time declaring that the said lands or any part thereof are no longer required for park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

15. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of each of the said parks notwithstanding that portions of such area may not form part of the park proper; the laws now in force within the said areas shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

16. The Government of Canada will introduce into the Parliament of Canada such legislation as may be necessary to exclude from the parks aforesaid certain areas forming part of certain of the said parks which have been delimited as including the lands now forming part thereof which are of substantial commercial value, the boundaries of the areas to be so excluded having been heretofore agreed upon by representatives of Canada and of the Province, and the Province agrees that upon the exclusion of the said areas as so agreed upon, it will not, by works outside the boundaries of any of the said parks, reduce the flow of water in any of the rivers or streams within the same to less than that which the Minister of the Interior may deem necessary adequately to preserve the scenic beauties of the said parks.

*Seed Grain, Etc., Liens.*

17. Every lien upon any interest in any unpatented land passing to the Province under this agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Provincial Secretary or such other Minister

of the Province as may be designated in that behalf under the laws thereof.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

*General Reservation to Canada.*

18. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (a) any lands for which Crown grants have been made and registered under the Land Titles Act of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become the registered owner at the date upon which the agreement comes into force, or (b) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

*Historic Sites, Bird Sanctuaries, Etc.*

19. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be specified under the laws thereof.

*Financial Terms.*

20. In lieu of the provision made by subsection one of section twenty of the Alberta Act, Canada will, from and after the date of the coming into force of this agreement, pay to the Province by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the Province as from time to time ascertained by the quinquennial census thereof, as follows :—

The sum payable until the population of the said Province reaches eight hundred thousand shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

21. If at the date of the coming into force of this agreement any payment has been made under subsection one of section twenty of the Alberta Act in respect of any half-year commencing before but terminating after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions hereof.



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

22. It is agreed that the Honourable W. F. A. Turgeon, a Judge of the Court of Appeal of Saskatchewan, Charles M. Bowman, of the Town of Waterloo, in the Province of Ontario, Esquire, Chairman of the Board of Directors of the Mutual Life Assurance Company of Canada, and Fred E. Osborne, Esquire, Mayor of the City of Calgary, or, if any of the foregoing cannot act, then such other person or persons as may be agreed upon, will be appointed commissioners under Part One of the Inquiries Act to enquire and report whether any, and, if any, what consideration, in addition to the sums provided in paragraph twenty hereof, should be paid to the Province in order that the Province may be placed in a position of equality with the other Provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905, such commissioners to be empowered to decide what financial or other considerations are relevant to the enquiry, and the report to be submitted to the Parliament of Canada and to the Legislature of Alberta; and if by the said report, the payment of any additional consideration is recommended, then, upon agreement between the Governments of Canada and of the Province following the submission of such report, the said Governments will respectively introduce the legislation necessary to give effect to such agreement.

*Records.*

23. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

*Amendment of Agreement.*

24. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

*When Agreement Comes into Force.*

25. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

In witness whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable John Edward Brownlee, Premier of Alberta, and the Honourable George Hoadley, Minister of Agriculture and Health thereof, have hereunto set their hands on behalf of the Province of Alberta.

Signed on behalf of the Government  
of Canada by the Honourable  
Ernest Lapointe, Minister of  
Justice, and the Honourable  
Charles Stewart, Minister of  
the Interior, in the presence of

O. M. BIGGAR.

ERNEST LAPOINTE.

CHAS. STEWART.

Signed on behalf of the Province  
of Alberta by the Honourable  
John Edward Brownlee, Pre-  
mier of the said Province,  
and the Honourable George  
Hoadley, Minister of Agri-  
culture and Health thereof,  
in the presence of

J. F. LYMBURN.

J. E. BROWNLEE.

GEO. HOADLEY.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

### SCHEDULE.

#### PARKS.

Buffalo - - -	P.C. 463, 7th March, 1908. P.C. 1306, 5th June, 1909. P.C. 646, 27th March, 1913. P.C. 2842, 26th November, 1920. P.C. 498, 31st March, 1924. P.C. 408, 19th March, 1925.
Elk Island - - -	P.C. 646, 27th March, 1913. P.C. 377, 20th February, 1922.
Jasper - - -	P.C. 1323, 14th September, 1907. P.C. 1068, 18th May, 1909. P.C. 1338, 8th June, 1911. P.C. 1165, 24th June, 1914. P.C. 637, 7th April, 1927. P.C. 158, 6th February, 1929. P.C. 159, 6th February, 1929.
Nemiskam - - -	P.C. 1134, 31st May, 1922.
Rocky Mountains - -	P.C. 2197, 25th November, 1885. P.C. 1891, 23rd July, 1892. P.C. 1338, 8th June, 1911. P.C. 2594, 18th September, 1917. P.C. 158, 6th February, 1929.
Wawaskesy - - -	P.C. 1134, 31st May, 1922.
Waterton Lakes - -	P.C. 1621, 30th May, 1895. P.C. 1338, 8th June, 1911. P.C. 1165, 24th June, 1914. P.C. 1298, 20th April, 1921. P.C. 2556, 20th July, 1921.
Wood Buffalo Reserve -	P.C. 2498, 18th December, 1922. P.C. 408, 14th March, 1925. P.C. 634, 30th April, 1926. P.C. 1444, 24th September, 1926.



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

(3) SASKATCHEWAN.

MEMORANDUM OF AGREEMENT.

Made this 20th day of March, 1930.

Between

The Government of the Dominion of Canada, represented herein  
by the Honourable Ernest Lapointe, Minister of Justice, and  
the Honourable Charles Stewart, Minister of the Interior,  
Of the First Part,

and

The Government of the Province of Saskatchewan, represented  
herein by the Honourable James Thomas Milton Anderson,  
Premier and Minister of Education of the Province, and the  
Honourable Murdoch Alexander MacPherson, Attorney-  
General - - - - - Of the Second Part.

Whereas by section twenty-one of the Saskatchewan Act, being chapter forty-two of the four and five Edward the Seventh, it was provided that " All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the Province under the North-West Irrigation Act, 1898, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said Province with the substitution therein of the said Province for the North-West Territories " :

And whereas the Government of Canada desires that the Province should be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entry into Confederation in 1905 :

And whereas the Government of the Province contends that, before the Province was constituted and entered into Confederation as aforesaid, the Parliament of Canada was not competent to enact that the natural resources within the area now included within the boundaries of the Province should vest in the Crown and be administered by the Government of Canada for the purposes of Canada and was not entitled to administer the said natural resources otherwise than for the benefit of the residents within the said area, and moreover that the Province is entitled to be and should be placed in a position of equality with the other Provinces of Confederation with respect to its natural resources as from the fifteenth day of July, 1870, when Rupert's Land

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

and the North-Western Territory were admitted into and became part of the Dominion of Canada :

And whereas it has been agreed between Canada and the said Province that the said section of the Saskatchewan Act should be modified and that provision should be made for the determination of the respective rights and obligations of Canada and the Province as herein set out :

Now therefore this Agreement Witnesseth :

*Transfer of Public Lands Generally.*

1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the British North America Act, 1867, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall from and after the coming into force of this agreement and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration ; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals, or royalties before the coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangement, or by any Act of the Parliament of Canada

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

relating to any of the lands, mines, minerals or royalties hereby transferred, or by any regulation made under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time, and until otherwise directed, may be exercised by the Provincial Secretary of the Province.

4. The Province will perform every obligation of Canada, arising by virtue of the provisions of any statute or Order in Council or regulation in respect of the public lands to be administered by it hereunder, to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of lands for right of way, road bed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances.

5. The Province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the Deed of Surrender from the said Company to the Crown as modified by the Dominion Lands Act and the Agreement dated the 23rd day of December, 1924, between His Majesty and the said Company, which said Agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the Province will grant to the Company any lands in the Province which the Company may be entitled to select and may select from the lists of lands furnished to the Company by the Minister of the Interior under and pursuant to the said Agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said Company pursuant to the Deed of Surrender from it to the Crown, the Dominion Lands Act or the said Agreement of the 23rd day of December, 1924.

*School Lands Fund and School Lands.*

6. Upon the coming into force of this agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund, created under sections twenty-two and twenty-three of the Act to amend and consolidate the several Acts respecting Public Lands of the Dominion, being chapter thirty-one of forty-two Victoria, and subsequent statutes,



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

which is derived from the disposition of any school lands within the Province or within that part of the Northwest Territories now included within the boundaries thereof.

7. The School Lands Fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province.

*Water.*

8. Canada agrees that the provision contained in section four of the Dominion Water Power Act, being chapter two hundred and ten of the Revised Statutes of Canada, 1927, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to undertakings within the Province; nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section ninety-two of the British North America Act, 1867.

*Fisheries.*

9. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this agreement, belong to and be administered by the Province, and the Province shall have the right to dispose of all such rights of fishery by sale, licence or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.

*Indian Reserves.*

10. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof.

11. The provisions of paragraphs one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1924, which said agreement was confirmed by statute of Canada, fourteen and fifteen George the Fifth chapter forty-eight, shall (except so far as they relate to the Bed of Navigable Waters Act) apply to the lands included in such Indian reserves as may hereafter be set aside under the last preceding clause as if the said agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

12. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

#### *Soldier Settlement Lands.*

13. All interests in Crown lands in the Province upon the security of which any advance has been made under the provisions of the Soldier Settlement Act, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.

#### *National Parks.*

14. The Prince Albert National Park shall continue as a national park and the lands included therein as the same are described in Orders made by the Governor in Council on the twenty-fourth day of March, 1927 (P.C. 524), the eighteenth day of October, 1928 (P.C. 1846), and the sixth day of February, 1929 (P.C. 162), together with the mines and minerals (precious and base) in the said park and the royalties incident thereto,

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

shall continue to be vested in and administered by the Government of Canada as a national park, but in the event of the Parliament of Canada at any time declaring that the said land or any part thereof is no longer required for park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration.

15. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of the said park, notwithstanding that portions of the said area may not form part of the park proper; the laws now in force within the said area shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

16. The Province will not, by works outside the boundaries of the said park, reduce the flow of water in any of the rivers or streams within the same to less than that which the Minister of the Interior may deem necessary adequately to preserve the scenic beauties of the said park.

17. In the event of its being hereafter agreed by Canada and the Province that any area or areas of land in the Province, in addition to that hereinbefore specified, should be set aside as national parks and be administered by Canada, the foregoing provisions of this agreement on the subject of parks may be applied to such area or areas with such modification as may be agreed upon.

*Seed Grain, Etc., Liens.*

18. Every lien upon any interest in any unpatented land passing to the Province under this agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be designated in that behalf under the laws thereof.

*General Reservation to Canada.*

19. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (a) any lands for which Crown grants have been made and registered under the Land Titles Act of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become, the registered owner at the date upon which this agreement comes into force, or (b) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

*Historic Sites, Bird Sanctuaries, Etc.*

20. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be specified under the laws thereof.

*Financial Terms.*

21. In lieu of the provision made by subsection one of section twenty of the Saskatchewan Act, Canada will, from and after the date of the coming into force of this agreement, pay to the Province by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the Province as from time to time ascertained by the quinquennial census thereof, as follows:—

The sum payable until such population reaches one million two hundred thousand shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

22. If at the date of the coming into force of this agreement any payment has been made under subsection one of section twenty of the Saskatchewan Act in respect of any half-year

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

commencing before but terminating after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions thereof.

23. Provision will be made pursuant to section fifty-five of the Supreme Court Act, being chapter thirty-five of the Revised Statutes of Canada, 1927, to submit for the consideration of the Supreme Court of Canada questions agreed upon between the parties hereto as being appropriate to obtain the judgment of the said Court, subject to appeal to His Majesty in Council in accordance with the usual practice, as to the rights of Canada and the Province respectively, before the first day of September, 1905, in or to the lands, mines or minerals (precious or base), now lying within the boundaries of the Province, and as to any alienation by Canada before the said date of any of the said lands, mines or minerals or royalties incident thereto.

24. As soon as final answers to the questions submitted under the last preceding paragraph have been given, the Government of Canada will appoint three persons to be agreed upon to be Commissioners under Part I of the Inquiries Act, to inquire and report whether any, and if any, what consideration, in addition to the sums provided in paragraph twenty-one hereof, shall be paid to the Province in order that the Province may be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources either as from the first day of September, 1905, or as from such earlier date, if any, as may appear to be proper, having regard to the answers to the questions submitted as aforesaid; such commissioners to be empowered to decide what financial or other considerations are relevant to the inquiry and the report to be submitted to the Parliament of Canada and to the Legislature of Saskatchewan; if by the said report, the payment of any additional consideration is recommended, then, upon agreement between the Governments of Canada and of the Province following the submission of such report, the said Governments will respectively introduce the legislation necessary to give effect to such agreement.

*Records.*

25. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

*Amendment of Agreement.*

26. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

*Reservation of Rights.*

27. This agreement is signed on behalf of the Province with the reservation on its part that neither the execution thereof nor any statute confirming the same shall affect or prejudice any right the Province may now have to call into question the legislative competence of the Parliament of Canada to enact certain sections of the Saskatchewan Act and the Dominion Lands Acts.

*When Agreement Comes into Force.*

28. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Saskatchewan, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

In witness whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable James Thomas Milton Anderson, Premier and Minister of Education of the Province, and the Honourable Murdoch Alexander MacPherson, Attorney-General thereof, have hereunto set their hands on behalf of the Province of Saskatchewan.

Signed on behalf of the Government  
of Canada by the Honourable  
Ernest Lapointe, Minister of  
Justice, and the Honourable  
Charles Stewart, Minister of  
the Interior, in the presence of

O. M. BIGGAR.

ERNEST LAPOINTE.

CHAS. STEWART.

Signed on behalf of the Province of  
Saskatchewan by the Honour-  
able James Thomas Milton  
Anderson, Premier and Min-  
ister of Education, and the  
Honourable Murdoch Alex-  
ander MacPherson, Attorney-  
General, in the presence of

JAS. F. BRYANT.

R. STIPE.

J. T. M. ANDERSON.

M. A. MACPHERSON.



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

(4) BRITISH COLUMBIA.

MEMORANDUM OF AGREEMENT.

Made this twentieth day of February, 1930.

Between

The Government of the Dominion of Canada, represented herein  
by the Honourable Ernest Lapointe, Minister of Justice, and  
the Honourable Charles Stewart, Minister of the Interior,  
Of the First Part,

and

The Government of the Province of British Columbia, represented  
herein by the Honourable Simon Fraser Tolmie, Premier  
and Minister of Railways of the said Province, and the  
Honourable Frederick Parker Burden, Minister of Lands  
thereof - - - - - Of the Second Part.

Whereas pursuant to paragraph eleven of the Terms of Union between the Dominion of Canada and the then Colony of British Columbia and to certain statutes of the Legislature of the Province of British Columbia, being chapter eleven of the statutes of the year eighteen hundred and eighty, chapter fourteen of the statutes of the year eighteen hundred and eighty-three, and chapter fourteen of the statutes of the year eighteen hundred and eighty-four, there were granted by the Province to Canada certain Crown lands in the Province by way of consideration for Canada's undertaking to secure the construction of a railway to connect the seaboard of the Province with the railway system of Canada and of Canada's paying to the Province from the date of the Union an annual sum of one hundred thousand dollars, the said Crown lands being defined in the statutes aforesaid and having become known as the Railway Belt and the Peace River Block;

And whereas a railway such as is described in paragraph eleven of the Terms of Union has been duly constructed and is in operation, and the Province has requested the re-transfer to it of such of the lands in the said Railway Belt and Peace River Block as remain unalienated;

And whereas the Honourable W. M. Martin, one of the Judges of the Court of Appeal for the Province of Saskatchewan, having by Order in Council dated the eighth day of March, 1927 (P.C. 422) been appointed a commissioner under Part One of the Inquiries Act to receive and inquire into the arguments of the Government of the Province of British Columbia in support of its claim for the reconveyance of the said lands to the Province, submitted his report as such commissioner in which he expressed the opinion that the Province could not by reason of its own

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

agreements and statutes advance any legal claim, but that its request should be considered from the standpoint of fairness and justice rather than from the strictly legal and contractual position, and in which he recommended that the said lands should be restored;

And whereas Canada has agreed accordingly to re-transfer the said lands to the Province on the terms hereinafter set out:

Now This Agreement Witnesseth that the parties have agreed as follows:

*Transfer of Railway Belt and Peace River Block Generally.*

1. Subject as hereinafter provided, all and every interest of Canada in the lands granted by the Province to Canada as hereinbefore recited are hereby re-transferred by Canada to the Province and shall, from and after the date of the coming into force of this agreement, be subject to the laws of the Province then in force relating to the administration of Crown lands therein.

2. Any payment received by Canada before the coming into force of this agreement in respect of any interest in the said lands shall continue to belong to Canada, whether paid in advance or otherwise, without any obligation on the part of Canada to account to the Province therefor, and the Province shall be entitled to receive and retain any such payment made after the coming into force of this agreement without accounting to Canada therefor.

3. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any interest in any of the lands hereby transferred and every other arrangement whereby any person has become entitled to any interest therein as against Canada, and will perform every obligation of Canada arising by virtue of the provisions of any statute or order in council or regulation affecting the said lands hereby transferred to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise, or to any railway company for grants of land for right of way, roadbed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances.

4. Any power or right which, by any agreement or other arrangement relating to any interest in the lands hereby transferred or by any Act of the Parliament of Canada relating to the said lands, or by any regulation made under any such Act, is reserved to the Governor in Council, or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by the Lieutenant-Governor of the Province in council or by such officer of the Government of the Province as

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

is authorized to exercise similar powers or rights under the laws of the Province relating to the administration of Crown lands therein.

5. The application to the lands hereby transferred of the laws of the Province relating to the administration of Crown lands therein, as hereinbefore provided, shall not be deemed to affect the terms of any alienation by Canada of any interest in the said lands or of any agreement made by Canada for such alienation, or the rights to which any person may have become entitled as aforesaid.

*Ordnance and Admiralty Lands.*

6. Nothing in this agreement shall be interpreted as affecting or transferring to the Province any ordnance or admiralty lands included in the Railway Belt which have been or are hereafter transferred or surrendered to Canada by the Government of the United Kingdom of Great Britain and Ireland or of the United Kingdom of Great Britain and Northern Ireland.

7. All ordnance and admiralty lands which were set aside as such before the sixteenth day of May, eighteen hundred and seventy-one, and which have been or are hereafter transferred or surrendered to Canada as aforesaid, whether the same lie within or without the said Railway Belt, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada, provided, however, that Canada shall recognize and confirm any alienation of any part of the said lands heretofore made by the Province and shall perform and execute every obligation of the Province which has arisen with respect to any part of the said lands by virtue of any agreement made by the Province in respect thereof, or by virtue of any Act of the Legislature of the Province or of any Order in Council or regulation made under the authority of any such Act.

8. The location and boundaries of the several parcels of ordnance and admiralty lands aforesaid shall be referred for determination to two persons, one of whom shall be appointed by the Governor General in Council, and one by the Lieutenant-Governor in Council, and in the event of a disagreement between the said two persons, an umpire shall be selected by agreement between the Minister of Justice for Canada and the Attorney-General of British Columbia.

*Public Works.*

9. Notwithstanding anything in the foregoing paragraphs of this agreement, Canada shall retain the wharves and wharf sites situate within the Railway Belt and specified in Schedule One to this agreement, together with the lands adjacent thereto which



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

are required for the convenient use of any such wharf or wharf site; the boundaries of the parcels of land reserved to Canada under this clause shall be ascertained and defined by agreement between Canada and the Province as soon as convenient.

10. Forthwith upon any of the said parcels of land ceasing to be required for use as a wharf site, such parcel shall revert to and become the property of the Province.

#### *Harbours.*

11. Nothing in the foregoing paragraphs of this agreement shall extend to the foreshores or beds of harbours heretofore established within the Railway Belt, but the said foreshores and beds shall continue to be vested in Canada, and there shall in addition be reserved and retained by Canada the foreshores and beds of the Fraser River and the Pitt River lying above the eastern boundaries of New Westminster Harbour and below lines to be ascertained and defined by agreement at the junction of Kanaka Creek with the Fraser River and at the point of the exit of the Pitt River from Pitt Lake.

#### *Sumas Dyking Lands.*

12. The Province will grant and assure to the Canadian Pacific Railway Company the lands occupied or required by it for the purpose of the construction and operation of its railway in that part of the Railway Belt hereinbefore referred to which is known as the Sumas Dyking Lands, in such manner that the said Company may obtain a registered title to the said lands in fee simple free from encumbrance.

#### *Indian Reserves.*

13. Nothing in this agreement shall extend to the lands included within Indian reserves in the Railway Belt and the Peace River Block, but the said reserves shall continue to be vested in Canada in trust for the Indians on the terms and conditions set out in a certain order of the Governor General of Canada in Council approved on the 3rd day of February, 1930 (P.C. 208).

#### *Parks.*

14. Nothing in the foregoing clauses of this agreement shall be construed as re-transferring to the Province any interests of Canada in any of the lands forming part of the Railway Belt which are included within any of the national parks described in Schedule Two to this agreement.

15. In order that the said national parks may be administered by Canada as such, all the rights of the Crown in all the lands,

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

mines and minerals (precious and base) and the royalties incident thereto within any of the said parks are hereby vested in Canada, so far as they are not already so vested.

16. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of each of the said parks, notwithstanding that portions of any such area may not form part of the park proper, and the laws now in force within such areas shall continue so in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said areas or any of them by or under the authority of the Parliament of Canada, shall extend to and be enforced within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

17. On the termination by effluxion of time or surrender or otherwise, of any interest in any lands included within any of the said areas which is outstanding in any person at the date of the coming into force of this agreement, the lands in which such interest existed shall vest in and shall thereafter be administered by Canada as part of the national park within the outer boundaries of which such lands lie.

18. All rights of the Crown in any waters within the said parks shall be vested in and administered by Canada, and the Province will not by works outside any such park reduce the flow of water in any of the rivers or streams within the said park to less than the flow which the Minister of the Interior may deem necessary adequately to preserve the scenic beauty of the said park.

19. In the event of the Parliament of Canada at any time declaring that any of the said areas or any part of any of them are no longer required for national park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto specified in any such declaration shall forthwith upon the making thereof belong to the Province and the provisions of paragraphs one to five of this agreement shall apply thereto as from the date of such declaration.

20. In the event of its being hereafter agreed by Canada and the Province that any area or areas of land in the Province, in addition to those specified in Schedule Two to this agreement, should be set aside as national parks and be administered by Canada, the foregoing provisions of this agreement on the subject of parks may be applied to such area or areas with such modification as may be agreed upon.

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

*Soldiers' Settlement Lands.*

21. Nothing in this agreement shall have the effect of transferring to the Province the interest of Canada in any part of the said lands upon the security of which any advance has been made under the provisions of the Soldier Settlement Act, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, until after the provisions of the said Act have ceased to apply to or affect the said lands.

*Historic Sites and Bird Sanctuaries.*

22. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries which have been already established by Canada in the Railway Belt or Peace River Block, and will set aside such additional bird sanctuaries as may hereafter be established by agreement between the Minister of the Interior and the Attorney-General or such other Minister of the Province as may be specified under the laws thereof.

*General Reservation to Canada.*

23. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (a) any lands for which Crown grants have been made and registered under the Land-Registry Act of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become, the registered owner at the date upon which this agreement comes into force, or (b) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

*Subsidy Continued.*

24. Notwithstanding the re-transfer of the hereinbefore recited lands, Canada will continue to pay annually to the Province, by half-yearly payments on the first days of January and July in each year, the sum of one hundred thousand dollars, as provided in paragraph eleven of the Terms of Union aforesaid.

*Records.*

25. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to any dealings with any of the lands hereby re-transferred to the Province and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the lands hereby transferred.



(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

*Amendment of Agreement.*

26. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

*When Agreement Comes into Force.*

27. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of British Columbia, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

In witness whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable Simon Fraser Tolmie, Premier and Minister of Railways of the said Province, and the Honourable Frederick Parker Burden, Minister of Lands thereof, have hereunto set their hands on behalf of the Province of British Columbia.

Signed on behalf of the Government of Canada by the Honourable Ernest Lapointe, Minister of Jus- tice, and the Honourable Charles Stewart, Minister of the Interior, in the presence of	}	ERNEST LAPOINTE.  CHAS. STEWART.
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-O. M. BIGGAR.

Signed on the behalf of the Govern- ment of British Columbia by the Honourable Simon Fraser Tolmie, Premier and Minister of Railways thereof, and the Honourable Frederick Parker Burden, Minister of Lands thereof.	}	S. F. TOLMIE.  F. P. BURDEN.
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R. H. POOLEY,  
*Attorney-General.*

N. S. LOUGHEED,  
*Minister of Lands.*

H. CATHCART,  
*Deputy Minister of Lands.*

OSCAR C. BASS,  
*Deputy Attorney-General.*

(U.K.), 20 & 21 Geo. 5, c. 26, cont'd.

# SCHEDULE ONE.

## WHARF LOCATIONS.

Brownsville.	Riverside.
Coquitlam.	Mission.
Port Coquitlam.	Hatzic.
Minnekahda.	Dewdney.
Harris Road.	Murphy's Landing.
Hammond.	Magars Landing.
Port Moody.	Sumas.
Ioco.	Chilliwack Upper Landing.
Haney.	Minto Landing.
Albion.	Anglemont.
Whonnock.	Blind Bay.
Ruskin.	Canoe.
Donatella.	Celista.
Barnston Island.	Chase.
Port Kells.	Eagle Bay.
Gordon Road.	Wanlock.
McAdams.	Glenedon.
Langley.	Magna Bay.
McIvers.	Sicamous.
McKays.	Salmon Arm.
Glen Valley.	Seymour Arm.
Marsh's.	Sorrento.
Mount Lehman.	Scotch Creek.
Matsqui.	Pritchard.

S. F. T.

E. L.

F. P. B.

C. S.

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## SCHEDULE TWO.

### NATIONAL PARKS.

1. Mount Revelstoke National Park, with the boundaries defined by the Proclamations based upon Orders in Council dated 28th April, 1914 (P.C. 1125); 5th May, 1920 (P.C. 985); 18th August, 1927 (P.C. 1645).

2. Glacier National Park, with the boundaries defined by the Proclamations based upon Orders in Council dated 8th June, 1911 (P.C. 1338); 12th August, 1911 (P.C. 1781); 11th February, 1930 (P.C. 134).

3. Yoho National Park, with the boundaries defined by the Proclamations based upon Orders in Council dated 8th June, 1911 (P.C. 1338); 21st April, 1920 (P.C. 828); 11th February, 1930 (P.C. 134).

4. Kootenay National Park as shown on a map certified by the Surveyor General of Canada on 1st February, 1928, and on file in the office of the Surveyor General, a copy thereof having been filed in the Department of Lands of the Province under number 7T 312.

S. F. T.  
F. P. B.

E. L.  
C. S.

An Act to prevent certain Wild Fowl and Snipes from being destroyed at improper seasons of the year, and to prevent the trapping of Grouse and Quail in this Province. S.C. 1845, c. 46.

CAP. XLVI.

**An Act to prevent certain Wild Fowl and Snipes from being destroyed at improper seasons of the year, and to prevent the trapping of Grouse and Quail in this Province.**

[29th March, 1845.]

**W**HEREAS divers Inhabitants of this Province have, by their Petition to the Legislature, set forth that the various kinds of Wild Fowl commonly called "Duck," and the different sorts of Wild Geese, which used formerly to abound in the lakes, rivers, bays and islands of the Province, and formed a great source of not only profit, and marketable commodities, but also of nutriment and luxury to a large class of Her Majesty's Subjects, have of late years so materially decreased in number, (owing as is alleged, to their having been destroyed at improper seasons of the year, and particularly during the summer months,) and that their entire disappearance from the country is threatened, unless protected by some Legislative enactment; And whereas it is expedient to comply with the prayers of the said Petitions; And whereas the Game called Grouse and Quail in the western parts of this Province have of late years become nearly extinct by reason of the same having been caught in snares, nets, and traps, by day and by night, in an unsportsmanlike manner, and it is expedient to enact a Law to prevent that description of Game (which contributes so much to the amusement and luxury of the Inhabitants of that part of the Province,) from being utterly destroyed by such clandestine means: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That no person or persons shall, within this Province, from and after the

Preamble.

Prohibition to  
kill Game be-  
tween 10th  
May and 15th  
August.

Indians.

passing of this Act, hunt, shoot, take, kill or destroy any Wild Swan, Wild Goose, Wild Duck, Teal, Widgeon or Snipe between the tenth day of May, and the fifteenth day of August in any year.

V. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to the people usually called Indians.



An Act to explain and amend an Act of the Parliament of the late Province of Upper-Canada, passed in the second year of Her Majesty's Reign, intituled, An Act for the protection of the Lands of the Crown in this Province from trespass and injury, and to make further provision for that purpose. S.C. 1849, c. 9. (12 Vict.)

# C A P. I X.

An Act to explain and amend an Act of the Parliament of the late Province of Upper-Canada, passed in the second year of Her Majesty's Reign, intituled, *An Act for the protection of the Lands of the Crown in this Province from trespass and injury*, and to make further provision for that purpose.

[ 25th April, 1849. ]

Preamble.

Act of U. C.  
2 Vict. c. 15.  
cited.

Part of sect. 1.  
repealed.

And the Act  
extended to  
all lands in U.  
C. not granted,

**W**HEREAS it is expedient to explain and amend a certain Act of the Parliament of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, intituled, *An Act for the protection of the Lands of the Crown in this Province from trespass and injury*, and to make further provision for the protection of such Lands in that part of this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, That so much of the first Section of the said Act as doth or may in any wise limit or restrain the provisions thereof, or the jurisdiction of the Commissioners appointed or to be appointed under the authority of the same, to Lands for the cession of which to Her Majesty no agreement hath been made with the Tribes occupying the same, and who may claim title thereto, shall be and the same is hereby repealed; and that the said Act and all the provisions thereof shall extend and shall be construed to extend to all Lands in that part of this Province called Upper Canada, whether such Lands be surveyed or unsurveyed, for which no Grant, Lease,

Ticket either of Location or Purchase, or Letter of License of Occupation hath been or shall have issued, either under the Great Seal, or by or from the proper Department of the Provincial Government, to which the issuing of the same at the time belonged, and whether such Land be part of those usually known as Crown Reserves, Clergy Reserves, School Lands or Indian Lands, or by or under any other denomination whatsoever, and whether the same be held in trust or in the nature of a trust for the use of the Indians or of any other parties whomsoever.

leased, located,  
&c.

S.C. 1849, c. 9, cont'd.

II. And be it enacted, That if upon investigation before the said Commissioners, or any one or more of them appointed under the said Act, against any one under the second Clause of the said Act, it shall appear to the said Commissioners that any person or persons hath or have been actually in possession of any such Lands or of any part thereof, or that any person or persons have at any time within twelve calendar months next before such investigation claimed to be in possession of any of such Lands, or of any part thereof, or claimed or pretended to have a right to such possession, but it shall nevertheless appear uncertain to such Commissioners who the party or parties may be who shall then be in actual possession of such Lands, or whether the persons in such possession claim or pretend to be in such possession in their own right, or merely as tenants, bailiffs, or servants of others, then and in every such case, it shall and may be lawful for the said Commissioners, or any one of them, to give a Notice to quit, similar to that required to be given by the said Act, but directed generally to all persons having or claiming possession of the Land in question, and to their tenants, bailiffs and servants, and all others whom it shall or may in any wise concern: which Lands shall be described in such Notice to quit and in every other Notice to quit under the said Act, with the same certainty as would be necessary in a Deed of Conveyance thereof from party to party, and shall require such persons to quit and remove from the possession and occupation of such Lands within not less than thirty days from the day of the service of such Notice: and if all persons whomsoever, except such as shall have a written authority from such Commissioners, or one of them, to remain upon such Lands, shall not quit and remove from the possession and occupation of the same within the time specified in such Notice, it shall and may be lawful for the said Commissioners, or any one of them, to issue a Warrant of Removal under their hands and seals, or under the hand and seal of one of them, directed to the Sheriff of the County wherein such Lands are situate, setting forth such Lands with the same certainty as required in the said Notice to quit as aforesaid, and commanding him to eject and remove all persons whomsoever from such Lands, so unlawfully possessed or occupied, or claimed to be possessed or occupied as aforesaid, which Warrant the Sheriff to whom the same is directed, shall have full power and authority to execute, and shall execute and carry into effect, in the same manner as by law he is authorized to execute and carry into effect Writs issued by Her Majesty's Courts of Law, for restoring and delivering possession of Lands recovered in any action of trespass and ejectment in that part of this Province.

Commissioners under the said Act may in cases of doubt issue a general notice to quit.

As to the description of the lands in such notice.

Persons disobeying the notice may be removed, on an order of the Commissioners directed to the proper Sheriff.

III. And be it enacted, That the Summons to appear issued upon any complaint made under the said Act shall in all cases contain such a description of the parcels of Lands with respect to which the proceeding is adopted, as would be necessary in a Deed of Conveyance thereof from party to party: and that henceforth it shall not be necessary that either the said Summons or the said Notice to quit shall be personally served upon the parties concerned, but it shall be sufficient to enable the Commissioners

As to the description of the lands in any Summons under the said Act.

As to service of such Summons.

to proceed upon any such Summons or Notice, if the same shall have been served either by personally delivering the same to the person or persons in the actual possession or occupation of the Lands mentioned therein, or by leaving such Notice with the wife of such person, on the said premises, or by leaving the same with any grown person found on such premises, and in such last case putting up a duplicate of such Notice in some conspicuous place on the same premises, or where no grown person is found on the said premises, then by putting up duplicates of such Notice in four conspicuous places on such premises: Provided always, that no fine shall be imposed upon any party under the said Act, except upon personal service of such Summons, or service thereof on such person's wife as aforesaid.

Proviso: where a fine is imposed.



S.C. 1849, c. 9, cont'd.

If the parties removed return or are expected by the sheriff to return, a Writ of Removal by Continuance may be obtained from the court of Q. B. for U. C.

IV. And be it enacted, That if after the execution of any Warrant of Removal, whether such Warrant be issued by such Commissioners, or any one of them, specially for the removal of particular parties, or generally for the removal of all parties found trespassing or intruding upon such Lands, the party or parties removed, or any other person or persons whomsoever, shall return or enter into or upon the premises with respect to which such Warrant of Removal was so executed, or if the Sheriff to whom such Warrant shall have been directed shall have reason to believe that any such person or persons or any others, will so return or enter into or upon such Lands, or any part thereof, unless the same be protected from such entry or intrusion, by the issue of process for the prevention thereof, it shall and may be lawful for such Sheriff, and he is hereby required to make a Special Return of such Warrant of Removal into Her Majesty's Court of Queen's Bench for Upper Canada, setting forth the return, entry or intrusion of such person or persons, or his belief that such return, entry or intrusion into or upon such Lands, will take place unless the same be protected by the issue of process for the prevention thereof, and upon such Return to the said Warrant being so made as aforesaid, it shall and may be lawful to sue out of the said Court of Queen's Bench a Writ of Removal by Continuance, as nearly as may be in the form to this Act prefixed marked A, and upon the Sheriff making a similar Return to such Writ of Removal by Continuance, an *Alias*, and after that upon similar Returns, *Pluries* Writs of a similar description shall and may be issued as often as it may be necessary for the protection of such premises against such intruders.

Such Writ of Removal by Continuance may be superseded upon causes shewn.

Proceedings if the party again intrude.

V. Provided always, and be it enacted, That upon a Rule to shew cause, to be obtained by any party concerned in such proceedings, or shewing an interest entitling him, her or them to be heard in that behalf, and which Rule shall be served personally, on at least one of the Commissioners for the time being, appointed for the protection of such Lands as aforesaid, the said Court of Queen's Bench shall and may order a *Supersedeas* to any such Writ *Alias* or *Pluries* Writ as aforesaid, whereupon no further proceedings shall be had upon any such Writ of Removal by Continuance, or upon the proceedings of the said Commissioners upon which the same was founded, but in the event of its being deemed necessary to proceed against such party or any other for intrusion or trespass into or upon any such Lands, resort shall be had to the like proceedings of Notice to quit and Warrant of Removal as at the first.

Conviction before the commissioners may be removed as of course by *Certiorari*.

VI. And be it enacted, That in the case of any summary conviction of any party by the said Commissioners, or any one of them, for returning and unlawfully resuming the occupation of any such Lands, or any part thereof, or for trespass committed upon any such Lands, it shall and may be lawful to remove as of course such conviction by

*Certiorari*, into Her Majesty's said Court of Queen's Bench for Upper Canada, and thereupon for the satisfaction of the fine set or imposed by such conviction, to issue into any of the Districts of Upper Canada one or more Writs of *Fieri Facias* and *Capias ad Satisfaciendum*, in the nature of the Exchequer Long Writ, as nearly as may be in the form to this Act prefixed, marked B, with an *Alias* and as many *Pluries* and *Testatum* Writs of the like description as may be necessary, till the amount of such fine be levied and made as in the case of other debts due to Her Majesty: Provided always, that if at the time of the removal of any such conviction by *Certiorari* as aforesaid, the party convicted shall be in custody under the Warrant of the Commissioners, or any one of them, for non-payment of such fine, he or they shall not be discharged from such imprisonment at the end of the time prescribed in such Warrant, if the said Sheriff shall then have a Writ of *Fieri Facias* and *Capias ad Satisfaciendum* for the levying of such fine, and shall have been unable to make the amount thereof of the goods and chattels, lands or tenements of such party, but such party shall in every such case remain charged in custody upon such Writ until the said fine be fully paid or satisfied, as in the case of other Crown Debtors similarly charged.

And proceedings had for the satisfaction of any fine imposed by such conviction.

Provido: if the party convicted be imprisoned for non payment of such fine, when the Writ of Execution issues.



S.C. 1849, c. 9, cont'd.

VII. And be it enacted, That the Commissioners appointed or to be appointed under the authority of the said Act, when engaged in the execution of their office, and each of such Commissioners when so engaged, shall have the same power and authority to commit for any contempt committed against them or him, as is now by law vested in Justices of the Peace in similar cases for contempts against them in the execution of their office.

Commission-  
ers may com-  
mit for con-  
tempt.

A.

WRIT OF REMOVAL BY CONTINUANCE.

UPPER CANADA.

Victoria by the Grace of God, &c.

To the Sheriff of

Greeting :

Whereas by a certain Warrant of Removal made by one (or two, as the case may be) of the Commissioners appointed under the Great Seal of Our Province of Canada, for the receiving information and enquiry into complaints against persons for illegally possessing themselves of Lands of Our Crown ungranted and not under location, and Lands not ceded to Us or Our Predecessors by the Indian Tribes occupying the same, you were formerly commanded that (*here recite Commissioners' Warrant of Removal*) which said Warrant you lately returned to Us into Our Court of Queen's Bench before Us, at Toronto, and thereupon certified to Us that (*here insert the Sheriff's Return, setting forth the return of the party or parties, or his belief that he or they would return unless the Land be protected by the issue of Process for the protection thereof*) according to the form of the Statute in such case made and provided: Therefore, We command you, that immediately after receipt hereof you proceed to the said Lands and premises, and remove or cause to be removed all and singular such person and persons, if any, whom you shall find in or upon the same, from the possession thereof, and give and cause to be given to such person or persons as shall for that purpose be appointed by Our said Commissioners, or any one of them, under their or his hand and seal, the full, quiet, and peaceable possession of the said premises and every part and parcel thereof, and that such person or persons, and all others having from time to time a similar Warrant from Our said Commissioners, or any one of them, in such quiet and peaceable possession of the said premises, that you support, help and maintain from time to time, as often as occasion shall and may require; and what you shall do in the premises you certify to Us in Our said Court of Queen's Bench, before Us, at Toronto, on the day of Term next, together with this Writ; and herein fail not at your peril.

Witness the Honorable  
other Writs issued out of the said Court.)

Chief Justice, &c. (as in

S.C. 1849, c. 9, cont'd.

B.

WRIT OF FIERI FACIAS AND CAPIAS AD SATISFACIENDUM.

UPPER CANADA.

Victoria by the Grace of God, &c.

*To the Sheriff of*

*Greeting:*

Whereas by a certain conviction had before two of Our Commissioners appointed under the Great Seal of Our Province of Canada, for receiving informations and enquiring into complaints against persons illegally possessing themselves of Lands of Our Crown, ungranted and not under location, and Lands not ceded to Us or Our Predecessors by the Indian Tribes occupying the same, it was considered by the said Commissioners (*here set out the conviction*) which said conviction for certain reasons We caused to be certified to Us in Our Court of Queen's Bench before Us, at Toronto, according to the form of the Statute in such case made and provided: We, therefore, being willing to be satisfied the said fine so by the said Commissioners set and imposed upon the said do hereby

command you that you levy of the goods and chattels of the said

in your Bailiwick, the amount of the said fine so set and imposed upon him as aforesaid, so that you may have that money in Our said Court of Queen's Bench before Us at Toronto, on the day of next:

and if it shall happen that sufficient goods and chattels of the said

shall not be found in your Bailiwick for payment of the said fine, then, We command you that you levy of the Lands and Tenements of the said

in your Bailiwick, the amount of the said fine so set and imposed on him as aforesaid, and have that money in Our said Court before Us on the day and at the place aforesaid; and if it shall happen that sufficient neither of goods or chattels, Lands or Tenements of the said shall be found in your

Bailiwick for payment of the said fine, then, We command you that you take the Body of the said wheresoever he shall be found in your

Bailiwick, and him safely keep in your prison until he hath fully satisfied Us the said fine so set and imposed upon him as aforesaid: and in what manner you shall have executed this Our Command, make appear to Us in Our said Court before Us, on the day and at the place aforesaid, and have then there this Writ.

Witness the Honorable  
*issued out of the same Court.)*

Chief Justice (*as in other Writs*)

An Act to authorize the formation of Joint Stock Companies in Lower-Canada for the construction of Macadamized Roads, and of Bridges and other works of like nature. S.C. 1849, c. 56. (12 Vict.)

XVI. And be it enacted, That if any land belonging to or in possession of any tribe of Indians be taken, or any power shall be exercised with regard to such lands by any Company incorporated under the authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to other parties; and that whenever it shall be necessary that Arbitrators be chosen for settling the amount of such compensation, the Chief Officer of the Indian Department shall name an Arbitrator on behalf of the said Indians, and the amount awarded shall be paid to the said Chief Officer for the use of such tribe.

As to Indian  
Lands.

An Act to authorize the formation of Joint Stock Companies for the Construction of Roads, and other Works in Upper Canada. S.C. 1849, c. 84. (12 Vict.)

XII. And be it enacted, That if any such road shall pass through any tract of land or property belonging to or in possession of any tribe of Indians in this Province, or if any property belonging to them be taken or any act occasioning damage to their properties or their possessions shall be done under the authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession or rights of other individuals; and that whenever it shall be necessary that Arbitrators be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department, within this Province, is hereby authorized and required to name an Arbitrator on behalf of the said Indians, and the amount which shall be awarded in any case shall be paid where the said lands belong to any tribe or body of Indians, to the said Chief Officer, for the use of such tribe or body.

Case of lands  
belonging to  
Indians pro-  
vided for.



An Act for the better protection of the Lands and Property of the Indians in Lower Canada. S.C. 1850, c. 42. (13 & 14 Vict.)

# CAP. XLII.

An Act for the better protection of the Lands and Property of the Indians in Lower Canada.

[ 10th August, 1850. ]

**W**HEREAS it is expedient to make better provision for preventing encroachments upon and injury to the lands appropriated to the use of the several Tribes and Bodies of Indians in Lower Canada, and for the defence of their rights and privileges: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor to appoint from time to time a Commissioner of Indian Lands for Lower Canada, in whom and in whose successors by the name aforesaid, all lands or property in Lower Canada which are or shall be set apart or appropriated to or for the use of any Tribe or Body of Indians, shall be and are hereby vested, in trust for such Tribe or Body, and who shall be held in law to be in the occupation and possession of any lands in Lower Canada actually occupied or possessed by any such Tribe or Body in common, or by any Chief or Member thereof or other party for the use or benefit of such Tribe or Body, and shall be entitled to receive and recover the rents, issues and profits of such lands and property, and shall and may, in and by the name aforesaid, be subject to the provisions hereinafter made, exercise and defend all or any of the rights lawfully appertaining to the proprietor, possessor or occupant of such land or property: Provided always, that this section shall extend to any lands in Lower Canada now held by the Crown in trust for or for the benefit of any such Tribe or Body of Indians, but shall not extend to any lands now vested in any Corporation or Community legally established and capable in law of suing and being sued, or in any person or persons of European descent, although held in trust for or for the benefit of any such Tribe or Body.

Preamble.

Appointment of a Commissioner of Indian Lands.

His powers.

Proviso.

II. And be it enacted, That all suits, actions or proceedings by or against the said Commissioner shall be brought and conducted by or against him by the name aforesaid only, and shall not abate or be discontinued by his death, removal from office or resignation, but shall be continued by or against his successor in office; and that such

Suits by or against Commissioner, how brought.

Commissioner shall have in each District in Lower Canada, an office which shall be his legal domicile, and whereat any process, notice or like matter may be legally served upon him, and may appoint such deputy or deputies, and with such powers as he shall from time to time deem expedient, or as he shall be instructed by the Governor to do: Provided always, that no suit or proceeding shall, during one month next after the passing of this Act, be commenced or proceeded with by or against the said Commissioner or any other party, with regard to any lands or property intended to be hereby vested in him, nor shall any prescription or limitation of time within which any proceeding or thing would otherwise require to be commenced, had or done, run or avail against the said Commissioner during the term last aforesaid.

S.C. 1850, c. 42, cont'd.

Commissioner may  
concede, lease or  
charge lands, &c.

III. And be it enacted, That the said Commissioner shall have full power to concede or lease or charge any such land or property as aforesaid, and to receive or recover the rents, issues and profits thereof as any lawful proprietor, possessor or occupant thereof might do, but shall be subject in all things to the instructions he may from time to time receive from the Governor, and shall be personally responsible to the Crown for all his acts, and more especially for any act done contrary to such instructions, and shall account for all moneys received by him, and apply and pay over the same in such manner, at such times and to such person or officer, as shall be appointed by the Governor, and shall report from time to time on all matters relative to his office in such manner and form, and give such security, as the Governor shall direct and require: and all moneys and moveable property received by him or in his possession as Commissioner, if not duly accounted for, applied and paid over as aforesaid, or if not delivered by any person having been such Commissioner to his successor in office, may be recovered by the Crown or by such successor, in any Court having civil jurisdiction to the amount or value, from the person having been such Commissioner and his sureties, jointly and severally.

Rights of individual  
Indians not affected.

IV. Provided always, and be it enacted, That nothing herein contained shall be construed to derogate from the rights of any individual Indian or other private party, as possessor or occupant of any lot or parcel of land forming part of or included within the limits of any land vested in the Commissioner aforesaid.

Who shall be con-  
sidered as Indians.

V. And for the purpose of determining any right of property, possession or occupation in or to any lands belonging or appropriated to any Tribe or Body of Indians in Lower Canada, Be it declared and enacted: That the following classes of persons are and shall be considered as Indians belonging to the Tribe or Body of Indians interested in such lands:

*First.*—All persons of Indian blood, reputed to belong to the particular Body or Tribe of Indians interested in such lands, and their descendants.

*Secondly.*—All persons intermarried with any such Indians and residing amongst them, and the descendants of all such persons.

*Thirdly.*—All persons residing among such Indians, whose parents on either side were or are Indians of such Body or Tribe, or entitled to be considered as such: And

*Fourthly.*—All persons adopted in infancy by any such Indians, and residing in the Village or upon the lands of such Tribe or Body of Indians, and their descendants.

Interpretation Act to  
apply.

VI. And be it enacted, That the Interpretation Act shall apply to this Act.



An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury.  
S.C. 1850, c. 74. (13 & 14 Vict.)

# CAP. LXXIV.

An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury.

[ 10th August, 1850. ]

**W**HEREAS it is expedient to make provision for the protection of the Indians in Upper Canada, who, in their intercourse with the other inhabitants thereof, are exposed to be imposed upon by the designing and unprincipled, as well as to provide more summary and effectual means for the protection of such Indians in the unmolested possession and enjoyment of the lands and other property in their use or occupation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That no purchase or contract for the sale of land in Upper Canada, which may be made of or with the Indians or any of them, shall be valid unless made under the authority and with the consent of Her Majesty, Her Heirs or Successors, attested by an Instrument under the Great Seal of the Province, or under the Privy Seal of the Governor thereof for the time being.

Preamble.

Purchases of land from Indians not valid without the consent of the Crown.

II. And be it enacted, That if any person, without such authority and consent, shall in any manner or form, or upon any terms whatsoever, purchase or lease any lands within Upper Canada of or from the said Indians, or any of them, or make any contract with such Indians, or any of them, for or concerning the sale of any lands therein, or shall in any manner, give, sell, demise, convey or otherwise dispose of any such lands, or any interest therein, or offer so to do, or shall enter on, or take possession of, or settle on any such lands, by pretext or colour of any right or interest in the same, in consequence of any such purchase or contract made or to be made with such Indians or any of them, unless with such authority and consent as aforesaid, every such person shall, in every such case, be deemed guilty of a misdemeanor, and shall, on conviction thereof before any Court of competent jurisdiction, forfeit and pay to Her Majesty, Her Heirs or Successors, the sum of Two Hundred Pounds, and be further punished by fine and imprisonment, at the discretion of the Court.

Such purchase without consent to be a misdemeanor.

Penalty.

III. And be it enacted, That no person shall take any confession of Judgment or Warrant of Attorney from any Indian within Upper Canada, or by means thereof, or otherwise howsoever obtain any judgment for any debt or pretended debt, or upon any bond, bill, note, promise or other contract whatsoever, unless such Indian shall be seized in fee simple in his own sole right of real estate in Upper Canada, the title to which shall be derived directly or through others by Letters Patent from the Crown, and shall be assessed in respect of such real estate to the amount of twenty-five pounds or upwards.

Confessions of judgment, &c., not to be taken from Indians.

Exception.

IV. And be it enacted, That no taxes shall be levied or assessed upon any Indian or any person inter-married with any Indian for or in respect of any of the said Indian lands, nor shall any taxes or assessments whatsoever be levied or imposed upon any Indian or any person inter-married with any Indian so long as he; she or they shall reside on Indian lands not ceded to the Crown, or which having been so ceded may have been again set apart by the Crown for the occupations of Indians.

Taxes and assessments not to be levied on Indians.

V. And be it enacted, That notwithstanding any thing in this Act contained, Indians and persons inter-married with Indians, residing upon any such Indian lands and engaged in the pursuit of agriculture as their then principal means of support, shall be liable, if so directed by the Superintendent General, the Assistant Superintendent General, or by any Subordinate Superintendent of Indian Affairs, who may, for the time being,

As to performance of statute labour by Indians.



Proviso: as to amount of labour.	<p>be charged with the subordinate superintendence of such Indians and persons inter-married with Indians as aforesaid, or by any such Commissioner or Commissioners, to perform labour on the public roads laid out or used in or through such Indian lands, such labour to be performed under the sole control of the said Superintendents or Commissioners, or of any or either of them, who shall have power to direct when, where, how and in what manner the said labour shall be applied, and to what extent the same shall be imposed upon Indians or persons inter-married with Indians, who shall be resident upon any of the said lands, and that the said Superintendents and Commissioners, and every of them, shall have the like power to enforce the performance of all such labor by imprisonment or otherwise as may now be done by any power or authority under any law, rule or regulation in force in this Province for the non-performance of Statute labour: Provided always, nevertheless, that the labour to be so required of any such Indian or person inter-married with an Indian, shall not exceed in amount or extent what shall or may be required of other inhabitants of Upper Canada, under the general laws requiring and regulating such labour and the performance thereof.</p>
No spirituous liquors to be furnished to Indians.	<p>VI. And be it enacted, That it shall not be lawful for any person to sell, barter, exchange or give to any Indian, man, woman or child, within this Province, any kind of spirituous liquors in any manner or way, or to cause or procure the same to be done for any purpose whatsoever; and that if any person shall so sell, barter exchange or give any such spirituous liquors to any Indian, man, woman or child as aforesaid, or shall cause the same to be done, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined at the discretion of the Court, not exceeding five pounds for every such offence, and shall forfeit also the sum of one pound five shillings for every such offence, to be recovered as in an action of debt with costs in any Court of competent jurisdiction, by any one who will sue for the same, one moiety of every such last mentioned pecuniary penalty or forfeiture to go to the informer or prosecutor, and the other moiety thereof to be paid to Her Majesty, Her Heirs or Successors, or to some officer acting under Her authority, to be disposed of for the use and benefit of the Indians, as the Governor of this Province for the time being may be pleased to direct: Provided always, nevertheless, that no such penalty shall be incurred by the furnishing to any Indian, in case of sickness, any spirituous liquor, either by a medical man or under the direction of any such medical man.</p>
Penalty.	
How recovered and appropriated.	
Proviso.	
Pawns not to be taken for liquor.	<p>VII. And be it enacted, That no pawn taken of any Indian for any spirituous liquor, shall be retained by the person to whom such pawn shall be delivered, but the thing so pawned may be sued for and recovered, with costs of suit, by the Indian who may have deposited the same, before any Court of competent jurisdiction.</p>
Recital.	<p>VIII. And whereas certain tribes of Indians in Upper Canada receive annuities and presents, which annuities, or portions thereof, are expended for and applied to the common use and benefit of the said Tribes, more especially for the encouragement of agriculture and other civilizing pursuits among them, although the articles so required or purchased out of such annuities, may be and often necessarily are, in the possession or control of some particular Indian or Indians of such Tribes, and it is important with a view to the progress and welfare of such Tribes, that the property thus acquired or purchased should be protected from seizure, distress or sale, under or by virtue of any process whatsoever: Be it therefore enacted, That none of such presents or of any property purchased or acquired with or by means of such annuities, or any part thereof, or otherwise howsoever, and in the possession of any of the Tribes or any of the Indians of such Tribes, shall be liable to be taken, seized or distrained for any matter or cause whatsoever.</p>
Indian presents not to be purchased from them.	
Commissioners and Superintendents of Indians to be Justices of the Peace.	<p>IX. And be it enacted, That the Commissioners appointed under the Acts of Parliament in the next section of this Act mentioned, or either of them, and the different Superintendents of the Indian Department, either now in office or who may hereafter be appointed to either of such offices shall, by virtue of their office and appointment, be Justices of the Peace within the County, or United Counties, within which, for the time being, they or any or either of them, may be resident or employed as such</p>



S.C. 1850, c. 74, cont'd.

Commissioners or Superintendents, without any other qualification; any law to the contrary notwithstanding.

X. And whereas for the purpose of affording better protection to the Indians in the unmolested possession and enjoyment of their lands, it is expedient to give more summary and effectual powers to the Commissioners appointed or who may be appointed by virtue of the Act of the Province of Upper Canada, passed in the second year of Her Majesty's Reign, chaptered fifteen, and intituled, *An Act for the protection of the lands of the Crown in this Province from trespass and injury*, and also by virtue of the Act of this Province, passed in the twelfth year of Her Majesty's Reign, chaptered nine, and intituled, *An Act to explain and amend an Act of the Parliament of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, intituled, 'An Act for the protection of the lands of the Crown in this Province from trespass and injury, and to make further provision for that purpose,'* to enable them more efficiently to protect the said lands from trespass and injury, and to punish all persons trespassing upon or doing damage thereto: Be it therefore enacted, That it shall not be lawful for any person or persons other than Indians, and those who may be inter-married with Indians, to settle, reside upon or occupy any lands or roads or allowances for roads running through any lands belonging to or occupied by any portion or Tribe of Indians within Upper Canada, and that all leases, contracts and agreements made or to be made, purporting to have been or to be made, by any Indians, or by any person or persons inter-married with any Indian or Indians whereby any person or persons other than Indians shall be permitted to reside upon such lands, shall be absolutely void; and if any person or persons other than Indians, or those who may be inter-married with Indians as aforesaid, shall without the license of the said Commissioners or any or either of them, (which license, however, the said Commissioners or any of them, may at any time revoke,) settle, reside upon or occupy any such lands, roads or allowances for roads, it shall be the duty of the Commissioners or any or either of them, on complaint made to them or any of them, and on due proof of the fact of such settlement, residence or occupation, to issue their or his warrant under their hands and seals, or his hand and seal, directed to the Sheriff of the County, or Union of Counties in which the said lands may lie, or if the said lands may not be situated within any County or Union of Counties, then such warrant shall be directed to any literate person who may be willing to act in the premises, commanding him forthwith to remove all such persons settling, residing upon or occupying such lands, with his, her or their families, from the said lands or roads or allowances for roads, and it shall be the duty of such Sheriff, or other person accordingly, to remove such person or persons, and for that purpose he shall have and possess the same powers as in the execution of criminal process: Provided always, nevertheless, that the provisions in this and the two following sections of this Act contained, shall extend and be construed to extend to such Indian lands only as the Governor of this Province for the time being shall from time to time, by Proclamation under the Great Seal thereof, think fit to declare and make subject to the same, and so long only as such Proclamation shall remain unrevoked and in full force.

XI. And be it enacted, That so often as any person or persons after being or having been removed as aforesaid, shall return to settle, reside upon or occupy any of the said lands or roads or allowances for roads, the said Commissioners or any or either of them, upon their or his view, or upon proof by any witness or witnesses on oath, to be made or taken before the Commissioners or any or either of them, and upon their or his being satisfied that the said person or persons has or have returned to, settled, resided upon or occupied any of the said lands or roads or allowances for roads, then and in every such case, such Commissioners or Commissioner shall direct and send their or his warrant, under their hands and seals or his hand and seal, to the Sheriff of the County or Union of Counties within which such lands may lie, or to any literate person there, or if the said lands shall not be situated within any County or Union of Counties, then to any literate person, commanding him forthwith to arrest such person or persons, and

Recital.

U. C. 2 Vict. c. 15.

Canada.  
12. Vict. c. 9.

None but Indians or those inter-married with them to reside on Indian lands.

Provision for the removal of persons contravening this section.

Proviso: to what lands this section shall extend.

Proceedings if persons so removed return to such lands.



S.C. 1850, c. 74, cont'd.

Arrest of such person.

No *certiorari* allowed.

Punishment of persons cutting timber on and doing damage to Indian lands.

Penalties.

Imprisonment if the penalty cannot be levied.

Application of penalties.

Recital.

Provision where the name of any person to be proceeded against under this Act cannot be ascertained.

to commit him, her or them to the Common Gaol of the said County or Union of Counties in which the said lands may lie, or to the Common Gaol of the nearest County or United Counties to the said lands, if the said lands shall not be within any County or United Counties, there to remain for such time as shall be ordered by the Commissioners or by any or either of them, not exceeding thirty days; and such Sheriff or other person shall accordingly arrest the said party or parties, and deliver him, her or them to the Gaoler or Sheriff of the said County or United Counties as aforesaid, who are hereby required to receive such person or persons, and the said person or persons to confine and imprison in the said Common Gaol for the term aforesaid, there to remain without bail and without being entitled to the liberties of the limits of the said Gaol; and such Commissioners or any of them shall cause the judgment or order against such person or persons to be drawn up, and no such judgment shall be liable to be removed by *Certiorari* or otherwise, or to be appealed from, but shall be deemed and taken to be final.

XII. And be it enacted, That if any person without the license in writing of the Commissioners or of any or either of them, shall hereafter trespass upon any of the said lands or roads or allowances for roads, by cutting any trees, saplings, shrubs, underwood or timber thereon, or by carrying away or removing any of the trees, saplings, shrubs, underwood or timber therefrom, or by removing any of the stone or soil of the said lands, roads or allowances for roads, each person so trespassing shall for every tree he shall cut, carry away or remove, forfeit and pay the sum of five pounds, and for cutting, carrying or removing any of the saplings, shrubs, underwood or timber, under the value of five shillings, the sum of one pound, but if over the value of five shillings, then the sum of five pounds, and for removing any of the stone or soil aforesaid, the sum of five pounds, such fine to be imposed and recovered by the said Commissioners or any or either of them, by distress and sale of the goods and chattels of the party or parties fined, or the said Commissioners may, without proceeding by distress and sale as aforesaid, upon the non-payment of the said fine, order the party or parties to be imprisoned in the Common Gaol as aforesaid, for a period not exceeding thirty days, when the fine shall not exceed five pounds, or for a period not exceeding three calendar months, when the fine shall exceed the sum of five pounds; and upon the return of any warrant for distress or sale, if the amount thereof have not been made, or if any part of it may remain unpaid, the said Commissioners or any or either of them, may commit the party or parties who may be in default upon such warrant or warrants to the Common Gaol as aforesaid, for a period not exceeding thirty days, if the sum claimed by the said Commissioners upon the said warrant do not exceed five pounds, or for a time not exceeding three calendar months, if the sum claimed do exceed five pounds; all which fines shall be paid to Her Majesty, Her Heirs or Successors, or to some officer acting under Her authority, to be disposed of for the use and benefit of the Indians, as the Governor of this Province for the time being may be pleased to direct.

XIII. And whereas great difficulty has been experienced by the said Commissioners in carrying into effect the several Acts relating to Indian lands, by reason of persons giving false names or concealing their names, and it is expedient that the Commissioners should be enabled to proceed without difficulty in this respect: Be it therefore enacted, That in all orders, writs, warrants, summonses and proceedings whatsoever to be made, issued or taken by the Commissioners or any or either of them, under this or any other Act whatsoever, it shall only be necessary for the Commissioners or such of them as may be acting, to insert or express the name or names of the person or persons summoned, arrested, distrained upon, imprisoned or otherwise proceeded against in any of such orders, writs, warrants, summonses or proceedings, when the name or names of such person or persons shall be truly given to or known by the said Commissioners, or such of them as may be acting in that behalf, and if the name or names be not truly given to or known by the Commissioners, then the Commissioners or such of them as shall be acting in that behalf, shall be at liberty to name or describe the person or persons by any part of the name or names of such person or



S.C. 1850, c. 74, cont'd.

persons which may be given to or known by them, or such of them as may be so acting; but if no part of the name or names be given to or known by the said Commissioners, or such of them as shall be so acting, they or such of them as shall be acting may describe the person or persons proceeded against in any manner by which he, she or they may be capable of being identified; And it is hereby declared that all such proceedings as aforesaid, containing the name or description, or purporting to give the name or description of any such person as aforesaid, according to this Act, shall *prima facie* be deemed to be sufficient; any thing to the contrary notwithstanding.

XIV. And be it enacted, That all Sheriffs, Gaolers and Peace Officers, to whom any such process shall be so directed by such Commissioners or any or either of them, are hereby required to obey the same, and all other Officers upon reasonable requisition to be aiding and assisting in the execution thereof.

Sheriff, &c., to obey  
process.

An Act to consolidate and regulate the General Clauses relating to Rail-Ways.  
S.C. 1851, c. 51, s. 11(22).

Case in which Rail-  
 way shall pass through  
 Indian lands, provided  
 for.

*Twenty-secondly.* If the said Rail-way shall pass through any land belonging to or in possession of any Tribe of Indians in this Province, or if any act occasioning damage to their lands shall be done under the authority of this Act or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it shall be necessary that Arbitrators shall be chosen by the parties, the Chief Officer of the Indian Department within this Province, is hereby authorized and required to name an Arbitrator on behalf of the Indians, and the amount which shall be awarded in any case shall be paid, where the lands belong to the Indians, to the said Chief Officer, for the use of such Tribe or Body.

An Act respecting Railways. C.S.C. 1850, c. 66, s. 11(30).

*Thirtiethly.* If the Railway passes through any land belonging to or in possession of any Tribe of Indians in this Province, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall be made to them therefore, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that Arbitrators should be chosen by the parties, the Chief Officer of the Indian Department within this Province, is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid, to the said Chief Officer, for the use of such Tribe or Body;

The case of  
 Railway pas-  
 sing through  
 Indian lands  
 provided for.

An Act to repeal in part and to amend an Act, intituled, An Act for the better protection of the Lands and property of the Indians in Lower Canada. S.C. 1851, c. 59. (14 & 15 Vict.)

# CAP. LIX.

An Act to repeal in part and to amend an Act, intituled, *An Act for the better protection of the Lands and property of the Indians in Lower Canada.*

[ 30th August, 1851. ]

Preamble.

**W**HEREAS it is expedient to designate more accurately the persons who have and shall continue to have a right of property, possession or occupation in the lands and other immoveable property belonging to or appropriated to the use of the various Tribes or Bodies of Indians residing in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the fifth section of the Act passed in the now last session of the present Parliament, chaptered forty-two, and intituled, *An Act for the better protection of the Lands and property of the Indians in Lower Canada*, shall be, and the same is hereby repealed.

Sect. 5, of 13 & 14  
Vict. c. 42, repealed.

Who shall be deemed  
Indians belonging to  
any Tribe.

II. And be it declared and enacted, That for the purpose of determining what persons are entitled to hold, use or enjoy the lands and other immoveable property belonging to or appropriated to the use of the various Tribes or Bodies of Indians in Lower Canada, the following persons and classes of persons, and none other, shall be considered as Indians belonging to the Tribe or Body of Indians interested in any such lands or immoveable property:

*Firstly.* All persons of Indian blood, reputed to belong to the particular Tribe or Body of Indians interested in such lands or immoveable property, and their descendants:

*Secondly.* All persons residing among such Indians, whose parents were or are, or either of them was or is, descended on either side from Indians, or an Indian reputed to belong to the particular Tribe or Body of Indians interested in such lands or immoveable property, and the descendants of all such persons: And

*Thirdly.* All women, now or hereafter to be lawfully married to any of the persons included in the several classes hereinbefore designated; the children issue of such marriages, and their descendants.



An Act to authorize the setting apart of Lands for the use of certain Indian Tribes in Lower Canada. S.C. 1851, c. 106. (14 & 15 Vict.)

# CAP. CVI.

An Act to authorize the setting apart of Lands for the use of certain Indian Tribes in Lower Canada.

[ 30th August, 1851. ]

Preamble.

230,000 acres land to be set apart for Indians in L. C.

And be vested in Commission of Indian Lands.

**W**HEREAS it is expedient to set apart certain Lands for the use of certain Indian Tribes resident in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That tracts of Land in Lower Canada, not exceeding in the whole two hundred and thirty thousand Acres, may, under orders in Council to be made in that behalf, be described, surveyed and set out by the Commissioner of Crown Lands, and such tracts of Land shall be and are hereby respectively set apart and appropriated to and for the use of the several Indian Tribes in Lower Canada, for which they shall be respectively directed to be set apart in any order in Council, to be made as aforesaid, and the said tracts of Land shall accordingly, by virtue of this Act, and without any price or payment being required therefor, be vested in and managed by the Commissioner of Indian Lands for Lower Canada, under the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the better protection of the Lands and Property of the Indians in Lower Canada*.

II. And be it enacted, That there shall be paid yearly out of the Consolidated Revenue Fund of this Province, a sum not exceeding One Thousand Pounds currency, to be distributed amongst certain Indian Tribes in Lower Canada by the Superintendent General of Indian affairs, in such proportions amongst the said Indian Tribes, and in such manner as the Governor General in Council may from time to time direct.

£1000 to be distributed among Indian Tribes in L. C.

An Act to make better provision for the Administration of Justice in the unorganized tracts of Country in Upper Canada. S.C. 1853, c. 56. (16 Vict.)

IX. And be it enacted, That any person inciting Indians or half-breeds frequenting or residing in such tracts of country as aforesaid, to the disturbance of the public peace or to the commission of any other indictable offence, shall be guilty of a felony, and upon conviction thereof shall be sentenced to imprisonment for not more than five years nor less than two years in the Provincial Penitentiary: and that for and notwithstanding any thing to the contrary contained in an Act of the Parliament of this Province passed in the ninth year of Her Majesty's Reign, intituled, *An Act to provide for the appointment of Magistrates for the more remote parts of this Province*, or in any other Act or law in force in Upper Canada, persons accused or convicted of inciting Indians or half-breeds as aforesaid, or accused or convicted of any other crime or offence in any such Provisional District as aforesaid, may be committed to any Common Gaol in Upper Canada; and it shall be lawful for the Constable or other officer having charge of such person and entrusted with his conveyance to any such Common Gaol, to pass through any County or Counties in Upper Canada with such person in his custody, and for the keeper of the Common Gaol of any County or Union of Counties in Upper Canada in which it may be found necessary to lodge for safe keeping any such person as aforesaid so being conveyed through such County or Counties in custody as aforesaid, to receive such person and him safely to keep and detain in such Common Gaol for such period as may be reasonable or necessary, and for the Keeper of any Common Gaol in Upper Canada, to which any such person may be committed as aforesaid, to receive such person and him safely to keep and detain in such Common Gaol under his custody until discharged in due course of law, or bailed in cases in which bail may by law be taken.

Persons inciting Indians, &c., to the commission of certain offences how punishable.

9 V. c. 41.

Persons accused or convicted of crimes in any such Provisional District may be committed to any Gaol in U. C.

An Act to amend the Law for the Sale and the Settlement of the Public Lands.  
S.C. 1853, c. 159. (16 Vict.)

## CAP. CLIX.

### An Act to amend the Law for the Sale and the Settlement of the Public Lands.

[Assented to 14th June, 1853.]

**W**HEREAS it is expedient to amend the Law concerning the Sale and Settlement of the Public Lands: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government*

Acts 4 & 5  
V. c. 100, and  
12 V. c. 31,  
repealed.

And other in-  
consistent  
enactments.

Free grants  
limited.

Determina-  
tion of claims  
arising out of  
repealed Acts,  
&c.

Proviso.

Governor in  
Council may  
fix the price,  
&c., of Land.

No agent to  
purchase  
Lands.

*of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act for the disposal of Public Lands*, and the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend an Act therein mentioned and to make other provisions for the management and disposal of the Public Lands, and to limit the period for making free grants*, shall be and the said Acts are hereby repealed, together with so much of any other Act or Law as may be inconsistent with this Act.

II. Except as hereinafter provided, no free grant of Public Land shall be made to any person whomsoever.

III. Any claim or claims to land arising out of any Act hereby repealed, or out of and under the authority of any Order in Council or other regulation of the Government heretofore or now in force, shall be adjudged and determined by the Governor, by and with the advice of the Executive Council, or by the Commissioner of Crown Lands in cases or classes of cases referred to his decision by the Governor in Council: Provided always, that hereafter no claim for land not now actually located, shall be entertained whether arising from Militia, United Empire Loyalist, or Military Rights.

IV. The Governor in Council may from time to time fix the price per acre of the Public Lands, and the terms of settlement and payment.

V. It shall not be lawful for any County or Resident Agent for the sale of Public Lands within his division, directly or indirectly, to purchase any land which such Agent shall be appointed to sell as aforesaid, and if such Agent shall offend in the premises he shall forfeit his office.



S.C. 1853, c. 159, cont'd.

Licenses of  
occupation to  
be granted in  
the first in-  
stance: their  
effect.

VI. It shall be lawful for the Commissioner of Crown Lands to issue, under his hand and seal, to any person wishing to purchase and become a settler on any public land, an Instrument in the form of a License of Occupation, and such settler may take and occupy the land therein mentioned and described, subject to the terms and conditions specified in such License, and may maintain actions or suits in Law or Equity against any wrongdoer or trespasser as fully and effectually as he could or might do under a Patent from the Crown, and the said License of Occupation shall be *prima facie* evidence of possession by the settler or his recognized Assignee for the purpose of any such action or suit; and every settler or his assignee, upon the fulfilment of the terms and conditions of his License, shall be entitled to a deed in fee for the land comprised therein, which deed shall, upon his application, be transmitted to him free of expense.

VII. It shall be the duty of the Commissioner of Crown Lands for the time being, to keep a book for the entry, at the option of the parties interested, of the particulars of any assignments made as well by the original nominee, purchaser or locatee, as also by any subsequent assignee or assignees, of any such claim on Lands heretofore located or hereafter purchased in respect thereof, such assignment or assignments being first produced or exhibited to the Commissioner aforesaid, together with an affidavit of the due execution thereof, sworn before any Justice of the Peace, who is hereby fully authorized to administer the oath in this behalf, and such affidavit shall truly express the time of the execution of such assignment or assignments, and thereupon it shall be the duty of the said Commissioner to cause the material parts of every such assignment to be entered or registered in such book of entry or registry, and to endorse on every such assignment a certificate of such entry or registration; and every such assignment so entered or registered shall be valid against any one of a previous date or execution, but not then entered or registered; and in all cases of such assignments being duly registered, it shall and may be lawful that the patent issue in the name of such assignee or assignees; Provided always, that in case the subscribing witness or witnesses to any such assignment shall be deceased, or shall have left the Province, it shall and may be lawful for the said Commissioner to register any such assignment upon the production of an affidavit or affidavits proving the death or absence of such witness or witnesses, and proving also the handwriting of such witness or witnesses.

Commissioner  
of Crown  
Lands to keep  
a Register of  
assignments of  
claims to  
Lands; on  
what proof  
entries shall  
be made  
therein; their  
effect, &c.

Proviso.

VIII. The duties imposed upon the Commissioner of Crown Lands by the preceding Section of this Act, for the registration of assignments of located claims, shall be held to extend to the registration of assignments of claims heretofore located or located hereafter; and all assignments of such locations in Lower Canada executed before Notaries, or before one Notary and two witnesses, shall be deemed sufficient, and shall be registered accordingly; Provided always, that all such assignments shall be unconditional; Provided also, that all Commissioners for taking affidavits in the Superior Courts of Law either in Upper or Lower Canada, shall have the same power and authority for administering oaths in matters relating to the Crown, Clergy and School Lands, as are now exercised by Justices of the Peace.

Duties of  
Commissioner  
under next  
preceding  
section ex-  
tended to cer-  
tain cases.

Proviso.

Proviso.

S.C. 1853, c. 159, cont'd.

IX. Notwithstanding any thing in this Act contained, it shall and may be lawful for the Governor of this Province, with the advice of the Executive Council, to appropriate as free grants any Public Lands in this Province to actual settlers, upon or in the vicinity of any Public Roads in any new settlements which shall or may be opened through the Lands of the Crown, under such regulations respecting such settlements as shall from time to time be made and declared by the

Free Grants may be made to settlers on certain new Roads.

Proviso. Governor of this Province in Council: Provided always, That no free grant shall exceed one hundred acres.

Lands may be set apart for Markets, Gaols and other public purposes.

X. It shall be lawful for the Governor, by and with the advice of the Executive Council, to set apart and appropriate such of the said Public Lands as shall be deemed expedient to be so set apart and appropriated for the Site of Market Places, Gaols, Court Houses, places of public worship, burying grounds, Schools, and for other like public purposes, and at any time before the issue of Letters Patent therefor, to revoke such appropriation and setting apart as may seem expedient, and to make free grants for the purposes aforesaid, the trusts and uses for which the grants shall be made being expressed in the Letters Patent granting the Lands therein specified: Provided always, That no such grant for any such purpose shall be for a greater quantity of Land than ten acres for every one of the purposes aforesaid, in any one instance in which, or for any one occasion for which Land shall be granted as aforesaid.

Proviso.

Governor in Council may revoke Licenses in case of fraud, &c.

XI. It shall be lawful for the Governor in Council, if he shall be satisfied that any such settler, or his recognized Assignee, has been guilty of fraud, or has violated any of the terms or conditions of his License of Occupation, to revoke such License, and resume the land therein mentioned and dispose of the said land, as if such License had never been issued; and no claim in Equity by any settler, or the Assignee of any settler shall be pleadable in any Court against a forfeiture and revocation under this Act, but the settler shall be deemed and taken to be as against the Governor in Council, or Commissioner of Crown Lands, or any person claiming under the said Commissioner a mere tenant at will.

Mode of obtaining possession if the settler shall refuse to deliver up the land on the revocation of his License.

XII. When any settler or other person shall refuse or neglect to deliver up possession of any land after the revocation by the Governor in Council of the License of Occupation as aforesaid, it shall be lawful for the Commissioner of Crown Lands to make or cause to be made an application to the County Judge of the County or to a Circuit Judge in the Circuit in which the land lies for an Order in the form of a Writ of Ejectment or of *Habere facias possessionem*, and the said Judge upon proof to his satisfaction that the land in respect of which the application is made was held under a License of Occupation, and that such License has been revoked by the Governor in Council, shall and may grant an Order upon the settler or person, or persons in possession, to deliver up the same to the Commissioner of Crown Lands, or his Agent, and such order shall have the same force and effect as a Writ of *Habere facias possessionem*, and the Sheriff shall and may receive such order and execute the same in like manner as he would receive and execute the said Writ in an action of Ejectment or Petitory Action.

S.C. 1853, c. 159, cont'd.

XIII. In all cases where claims to locations of land have been forfeited under any Order in Council or which may hereafter be declared forfeited by order in Council, it shall and may be lawful for the Crown to resume such land under this Act, in manner and form aforesaid; and such land, when so resumed, shall be subject to the provisions of this Act, and be disposed of accordingly; Provided always, that the Governor in Council may, upon the special merits of any case extend a right of pre-emption, to the original locatee, his heirs or assignees, upon such terms and for such price as to him may seem just under the circumstances of the case, or when such forfeiture shall be discovered to have been on an erroneous report, then it shall be lawful to regrant such lot to the original locatee, his heirs or assigns.

Land may be resumed when claim is declared forfeited.

Proviso: privilege to be allowed to Locatee in certain cases.

XIV. It shall be lawful for the Governor in Council to reserve out of the proceeds of the School Lands in any County, a sum not exceeding one fourth of such proceeds, as a fund for public improvements within the County, to be expended under the direction of the Governor in Council, and also to reserve out of the proceeds of unappropriated Crown Lands in any County a sum not exceeding one fifth as a fund for public improvements within the County, to be also expended under the direction of the Governor in Council: Provided always, that the particulars of all such sums, and the expenditure thereof shall be laid before Parliament within the first ten days of each Session: Provided always, that not exceeding six per cent. on the amount collected, including surveys, shall be charged for the sale and management of Lands forming the Common School Fund, arising out of the One Million of Acres of Land set apart in the Huron Tract.

A certain sum may be reserved out of proceeds of School Lands for public improvements in the County.

Proviso.

Proviso.

XV. It shall be lawful for the Governor in Council from time to time as he shall deem expedient to declare that the provisions of this Act or any of them shall extend and apply to the Indian lands under the management of the Chief Superintendent of Indian affairs, and the said Chief Superintendent shall, in respect to the lands so declared to be under the operation of this Act, have and exercise the same powers as the Commissioner of Crown Lands may have and exercise in respect to Crown Lands.

This Act may be extended to Indian Lands, by order in Council.

XVI. The Commissioner of Crown Lands shall cause lists of the Crown, School and Clergy Lots for sale in the several Townships in Canada, to be made out from time to time, and advertised and exhibited in such manner as he may deem most advisable for giving general information on the subject.

Lists of Crown, School and Clergy Lands for sale to be published.

XVII. The Governor may from time to time appoint, during pleasure, all such Agents as he shall find necessary to carry out the provisions of this Act and the Orders in Council made under it, which Agents shall be paid in such manner and at such rates as the Governor in Council may direct.

Governor may appoint Agents under this Act.



S.C. 1853, c. 159, cont'd.

Erroneous Patents may be cancelled and correct ones issued, when there is no adverse claim.

XVIII. Whenever a Patent has been or may hereafter be erroneously issued or which shall contain any clerical error, misnomer or wrong description of the land thereby granted or intended to be granted, the Governor in Council may upon the Report of the Commissioner of Crown Lands, (there being no adverse claim,) direct the defective Patent to be cancelled and a correct one to be issued in its stead, which said corrected Patent shall relate back to the date of the one so cancelled, and shall have the same legal effect as if it had been issued at the date of such cancelled Patent.

In cases of double grant of the same Land, an equivalent may be granted to the loser.

Proviso.

XIX. In all cases in which Grants or Letters Patent have issued or may hereafter issue for the same land inconsistent with each other through error or mistake, and in all cases of sales or appropriations of the same land inconsistent with each other, the Governor in Council may order a new grant equivalent to the land of which any grantee or purchaser may thereby be deprived : Provided always, that no such claim shall be entertained unless it be preferred within five years after discovery of the error.

Free grant as compensation for loss by erroneous survey.

Proviso.

XX. In all cases wherein by reason of false survey, any grant, sale or appropriation of land has been or may be found to be deficient, the Governor in Council may order a free grant equal in value to the ascertained deficiency ; Provided always, that no such claim shall be entertained unless application was or shall be made within five years from the discovery of such deficiency, nor unless the deficiency is equal to one tenth of the whole quantity described to be contained in the particular lot or parcel of land granted.

Court of Chancery in U. C. and Superior Court in L. C. may avoid Patents issued in error.

Practice in such cases.

Pending proceedings continued : 4 & 5 V. c. 100.

XXI. It shall and may be lawful for the Court of Chancery in Upper Canada, and for the Superior Court in Lower Canada, upon action, bill or plaint to be exhibited in either of the said Courts respecting grants of land situate within their jurisdiction, and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Courts shall respectively order, in all cases wherein Patents for lands have or shall have issued through fraud or in error or mistake or improvidence, to decree the same to be void : and upon the registry of such decree in the office of the Provincial Registrar, such Patents shall be deemed void and of none effect to all intents and purposes whatsoever ; and that the practice and proceeding in Court, in such cases, shall be regulated by orders to be from time to time made and issued by the said Courts respectively : and any action or proceeding commenced under the twenty-ninth section of the Act intituled, *An Act for the disposal of Public Lands*, may be continued under this section, by which the

provisions of the said twenty-ninth section are re-enacted, and which, for the purpose of any such action or proceeding, shall be construed as merely continuing in force the said twenty-ninth section.

S.C. 1853, c. 159, cont'd.

XXII. All affidavits required under this Act may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits or Agent of the Commissioner of Crown Lands.

Before whom affidavits under this Act may be made.

XXIII. The Governor in Council shall require from the Commissioner of Crown Lands and from every Agent appointed under him, security for the due performance of his duty; Provided always, that all securities heretofore given under any Act hereby repealed, shall nevertheless continue valid and in full force.

Commissioner of C. L. and Agents to give security. Proviso.

XXIV. The Commissioner of Crown Lands shall transmit in the month of January in each year to the Registrar of every County or Registration District and Secretary-Treasurer of any Municipality in Lower Canada, a list of the Clergy and Crown Lands heretofore or hereafter sold or for which licenses of occupation shall be granted in such County or Registration District, and upon which a payment has been made; which said Crown, Clergy and School lands shall be liable to the assessed taxes in the Townships in which they respectively lie from the date of such license or sale; and the Commissioner of Crown Lands shall in like manner apprise each Registrar of the cancellation of any License of Occupation or Patent.

Commissioner to transmit yearly to County Registrars, lists of lands sold, &c.

XXV. It shall and may be lawful for the Governor in Council from time to time to make such Orders as may be necessary to carry out the provisions of this Act according to their obvious intent and meaning or to meet any cases which may arise and for which no provision is made by this Act: Provided always, that such Orders shall not be inconsistent with this Act; and provided also, that such orders shall be duly published in the Official Gazette and in such Newspapers as the Commissioner of Crown Lands may direct, and be laid before the Legislature within the first ten days of the Session next after the date thereof.

Governor in Council may make orders to carry out this Act. Proviso.

XXVI. That in any application for a Patent by the heir, assignee or devisee of the original nominee of the Crown, it shall be lawful for the Commissioner of Crown Lands to receive proof in such manner as he may direct and require in support of any claim for a Patent when the original nominee is dead, and upon being satisfied that the claim has been equitably and justly established, to report the same to the Governor in Council, and if approved, the Patent may issue to the party named in the Order in Council founded on such report

Proof may be required by Commissioner of Crown Lands in case of application, by the representatives of the Locatee.

And Patent may issue notwithstanding S V. c. 3. Proviso.

or to his assignee; any thing in the Act passed in the eighth year of Her Majesty's Reign, and chaptered eight, to the contrary notwithstanding; Provided always, that nothing in this clause contained shall limit the right of the party claiming a Patent, to make his application at any time to the Commissioners appointed under the Act last cited.

S.C. 1853, c. 159, cont'd.

Clergy Reserve Lots may be re-sold, released, &c. on failure by the original purchaser or lessee to fulfil conditions.

Proviso.

Land Scrip may be received for lands.

Proviso.

Licenses of occupation, &c. heretofore granted, to remain in force.

Interpretation Act to apply.

XXVII. Whenever it shall be made to appear to the satisfaction of the Commissioner of Crown Lands, that any Clergy Reserve Lot heretofore sold or leased has been abandoned by the original purchaser or lessee, or that such purchaser or lessee has permitted any instalment or any portion of rent to remain unpaid for the period of five years or upwards, or when it shall be made manifest that it is not the intention of the original purchaser or lessee or his assignee to fulfil the conditions of such sale or lease by reason of the principal and interest or the rent amounting in the aggregate to a sum beyond the actual marketable value of the lot, it shall be lawful for the Commissioner of Crown Lands, having first obtained an Order in Council to that effect, to resell such lot as if no sale or lease had ever been made thereof, and the new purchaser shall have the same privileges and right of entry under any license or certificate from the Commissioner of Crown Lands, as would pertain to any license or certificate granted for any other Sale of Clergy Lands under this Act; Provided always, that all such new sales shall be on the condition that one fifth of the purchase money shall be paid in hand, and the remaining four fifths in four equal annual instalments with interest.

XXVIII. The holder or person entitled to any Land Scrip not redeemed, shall be entitled to claim Land in lieu of such Scrip, as he could before the First day of August, one thousand eight hundred and fifty-one, and any such Scrip shall be received in payment of any debt now due, or hereafter to fall due to the Crown, on any Land Sale: Provided always, that the term for receiving any outstanding Scrip for that purpose, shall not extend beyond the First day of July, one thousand eight hundred and fifty-four.

XXIX. All Licenses of occupation, certificates or receipts heretofore granted by the Commissioner of Crown Lands, for money received by him on the Sale of Indian, Crown, School or Clergy Lands, or any location ticket, shall have the same force and effect, and shall enure to the benefit of the party to whom the same was granted, or to his assignee, in the same manner and to the same extent, as the Instrument in the form of a License of occupation mentioned in the sixth Section of this Act.

XXX. The Interpretation Act shall apply to this Act.



The Consolidated Assessment Act of Upper Canada, 1853. S.C. 1853, c. 182.  
(16 Vict.)

Certain pro-  
perty ex-  
empted from  
taxation.

All property  
belonging to  
Her Majesty.

VI. And be it enacted, That the following property shall be exempt from taxation.

*Firstly.* All estate and property belonging to or vested in Her Majesty, Her Heirs and Successors, or held by Her Majesty or any other person or body corporate in trust for or for the use of any tribe or body of Indians, or vested in any public body, officer, person or party in trust for Her Majesty, or for the public uses of the Province, save as hereinbefore provided as to any private occupant of such property.

An Act to amend & consolidate the several Acts for the formation of Joint Stock Companies, for the construction of Roads and other Works in Upper Canada. S.C. 1853, c. 190. (16 Vict.)

Cases of lands  
belonging to  
Indians pro-  
vided for.

IX. And be it enacted, That if any such road shall pass through any tract of land or property belonging to or in possession of any tribe of Indians in this Province, or if any property belonging to them be taken, or any act occasioning damage to their properties or their possessions shall be done, under authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession or rights of other individuals, and that whenever it shall be necessary that Arbitrators be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department within this Province is hereby authorized and required to name an Arbitrator on behalf of the said Indians; and the amount which shall be awarded in any case shall be paid, where the said lands belong to any tribe or body of Indians, to the said Chief Officer for the use of such tribe or body.

An Act respecting Joint Stock Companies for the construction of Roads and other Works in Upper Canada. C.S.U.C. 1859, c. 49. (22 Vict.)

29. If any such road passes through any tract of land or property belonging to or in possession of any tribe of Indians, or if any property belonging to them be taken, or any acts done under authority of this Act occasioning damage to their properties or possessions, compensation shall be made to them therefor, in the same manner as provided with respect to the property of other individuals, and whenever it is necessary that Arbitrators should be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department within this Province shall name an Arbitrator on behalf of the said Indians; and where the said lands belong to any tribe or body of Indians, the amount awarded shall be paid to the said Chief Officer, for the use of such tribe or body. 16 V. c. 190, s. 9.

Cases of lands  
belonging to  
Indians provid-  
ed for.

An Act to authorize the formation of Joint Stock Companies to construct works necessary to facilitate the transmission of Timber down the Rivers and Streams in Upper Canada. S.C. 1953, c. 191. (16 Vict.)

XVII. And be it enacted, That if any such work shall be constructed upon or otherwise interfere with any tract of land or property belonging to or in possession of any tribe of Indians in this Province, or if any property belonging to them shall be taken, or any act occasioning damage to their properties or their possessions shall be done, under authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession or rights of other individuals, and that whenever it shall be necessary that Arbitrators be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department within the Province is hereby authorized and required to name an Arbitrator on behalf of the said Indians; and the amount which shall be awarded in any case shall be paid, where the said lands belong to any tribe or body of Indians, to the said Chief Officer, for the use of such tribe or body.

Case of lands  
belonging to  
Indians pro-  
vided for.

An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams. S.C. 1859, c. 68. (22 Vict.)

The case of  
Indian lands  
provided for.

Who to be ar-  
bitrators.

50. If any such work be constructed upon or otherwise interferes with any tract of land or property belonging to or in possession of any tribe of Indians in this Province, or if any property belonging to them be taken, or any act be done under authority of this Act, occasioning damage to their properties or their possessions, compensation shall be made to them therefor, in the same manner as provided with respect to the property, possession or rights of other individuals; and whenever it is necessary for Arbitrators to be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department within the Province shall name an Arbitrator on behalf of the said Indians; and where the said lands belong to any tribe or body of Indians, the amount awarded shall be paid to the said Chief Officer, for the use of such tribe or body. 16 V. c. 191, s. 17.



The Seigniorial Act of 1854. S.C. 1854, c. 3.

### C A P. III.

#### An Act for the abolition of feudal rights and duties in Lower Canada.

[Assented to 18th December, 1854.]

Preamble.

**W**HEREAS it is expedient to abolish all feudal rights and duties in Lower Canada, whether bearing upon the *Censitaire* or upon the Seignior, and to secure fair compensation to the latter for every lucrative right which is now legally his, and which he will lose by such abolition; And whereas in consideration of the great advantages which must result to the Province from the abolition of the said Feudal Rights and duties and the substitution of a free tenure for that under which the property subject thereto hath heretofore been held, it is expedient to aid the *Censitaire* in the redemption of the said charges, more especially as regards those which while they press most heavily on industry and enterprize, cannot from their very nature be otherwise made immediately redeemable without grievous hardship and injustice in many cases: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Act not to extend to certain Seigniories.

Seignior of the Seminary of St. Sulpice, and certain fiefs held of it.

Crown and Jesuits' Seigniories.

Ordinance Seigniories.

Certain lands in Sherrington.

Act of L. C. 3 Geo. 4, c. 14.

Proviso: Governor may grant equal advantages to *censitaires* in Crown Seigniories.

XXXV. And, for the interpretation of this Act—Be it enacted, That none of the provisions of this Act shall extend to the wild and unconceded lands in Seigniories held by the Crown in trust for the Indians, nor to the Seigniories held by the Ecclesiastics of the Seminary of St. Sulpice of Montreal, nor to either of the Fiefs Nazareth, Saint Augustin, Saint Joseph, Closse and Lagauchetière, in the City and County of Montreal, nor to any other *arrière-fief* depending upon (*relevant de*) any of the said Seigniories, nor to the Seigniories of the late Order of Jesuits or other Seigniories held by the Crown and not above mentioned, nor to the Seigniories held by the Principal Officers of Her Majesty's Ordinance, nor to any lands held *en franc-aleu noble* and granted under and by virtue of the Act of the Parliament of the late Province of Lower Canada, passed in the third year of the Reign of His late Majesty King George the Fourth, and intituled: *An Act for the relief of certain censitaires or grantees of La Salle and others therein mentioned, possessing lands within the limits of the Township of Sherrington*: Provided always, that the Governor in Council may if he shall see fit, grant to the *Censitaires* of the Crown Seigniories the Revenues whereof belong to the Province, (including the Seigniories of the late order of Jesuits), upon commutation of their lands, equal advantages and relief as are hereby granted to the *Censitaires* of Seigniories not excepted from the operation of this Act.

An Act to alter the Tenure of the Indian Lands in the Township of Durham.  
S.C. 1855, c. 167. (18 Vict.)

## CAP. CLXVII.

### An Act to alter the Tenure of the Indian Lands in the Township of Durham.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS an extent of eight thousand four hundred and ninety acres of land, in the Township of Durham in Lower Canada, was granted in the year one thousand eight hundred and five, to divers Indians, for them and their legal successors, under and by virtue of Letters Patent issued under the hand and seal of Sir Robert Shore Milnes, at that time Lieutenant Governor, on the condition that they should settle thereon and be incapable of selling, alienating, or even leasing the said Lands; And whereas the said Indians, or their legal successors or representatives, have in certain cases sold, leased or alienated all their rights in respect of such lands, for fixed sums or ground rents, and have all abandoned the said lands after having so conveyed them; And whereas the parties to whom such lands were so conveyed, have cleared and improved the same, erected buildings thereon and made agricultural settlements thereof, of great value, and doubts which have arisen respecting the legality of such transactions are a great

obstacle to the further progress of the said settlements, and it is desirable, both in the interest of the Indians who do not reside any more on the said lands, and in that of the public of the said locality, that the said transactions should be rendered legal, in order to secure a just compensation to the former, and incontestable titles to the parties now in possession of the said lands: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. All conveyances, sales, promises of sale or emphyteotic leases in respect of the said lands by the said Indians, their successors or legal representatives, shall hereafter be considered as having been made by persons legally qualified to lease, alienate, sell, cede and convey their property, notwithstanding any thing to the contrary contained in the Letters Patent of such lands; provided always, that an annual ground rent of not less than twelve dollars for each lot of two hundred acres shall have been stipulated in favor of the Indian to whom any such lot of land was originally granted, or of his heirs or legal representatives: And provided also, that if any dispute shall arise in regard to the said lands between the said Indians and the parties who have purchased or leased, or may hereafter purchase or lease the same, such dispute shall be referred to the Superintendent General of Indian Affairs, and his decision thereon shall be final and conclusive.

Emphyteotic lease, &c., by Indians, declared legal.

Proviso.

Proviso.

S.C. 1855, c. 167, cont'd.

II. Any purchaser of any lot or part of a lot of the Indian Lands in the Township of Durham, now in possession of the same, may, if he thinks fit, redeem the rent attached to such land or lot of land by any instrument within the provisions of the preceding section, and payable to the Indians or their legal representatives, by paying the capital thereof, at the rate of six per cent. to the Superintendent General of Indian Affairs, who is hereby authorized to receive every such deposit and give a receipt therefor, according to Schedule A of this Act.

Purchasers in possession of lots may redeem the rent attached thereto.

III. Every such receipt, after the enregistration thereof in the Registry Office of the County of Drummond, shall be equivalent to a title under Letters Patent of the Government, and shall discharge every such lot or part of a lot designated in such receipt, from all rents or other charges which may have theretofore been payable on the same in favor of the Indian or Indians to whom such lands were granted by the Government.

The receipt given for the redemption money equivalent to a title under Letters Patent.

Superintendent of Indian Affairs to keep account of moneys deposited.

IV. The said Superintendent General of Indian Affairs shall keep an account of all sums deposited in his hands, and shall pay the interest thereon annually to the Indians, their legal representatives or assigns according to the proportion to which they are entitled in respect of such property.

Provision in case any Indian has sold the rent attached to land.

V. In any case in which one or more of the aforesaid Indians shall, prior to the first day of January, one thousand eight hundred and fifty-five, have sold the rent attached to such land, the party who shall have *bande fide* and for a valuable consideration purchased the same, shall be entitled to be reimbursed the sum which he may have paid to such Indian or Indians as and for the purchase money of such rent, or the sum so paid shall be deducted from the capital which he shall have to pay for the redemption of the said rent.

Act not to affect other claims to the lands.

VI. Nothing in this Act contained shall have the effect of determining in any manner the merits of conflicting titles of parties having claims to the said Indian lands in Durham, or of rendering valid contract made by any parties with any others than the Patentee or Patentees or his or their heirs or representatives.

Public Act.

VII. This Act shall be deemed a Public Act.

#### SCHEDULE A.

I hereby certify that \_\_\_\_\_, now in possession of \_\_\_\_\_, in the \_\_\_\_\_ range of the Township of Durham (*here give description of the lot or part of lot occupied by the person to whom the receipt shall have been given, if a whole lot, or the one half of a lot is in question, it shall be sufficient to describe it by the numbers of the lot and range, but if a smaller part than one half be referred to, the limits and bounds must be set forth*) has, this day, paid to me the sum of \_\_\_\_\_, being the capital of a ground rent attached to the said lot or part of lot of land, and that the said sum has been paid to me for the purpose of redeeming the said land from all rent as provided by the Act intituled, *An Act to alter the Tenure of the Indian Lands in the Township of Durham*, and to avail him as in law may appertain.

Done in duplicate, at Quebec, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.

A. B.,  
Chief Superintendent of  
Indian Affairs L. C.



An Act to change the tenure of the Indian Lands in the Township of Durham.  
S.C. 1856, c. 4. (19 Vict.)

# C A P . I V .

## An Act to change the tenure of the Indian Lands in the Township of Durham.

[Assented to 21st April, 1856.]

Preamble.

WHEREAS an extent of eight thousand four hundred and ninety acres of land, in the Township of Durham in Lower Canada, was granted, in the year one thousand eight hundred and five, to divers Indians, for them and their legal successors, under and by virtue of Letters Patent issued under the hand and seal of Sir Robert Shore Milnes, at that time Lieutenant Governor, on the condition that they should settle thereon and be incapable of selling, alienating, or even leasing the said Lands; And whereas the said Indians, or their legal successors or representatives, have in certain cases sold, leased or alienated all their rights in respect of such lands, for fixed sums of ground rents, and have all abandoned the said lands after having so conveyed them; And whereas the parties to whom such lands were so conveyed, have cleared and improved the same, erected buildings thereon and made agricultural settlements thereof, of great value, and the doubts which have arisen respecting the legality of such transactions are a great obstacle to the further progress of the said settlements, and it is desirable, both in the interest of the Indians who do not reside any more on the said lands, and in that of the public of the said locality, that the said transactions should be rendered legal, in order to secure a just compensation to the former, and incontestable titles to the parties now in possession of the said lands; And whereas the Act passed in the eighteenth year of Her Majesty's Reign, and chaptered one hundred and sixty-seven, is insufficient for the object intended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The Act intituled, *An Act to alter the Tenure of the Indian Lands in the Township of Durham*, is hereby repealed. 18 V. c. 167, repealed.

II. All conveyances, sales, promises of sale or emphyteotic leases in respect of the said lands by the said Indians, their successors or legal representatives, shall hereafter be considered as having been made by persons legally qualified to lease, alienate, sell, cede and convey their property, notwithstanding any thing to the contrary contained in the Letters Patent of such lands; Provided always, that an annual ground rent of not less than ten dollars for each lot of two hundred acres shall have been stipulated in favor of the Indian to whom any such lot of land was originally granted, or of his heirs or legal representatives; And provided also, that should any contestation arise with respect to the said lands between the said Indians and the parties who have purchased or leased or who shall hereafter purchase or lease the same, such contestation shall be referred to the Superintendent General of Indian Affairs, and his decision in the matter shall be final and conclusive. Conveyances, leases, &c., by Indians declared valid. Proviso. Proviso.

S.C. 1856, c. 4, cont'd.

III. Any purchaser of any lot or part of a lot of the Indian Lands in the Township of Durham, now in possession of the same, may, if he thinks fit, redeem the rent attached to such land or lot of land by any instrument within the provisions of the preceding section, and payable to the Indians or their legal representatives, by paying the capital thereof at the rate of six per cent., to the Superintendent General of Indian Affairs, who is hereby authorized to receive every such deposit and give a receipt therefor, according to Schedule A of this Act.

Purchasers in possession may redeem the rent attached to their lots.

To whom payable.

IV. Every such receipt, after the enregistration thereof in the Registry Office of the County of Drummond, shall be equivalent to a title under Letters Patent of the Government, and shall discharge every such lot or part of a lot designated in such receipt, from all rents or other charges which may have theretofore been payable on the same in favor of the Indian or Indians to whom such lands were granted by the Government.

Receipt for redemption money to be equivalent to a Patent.

V. The said Superintendent General of Indian Affairs shall keep an account of all sums deposited in his hands, and shall pay the interest thereon annually to the Indians, their legal representatives or assigns, according to the proportion to which they are entitled in respect of such property.

Superintendent of Indian Affairs to keep accounts of moneys paid.

VI. In any case in which one or more of the aforesaid Indians shall, prior to the first day of January, one thousand eight hundred and fifty-five, have sold the rent attached to such land, the party who shall have *bonâ fide* and for a valuable consideration purchased the same, shall be entitled to be reimbursed the sum which he may have paid to such Indian or Indians, as and for the purchase money of such rent, or the sum so paid shall be deducted from the capital which he shall have to pay for the redemption of the said rent.

Provision in case any Indian has sold the rent on a lot.

Act not to affect other claims to the lands.

VII. Nothing in this Act contained shall have the effect of determining in any manner the merits of conflicting titles of parties having claims to the said Indian lands in Durham, or of rendering valid contracts made by any parties with any others than the Patentee or Patentees, or his or their heirs or representatives.

Public Act.

VIII. This Act shall be deemed a Public Act.

S.C. 1856, c. 4, cont'd.

#### SCHEDULE A.

I hereby certify that \_\_\_\_\_, now in possession of \_\_\_\_\_, in the \_\_\_\_\_ range of the Township of Durham (*here give a description of the lot or part of lot occupied by the person to whom the receipt shall have been given: If a whole lot, or the one half of a lot is in question, it shall be sufficient to describe it by the numbers of the lot and range, but if a smaller part than one half be referred to, the limits and bounds must be set forth*) has, this day, paid to me the sum of \_\_\_\_\_ being the capital of a ground rent attached to said lot (or part of lot) of land, and that the said sum has been paid to me for the purpose of redeeming the said land from all rent, as provided by the Act, intituled, *An Act to change the tenure of the Indian Lands in the Township of Durham*, and to avail him as in law may appertain.

Done in duplicate, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

A. B.,  
Superintendent General of Indian Affairs.



An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians. S.C. 1857, c. 26.  
(20 Vict.)

## C A P . X X V I .

An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is desirable to encourage the progress of Civilization among the Indian Tribes in this Province, and the gradual removal of all legal distinctions between them and Her Majesty's other Canadian Subjects, and to facilitate the acquisition of property and of the rights accompanying it, by such Individual Members of the said Tribes as shall be found to desire such encouragement and to have deserved it: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

To what persons only section 3 of 13, 14 V. c. 74, shall apply.

Such persons only to be deemed Indians for certain purposes.

I. The third section of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered seventy-four and intituled, *An Act for the protection of the Indians in Upper Canada from imposition and the property occupied or enjoyed by them, from trespass and injury*, shall apply only to Indians or persons of Indian blood or intermarried with Indians, who shall be acknowledged as members of Indian Tribes or Bands residing upon lands which have never been surrendered to the Crown (or which having been so surrendered have been set apart or shall then be reserved for the use of any Tribe or Band of Indians in common) and who shall themselves reside upon such lands, and shall not have been exempted from the operation of the said section, under the provisions of this Act; and such persons and such persons only shall be deemed Indians within the meaning of any provision of the said Act or of any other Act or Law in force in any part of this Province by which any legal distinction is made between the rights and liabilities of Indians and those of Her Majesty's other Canadian Subjects.

II. The term "Indian" in the following enactments shall mean any person to whom under the foregoing provisions, the third section of the Act therein cited shall continue to apply; and the term "enfranchised Indian" shall mean any person to whom the said section would have been applicable, but for the operation of the provisions hereinafter made in that behalf: and the term "Tribe," shall include any Band or other recognized community of Indians.

Interpretation of certain terms in this Act.

S.C. 1857, c. 26, cont'd.

III. The Visiting Superintendent of each Tribe of Indians, for the time being, the Missionary to such Tribe for the time being, and such other person as the Governor shall appoint from time to time for that purpose, shall be Commissioners for examining Indians, being members of such Tribe, who may desire to avail themselves of this Act, and for making due inquiries concerning them: and such Commissioners shall meet for the said purposes at such places and times as the Superintendent General of Indian affairs shall from time to time direct, and shall have full power to make such examination and inquiry: and if such Commissioners shall report in writing to the Governor that any such Indian of the male sex, and not under twenty-one years of age, is able to speak, read and write either the english or the french language readily and well, and is sufficiently advanced in the elementary branches of education and is of good moral character and free from debt, then it shall be competent to the Governor to cause notice to be given in the Official Gazette of this Province, that such Indian is enfranchised under this Act; and the provisions of the third section of the Act aforesaid, and all other enactments making any distinction between the legal rights and habilites of Indians and those of Her Majesty's other subjects, shall cease to apply to any Indian so declared to be enfranchised, who shall no longer be deemed an Indian within the meaning thereof.

Certain Functionaries to be Commissioners for examining Indians for the purposes of this Act.

Names of Indians favorably reported to be published, and the said third section of 13, 14 V. c. 74, not to apply to them.

IV. The said Commissioners may also examine and inquire concerning any male Indian over twenty-one and not over forty years of age, desirous of availing himself of this Act, although he be not able to read and write or instructed in the usual branches of school education; and if they shall find him able to speak readily either the English or the French language, of sober and industrious habits, free from debt and sufficiently intelligent to be capable of managing his own affairs, they shall report accordingly in writing to the Governor; and if such report be approved by the Governor as to any Indian, he shall by virtue of such approval be in a state of probation during three years from the date of the report, and if at the end of that term the Commissioners shall again report in writing to the Governor that such Indian has during such term conducted himself to their satisfaction, then it shall be competent to the Governor to cause notice to be given in the Official Gazette that such Indian is enfranchised under this Act, and he shall thereupon be so enfranchised.

Indians may be reported in a state of probation.

And after probation may be declared not within the said third section.

Enfranchised Indian to take a name and surname.

V. Every Indian examined by the Commissioners under this Act, shall at the time of such examination declare to them the name and surname by which he wishes to be enfranchised and thereafter known, such name being his baptismal name if he have one, and such surname any one he may choose to adopt which shall be approved by the Commissioners, and the Commissioners shall enter the same in their Report; and if such Indian be thereafter enfranchised under this Act the name and surname so reported shall be those by which he shall thereafter be legally designated and known.

Lists of Indians enfranchised under this Act.

Penalty on Indian falsely representing himself as enfranchised.

VI. Lists of Indians enfranchised under this Act and of any lands allotted to them under the authority thereof, shall from time to time be transmitted by the Indian Department to the Clerk of the township or other local municipality in which they reside at the time of such enfranchisement; and any Indian falsely representing himself as enfranchised under this Act when he is not so, shall be liable, on conviction before any one Justice of the Peace, to imprisonment for any period not exceeding six months.

S.C. 1857, c. 26, cont'd.

Land, &c.,  
may be allot-  
ted to enfran-  
chised In-  
dians; and to  
what extent.

Condition of  
allotment.

Proviso: if the  
Tribe surren-  
der other  
lands to the  
Crown.

VII. Every Indian enfranchised under this Act shall be entitled to have allotted to him by the Superintendent General of Indian affairs, a piece of land not exceeding fifty acres out of the lands reserved or set apart for the use of his Tribe, and also a sum of money equal to the principal of his share of the annuities and other yearly revenues receivable by or for the use of such tribe; such sum to be ascertained and paid to him by the said Superintendent, and due consideration being had in the allotment of such land to the quantity of land reserved for the use of the Tribe and to their means and resources; and such sum of money shall become the absolute property of such Indian, and such land shall become his property, subject to the provisions hereinafter made, but he shall by accepting the same forego all claim to any further share in the lands or moneys then belonging to or reserved for the use of his Tribe, and shall cease to have a voice in the proceedings thereof: Provided always, that if such Tribe shall thereafter surrender to the crown other lands either to be sold for their benefit, or in consideration of an annuity, such enfranchised Indian, or his personal representatives, (if any) shall be entitled to his share of the proceeds of such lands or of the annuity for which they were surrendered, such share to be ascertained and paid by the Superintendent General of Indian Affairs for the time being, and to be the absolute property of such enfranchised Indian or his said representatives.

Wife and  
children of en-  
franchised In-  
dian to be en-  
franchised.

VIII. The wife, widow, and lineal descendants of an Indian enfranchised under this Act, shall be also enfranchised by the operation thereof, and shall not be deemed members of his former tribe, unless such widow or any such lineal descendant being a female, shall marry an Indian not enfranchised and a member of such tribe, in which case she shall again belong to it and shall no longer be held to be enfranchised under this Act. Exception.

IX. The wife and children of any Indian enfranchised under this Act shall be entitled to their respective shares of all annuities or annual sums payable to the tribe; subject to the provisions hereinafter made as to such shares. Their rights.

X. An Indian enfranchised under this Act, to whom any of the lands reserved for the use of his Tribe shall be allotted as aforesaid, shall have a life estate only therein, but he shall have power to dispose of the same by will to any of his children or lineal descendants, and if he dies intestate as to any such lands, the same shall descend to his children or lineal descendants according to the laws of that portion of the Province in which such lands are situate, and the said children or lineal descendants to whom such land shall be so devised or shall descend, shall have the fee simple thereof; but if such Indian die without leaving any child or lineal descendant but leaving a widow, she shall, instead of Dower to which she shall not be entitled, have the said land for life or until her re-marriage, but upon her death or re-marriage it shall escheat to the Crown: and if any child or lineal descendant of such Indian shall take such land or any part thereof and die leaving no lineal descendant and without having disposed of such land or part thereof by will or otherwise, it shall escheat to the Crown. Estate and rights of Indian in land allotted to him under this Act. Land to escheat in certain cases.



S.C. 1857, c. 26, cont'd.

XI. If any Indian enfranchised under this Act shall die leaving any child under the age of twenty-one years, the Superintendent General of Indians shall become *ipso facto* the tutor of such child as to property and rights in Lower Canada, and the guardian of such child as to property and rights in Upper Canada, until it shall attain the age of twenty-one years; and the widow of such Indian, being also the mother of any such child, shall receive its share of the proceeds of the estate of such Indian during the minority of the child, and shall be entitled to reside on the land left by such Indian, so long as in the opinion of the Superintendent General she shall live respectably.

Superintendent General to be guardian or tutor of infant children of enfranchised Indians.

XII. The capital of the annual share of the wife of any Indian enfranchised under this Act in any annuity or annual sum payable to her Tribe, shall be held in trust by the Superintendent General of Indian affairs for the purposes of this section, and the interest thereof shall be paid to her yearly while she shall be the wife or widow of such Indian, and upon her death or re-marriage one half of such capital sum shall be divided equally among her children, and the other half shall revert to the Tribe to which she belonged; but if she have no children, the whole shall revert to the said Tribe.

As to the share of the wife of any enfranchised Indian in any annuity to her Tribe.

XIII. The capital of the share of each child of an Indian enfranchised under this Act, in any annuity or annual sum payable to his Tribe, shall be held in trust by the Superintendent General of Indian Affairs for such child, and the interest thereon shall, except in the case hereinafter mentioned, be left to accumulate until such child shall obtain the age of twenty-one; Provided always that if such child shall be put apprentice to any trade, the money so held in trust for him may be wholly or in part applied to the payment of his apprentice fee or other expenses attending such apprenticeship; and if any such child shall die before attaining the age of twenty-one, one half the money then held in trust for him shall revert to his Tribe, and the other half shall go to the other child or children of such Indian, and in equal shares if there be more than one, and if there be no other child, then the whole shall revert to the Tribe.

As to the shares of the

children of enfranchised Indians in such annuity.

Proviso.

Lands allotted to enfranchised Indians to be liable for taxes, &c.

XIV. Lands allotted under this Act to an Indian enfranchised under it shall be liable to taxes and all other obligations and duties under the Municipal and School Laws of the section of this Province in which such land is situate, as he shall also be in respect of them and of his other property; and his estate therein shall be liable for his *bona fide* debts, but he shall not otherwise alienate or charge such land or his estate therein; and if such land be legally conveyed to any person, such person or his assigns may reside thereon, whether he be or be not of Indian blood or intermarried with any Indian; any thing in the Act first cited to the contrary notwithstanding.

Indian Reserves or any part of them may be attached to School Sections or Districts.

XV. It shall be lawful for the Council of any Municipality in Upper Canada, or the School Commissioners of any School Municipality in Lower Canada, on application of the Superintendent General of Indian affairs, to attach the whole or any portion of any Indian Reserves in such Municipality to a neighboring School Section or District, or to neighboring School Sections or Districts, and such land shall thereupon become a portion of the School Section or District to which it may be attached, to all intents and purposes.

An Act respecting Civilization and Enfranchisement of certain Indians.  
C.S.C. 1859, c. 9. (22 Vict.)

C A P . I X .

An Act respecting Civilization and Enfranchisement  
of certain Indians.

**I**N order to encourage the progress of civilization among the Indian Tribes in this Province, and the gradual removal of all legal distinctions between them and Her Majesty's other Canadian Subjects, and to facilitate the acquisition of property and of the rights accompanying it, by such Individual Members of the said Tribes as are found to desire such encouragement and to have deserved it: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. In the following enactments, the term "Indian" means only Indians or persons of Indian blood or intermarried with Indians, acknowledged as members of Indian Tribes or Bands residing upon lands which have never been surrendered to the Crown (or which having been so surrendered have been set apart or are then reserved for the use of any Tribe or Band of Indians in common), and who themselves reside upon such lands, and have not been exempted from the operation of the next section under the other provisions of this Act; And such persons and such persons only shall be deemed Indians within the meaning of any provision of this Act or of any other Act or Law in force in any part of this Province by which any legal distinction is made between the rights and liabilities of Indians and those of Her Majesty's other Canadian Subjects; And the term "enfranchised Indian" means any person to whom the next section would have been applicable but for the operation of the provisions hereinafter made in that behalf; And the term "Tribe," includes any Band or other recognized community of Indians. 20 V. c. 26, ss. 1, 2.

Meaning of word "Indian."  
Such persons only to be deemed Indians for certain purposes.  
Meaning of word "enfranchised Indian."  
And of "Tribe."

2. No person shall take any confession of Judgment or Warrant of Attorney from any Indian within Upper Canada, or by means thereof, or otherwise howsoever obtain any judgment for any debt or pretended debt, or upon any bond, bill, note, promise or other contract whatsoever, unless such Indian is seized in fee simple in his own sole right of real estate in Upper Canada, the title to which is derived directly or through others by Letters Patent from the Crown, and is assessed in respect of such real estate to the amount of one hundred dollars or upwards. 13, 14 V. c. 74, s. 3.

Confessions of judgment, &c., not to be taken from Indians.  
Exception.

3. No person shall sell, barter, exchange or give to any Indian man, woman or child, within Upper Canada, any kind of spirituous liquors in any manner or way, or cause or procure the same to be done for any purpose whatsoever; and if any person so sells, barter, exchanges or gives any such spirituous liquors to any Indian man, woman or child as aforesaid, or causes the same to be done, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined at the discretion of the Court, not exceeding twenty dollars for every such offence, and shall forfeit also the sum of five dollars for every such offence, to be recovered as in an action of debt, with costs, in any Court of competent jurisdiction, by any one who will sue for the same, one moiety of every such

No spirituous liquors to be furnished to Indians in Upper Canada.  
Penalty.  
How recovered and appropriated.

C.S.C. 1859, c. 9, cont'd.

Proviso. last mentioned pecuniary penalty or forfeiture to go to the informer or prosecutor, and the other moiety thereof to be paid to Her Majesty, or to some officer acting under Her authority, to be disposed of for the use and benefit of the Indians, as the Governor may direct; but no such penalty shall be incurred by the furnishing to any Indian, in case of sickness, any spirituous liquor, either by a medical man or under the direction of any such medical man. 13, 14 V. c. 74, s. 6.

In Upper Canada Pawns not to be taken from Indians for liquor. 4. No pawn taken of any Indian in Upper Canada for any spirituous liquor, shall be retained by the person to whom such pawn is delivered, but the thing so pawned may be sued for and recovered, with costs of suit, by the Indian who has deposited the same, before any Court of competent jurisdiction. 13, 14 V. c. 74, s. 7.

Recital. 5. And whereas certain tribes of Indians in Upper Canada receive annuities and presents, which annuities, or portions thereof, are expended for and applied to the common use and benefit of the said Tribes, more especially for the encouragement of agriculture and other civilizing pursuits among them, although the articles so required or purchased out of such annuities, may be and often necessarily are, in the possession or control of some particular Indian or Indians of such Tribes, and it is important with a view to the progress and welfare of such Tribes, that the property thus acquired or purchased should be protected from seizure, distress or sale, under or by virtue of any process whatsoever: Therefore, none of such presents or of any property purchased or acquired with or by means of such annuities, or any part thereof, or otherwise howsoever, and in the possession of any of the Tribes or any of the Indians of such Tribes, shall be liable to be taken, seized or distrained for any matter or cause whatsoever. 13, 14 V. c. 74, s. 8.

Indian presents not liable to seizure or distress, &c.

Certain functionaries to be Commissioners for examining Indians for the purposes of the following sections of this Act. 6. The Visiting Superintendent of each Tribe of Indians, for the time being, the Missionary to such Tribe for the time being, and such other person as the Governor may appoint from time to time for that purpose, shall be Commissioners for examining Indians, being members of such Tribe, who may desire to avail themselves of the following sections of this Act, and for making due enquiries concerning them; And such Commissioners shall meet for the said purposes at such places and times as the Superintendent General of Indian affairs shall from time to time direct, and shall have full power to make such examination and inquiry:

Names of Indians favorably reported to be published, and the said 2nd section of this 2. And if such Commissioners report in writing to the Governor that any such Indian of the male sex, and not under twenty-one years of age, is able to speak, read and write either the English or the French language readily and well, and is sufficiently advanced in the elementary branches of education, and

is of good moral character and free from debt, then the Governor may cause notice to be given in the Official Gazette of this Province, that such Indian is enfranchised under this Act; And the provisions of the second section of this Act, and all other enactments making any distinction between the legal rights and habilites of Indians and those of Her Majesty's other subjects, shall cease to apply to any Indian so declared to be enfranchised, who shall no longer be deemed an Indian within the meaning thereof. 20 V. c. 26, s. 3.

Act not to apply to them.



C.S.C. 1859, c. 9, cont'd.

7. The said Commissioners may also examine and inquire concerning any male Indian over twenty-one and not over forty years of age, desirous of availing himself of this Act, although he be not able to read and write or instructed in the usual branches of school education ; and if they find him able to speak readily either the English or the French language, of sober and industrious habits, free from debt and sufficiently intelligent to be capable of managing his own affairs, they shall report accordingly in writing to the Governor :

Indians may be reported in a state of probation.

2. And if such report is approved by the Governor as to any Indian, he shall, by virtue of such approval, be in a state of probation during three years from the date of the report, and if at the end of that term the Commissioners again report in writing to the Governor that such Indian has during such term conducted himself to their satisfaction, then the Governor may cause notice to be given in the Official Gazette that such Indian is enfranchised under this Act, and he shall thereupon be so enfranchised. 20 V. c. 26, s. 4.

And after probation may be declared not within the second section.

8. Every Indian examined by the Commissioners under this Act, shall, at the time of such examination, declare to them the name and surname by which he wishes to be enfranchised and thereafter known, such name being his baptismal name if he has one, and such surname any one he may choose to adopt which shall be approved by the Commissioners, and the Commissioners shall enter the same in their Report ; and if such Indian is thereafter enfranchised under this Act, the name and surname so reported shall be those by which he shall thereafter be legally designated and known. 20 V. c. 26, s. 5.

Enfranchised Indian to take a name and surname.

9. Lists of Indians enfranchised under this Act and of any lands allotted to them under the authority thereof, shall from time to time be transmitted by the Indian Department to the Clerk of the township or other local municipality in which they reside at the time of such enfranchisement ; and any Indian falsely representing himself as enfranchised under this Act when he is not so, shall be liable, on conviction before any one Justice of the Peace, to imprisonment for any period not exceeding six months. 20 V. c. 26, s. 6.

Lists of Indians enfranchised under this Act.

Penalty on Indian falsely representing himself as enfranchised.

Land, &c., may be allotted to enfranchised Indians ; and to what extent.

Condition of allotment.

10. Every Indian enfranchised under this Act shall be entitled to have allotted to him by the Superintendent General of Indian affairs, a piece of land not exceeding fifty acres out of the lands reserved or set apart for the use of his Tribe, and also a sum of money equal to the principal of his share of the annuities and other yearly revenues receivable by or for the use of such tribe ; such sum to be ascertained and paid to him by the said Superintendent, and due consideration being had in the allotment of such land to the quantity of land reserved for the use of the Tribe and to their means and resources ; And such sum of money shall become the absolute property of such Indian, and such land shall become his property, subject to the provisions hereinafter made, but he shall by accepting the same forego all claim to any further share in the lands or moneys then belonging to or reserved for the use of his Tribe, and shall cease to have a voice in the proceedings thereof :

C.S.C. 1859, c. 9, cont'd.

If the tribe sur-  
render other  
lands to the  
Crown.

2. But if such Tribe thereafter surrender to the crown other lands either to be sold for their benefit, or in consideration of an annuity, such enfranchised Indian, or his personal representatives (if any) shall be entitled to his share of the proceeds of such lands or of the annuity for which they were surrendered, such share to be ascertained and paid by the Superintendent General of Indian Affairs for the time being, and to be the absolute property of such enfranchised Indian or his said representatives. 20 V. c. 26, s. 7.

Wife and child-  
ren of enfran-  
chised Indian to  
be enfran-  
chised.

11. The wife, widow, and lineal descendants of an Indian enfranchised under this Act, shall be also enfranchised by the operation thereof, and shall not be deemed members of his former tribe, unless such widow or any such lineal descendant being a female, marries an Indian not enfranchised and a member of such tribe, in which case she shall again belong to it and shall no longer be held to be enfranchised under this Act. 20 V. c. 26, s. 8.

Their rights.

12. The wife and children of any Indian enfranchised under this Act shall be entitled to their respective shares of all annuities or annual sums payable to the tribe; subject to the provisions hereinafter made as to such shares. 20 V. c. 26, s. 9.

Estate and  
rights of Indian  
in land allotted  
to him under  
this Act.

13. An Indian enfranchised under this Act, to whom any of the lands reserved for the use of his Tribe are allotted as aforesaid, shall have a life estate only therein, but he shall have power to dispose of the same by will to any of his children or lineal descendants, and if he dies intestate as to any such lands, the same shall descend to his children or lineal descendants according to the laws of that portion of the Province in which such lands are situate, and the said children or lineal descendants to whom such land is so devised or descends, shall have the fee simple thereof:

2. But if such Indian dies without leaving any child or lineal descendant but leaving a widow, she shall, instead of Dower, to which she shall not be entitled, have the said land for life or until her re-marriage, but upon her death or re-marriage it shall escheat to the Crown; and if any child or lineal descendant of such Indian takes such land or any part thereof, and dies leaving no lineal descendant and without having disposed of such land or part thereof by will or otherwise, it shall escheat to the Crown. 20 V. c. 26, s. 10.

Land to es-  
cheat in cer-  
tain cases.

14. If any Indian enfranchised under this Act dies leaving any child under the age of twenty-one years, the Superintendent General of Indians shall become *ipso facto* the tutor of such child as to property and rights in Lower Canada, and the guardian of such child as to property and rights in Upper Canada, until it attains the age of twenty-one years; And the widow of such Indian, being also the mother of any such child, shall receive its share of the proceeds of the estate of such Indian during the minority of the child, and shall be entitled to reside on the land left by such Indian, so long as in the opinion of the Superintendent General she lives respectably. 20 V. c. 26, s. 11.

Superintendent  
General to be  
guardian or  
tutor of infant  
children of en-  
franchised  
Indians.

C.S.C. 1859, c. 9, cont'd.

**15.** The capital of the annual share of the wife of any Indian enfranchised under this Act in any annuity or annual sum payable to her Tribe, shall be held in trust by the Superintendent General of Indian affairs for the purposes of this section, and the interest thereof shall be paid to her yearly while she is the wife or widow of such Indian, and upon her death or re-marriage one half of such capital sum shall be divided equally among her children, and the other half shall revert to the Tribe to which she belonged; but if she has no children, the whole shall revert to the said Tribe. 20 V. c. 26, s. 12.

As to the share of the wife of any enfranchised Indian in any annuity to her tribe.

**16.** The capital of the share of each child of an Indian enfranchised under this Act, in any annuity or annual sum payable to his Tribe, shall be held in trust by the Superintendent General of Indian Affairs for such child, and the interest thereon shall, except in the case hereinafter mentioned, be left to accumulate until such child shall obtain the age of twenty-one :

As to the share of the children of enfranchised Indians in such annuity.

2. But if such child is put apprentice to any trade, the money so held in trust for him may be wholly or in part applied to the payment of his apprentice fee or other expenses attending such apprenticeship; And if any such child dies before attaining the age of twenty-one, one half the money then held in trust for him shall revert to his Tribe, and the other half shall go to the other child or children of such Indian, and in equal shares if there is more than one, and if there is no other child, then the whole shall revert to the Tribe. 20 V. c. 26, s. 13.

Proviso.

Lands allotted to enfranchised Indians to be liable for taxes.

**17.** Lands allotted under this Act to an Indian enfranchised under it, shall be liable to taxes and all other obligations and duties under the Municipal and School Laws of the section of this Province in which such land is situate, as he shall also be in respect of them and of his other property; and his estate therein shall be liable for his *bonâ fide* debts, but he shall not otherwise alienate or charge such land or his estate therein; and if such land is legally conveyed to any person, such person or his assigns may reside thereon, whether he is or is not of Indian blood or intermarried with any Indian. 20 V. c. 26, s. 14.

Indian reserves or any part of them may be attached to school sections or districts.

**18.** The Council of any Municipality in Upper Canada, or the School Commissioners of any School Municipality in Lower Canada, may, on application of the Superintendent General of Indian affairs, attach the whole or any portion of any Indian Reserves in such Municipality to a neighboring School Section or District, or to neighboring School Sections or Districts, and such land shall thereupon become a portion of the School Section or district to which it is attached, to all intents and purposes. 20 V. c. 26, s. 15.



An Act respecting the sale and management of the Public Lands.  
S.C. 1859, c. 22. (22 Vict.)

## C A P . X X I I .

An Act respecting the sale and management of the  
Public Lands.

**H**ER Majesty, by and with the advice and consent of the  
Legislative Council and Assembly of Canada, enacts as  
follows :

### COMMISSIONER AND OFFICERS OF DEPARTMENT.

1. The department and office of the Surveyor General of this <sup>Departments of</sup> Province shall continue to be consolidated with the department <sup>the Surveyor</sup>

<sup>General and  
Commissioner  
of Crown lands  
consolidated.</sup> and office of the Commissioner of Crown Lands, under the  
superintendence and management of the last named officer.  
8 V. c. 11, s. 1.

<sup>Powers and  
duties of the  
Surveyor Ge-  
neral to be ex-  
ercised and  
performed by  
the Commis-  
sioner of Crown  
Lands.</sup> 2. All the powers and duties which before the seventeenth  
day of Mareh, 1845, were assigned to or vested in the  
Surveyor General, shall be vested in the Commissioner of  
Crown Lands ; and the said powers and duties shall be exer-  
cised and performed by him, or by any Assistant or Clerk in  
his department or office, or by any other person whom he,  
by an instrument in writing under his hand, authorizes to that  
effect, as effectually as they might before the said day have  
been exercised or performed by the Surveyor General. 8 V.  
c. 11, s. 2.

<sup>Governor may  
appoint Agents  
under this Act.</sup> 3. The Governor may from time to time appoint Agents to  
carry out this Act and Orders in Council under it, which  
Agents shall be paid in such manner and at such rates as the  
Governor in Council may direct. 16 V. c. 159, s. 17.

<sup>Commissioner  
of Crown Lands  
and Agent to  
give security.</sup> 4. The Governor in Council shall require from the Com-  
missioner of Crown Lands and from every Agent appointed  
under him, security for the due performance of his duty ;  
Provided that all securities given under any repealed Act shall  
nevertheless continue in full force. 16 V. c. 159, s. 23.

<sup>No Agent to  
purchase lands.</sup> 5. No County or Resident Agent for the sale of Public Lands  
shall within his division, directly or indirectly, purchase any  
land which he is appointed to sell ; and if any such Agent  
offends in the premises, he shall forfeit his office. 16 V. c.  
159, s. 5.

### EXTENT OF THIS ACT—ORDERS IN COUNCIL FOR CARRYING IT OUT.

<sup>This Act may  
be extended  
to Indian  
lands by an  
Order in  
Council.</sup> 6. The Governor in Council may from time to time declare  
the provisions of this Act or any of them to apply to the  
Indian lands under the management of the Chief Superintendent  
of Indian affairs, and the said Chief Superintendent shall,  
in respect to the lands so declared to be subject to this  
Act, have the same powers as the Commissioner of Crown  
Lands has in respect to Crown Lands. 16 V. c. 159, s. 15.

S.C. 1859, c. 22, cont'd.

Governor in  
Council may  
make Orders  
for carrying  
out this Act.

**7.** The Governor in Council may, from time to time; make such Orders as are necessary to carry out the provisions of this Act according to their obvious intent, or to meet any cases which may arise and for which no provision is made by this Act;—But no such Order shall be inconsistent with this Act; and such orders shall be published in the Official Gazette and in such Newspapers as the Commissioner of Crown Lands may direct, and shall be laid before the Legislature within the first ten days of the Session next after the date thereof. 16 V. c. 159, s. 25.

#### FREE GRANTS LIMITED.

**8.** Except as hereinafter provided, no free grant of Public Land shall be made. 16 V. c. 159, s. 2. Free grants limited.

**9.** Any claim to land arising under any Act repealed by the Act 16 Vict. Cap. 159, or under any Order in Council or other regulation of the Government in force, at or before the passing of that Act (14 June 1853,) shall be determined by the Governor in Council, or by the Commissioner of Crown Lands in cases or classes of cases referred to his decision by the Governor in Council; But no claim for land not actually located on the said 14th of June 1853, shall be entertained, whether arising from Militia, United Empire Loyalist, or Military Rights. 16 V. c. 159, s. 3. Determination of claims arising out of repealed Acts, &c.

**10.** The Governor in Council may appropriate any Public Lands as free grants to actual settlers upon or in the vicinity of any Public Roads opened through the said Lands in any new settlements, under such regulations as shall from time to time be made by Order in Council; But no such free grant shall exceed one hundred acres. 16 V. c. 159, s. 9. Free grants may be made to settlers on certain new roads.

**11.** The Governor in Council may set apart and appropriate such of the said Public Lands as he deems expedient for the Sites of Market Places, Gaols, Court Houses, places of public Worship, Burying grounds, and Schools, and for other like Public purposes, and at any time before the issue of Letters Patent therefor, may revoke such appropriation as he deems expedient,—and may make free grants for the purposes aforesaid, the trusts and uses to which they are to be subject being expressed in the Letters Patent;—But no such grant shall be for more than ten acres in any one instance and for any one of the purposes aforesaid. 16 V. c. 159, s. 10. Lands may be set apart for Markets, Gaols and other public purposes.

#### SALES, AND LICENSES OF OCCUPATION AND ASSIGNMENTS THEREOF.

**12.** The Governor in Council may from time to time fix the price per acre of the Public Lands, and the terms of settlement and payment. 16 V. c. 159, s. 4. Governor in Council may fix the price, &c., of land.

**13.** The Commissioner of Crown Lands may issue, under his hand and seal, to any person wishing to purchase and become a settler on any public land, an Instrument in the form of a License of Occupation; and such settler may take possession of and occupy the land therein comprised, subject to the conditions of such License, and may maintain suits in Law or Equity against any wrongdoer or trespasser, as effectually as he could do under a Patent from the Crown,—And such License of Occupation shall be *prima facie* evidence for the purpose of possession by the settler or his registered Assignee of any such Licenses of occupation to be granted in the first instance; their effect.

S.C. 1859, c. 22, cont'd.

suit;—And every settler or his assignee, upon the fulfilment of the conditions of his License, shall be entitled to a Deed in fee for the land comprised therein, which Deed shall, upon his application, be transmitted to him free of expense. 16 V. c. 159, s. 6.

Certain Licenses of occupation heretofore granted to remain in force.

14. All licenses of occupation, certificates or receipts granted by the Commissioner of Crown Lands, before the said 14th June, 1853, for money received on the Sale of Indian, Crown, School or Clergy Lands, or any location ticket, shall have the same force, and shall enure to the benefit of the party to whom the same was granted, or to his assignee, in the same manner and to the same extent, as the Instrument in the form of a License of occupation mentioned in the next preceding Section. 16 V. c. 159, s. 29.

Commissioner of Crown lands to keep a register of assignments of claims to lands; on what proof entries shall be made therein: their effect, &c.

15. The Commissioner of Crown Lands shall keep a book for registering (at the option of the parties interested) the particulars of any assignment made as well by the original nominee, purchaser or locatee, as by any subsequent assignee of any such claim, on Lands located before or purchased after the 14th day of June 1853, in respect thereof,—such assignment being first produced to the Commissioner with an affidavit of due execution thereof, sworn before any Justice of the Peace, and expressing truly the time of the execution of such assignment;—And thereupon the said Commissioner shall cause the material parts of every such assignment to be registered in such book of registry, and shall endorse on every such assignment a certificate of such registration;—And every such assignment so registered shall be valid against any one previously executed, but subsequently registered or unregistered;—And in all cases of such assignment duly registered, the patent may issue in the name of the assignee: 16 V. c. 159, s. 7.

Such registered assignment to be valid, and patent may issue.

When witness is deceased Commissioner may register upon affidavit.

2. If any subscribing witness to any such assignment is deceased, or has left the Province, the said Commissioner may register such assignment upon the production of an affidavit proving the death or absence of such witness and his handwriting. 16 V. c. 159, s. 7.

Duties of Commissioner under next preceding section extended to certain cases.

16. All assignments shall be unconditional:—The duties imposed by the next preceding Section, upon the Commissioner of Crown Lands for the registration of assignments of located claims, shall extend to the registration of assignments of claims located before or after the said 14th day of June, 1853;—And all assignments of locations in Lower Canada executed before Notaries, or before one Notary and two witnesses, shall be sufficient and shall be registered accordingly. 16 V. c. 159, s. 8,—and see s. 28 of this Act.

17. On any application for a Patent by the heir, assignee or devisee of the original nominee of the Crown, the Commissioner of Crown Lands may receive proof in such manner as he may direct and require, in support of any claim for a Patent when the original nominee is dead, and upon being satisfied that the claim has been equitably and justly established, may report the same to the Governor in Council, and if the claim is approved, the Patent may issue to the party named in an Order in Council founded on such report or to his assignee; But nothing in this section shall limit the right of the party claiming a Patent, to make his application at any time to the Commissioners under the *Act respecting claims to Lands in Upper Canada for which no Patents have issued.* 16 V. c. 159, s. 26.

Proof may be required by Commissioner of Crown lands in case of application by the representatives of the locatee.

Claims under U. C. Cons. Stat. c. 74.



S.C. 1859, c. 22, cont'd.

FORFEITURE OF CLAIMS, AND ENFORCEMENT OF FORFEITURE.

18. If the Governor in Council is satisfied that any such settler, or his Assignee, has been guilty of fraud, or has violated any of the conditions of his License of Occupation, he may revoke such License, and resume the land therein mentioned and dispose of it as if such License had never been issued; and no claim in Equity under such License shall be pleadable in any Court against a revocation under this Act, but the settler shall be taken to be, as against the Governor in Council or the Commissioner of Crown Lands, or any person claiming under the said Commissioner, a mere tenant at will. 16 V. c. 159, s. 11.

Governor in Council may revoke license in case of fraud.

19. Whenever it is made to appear to the satisfaction of the Commissioner of Crown Lands, that any Clergy Reserve Lot, heretofore sold or leased, has been abandoned by the original purchaser or lessee, or that any instalment or any portion of rent has remained unpaid for five years or upwards, or when it is made manifest to him that it is not the intention of the original purchaser or lessee or his assignee to fulfil the conditions of such sale or lease, by reason of the principal and interest or the rent amounting in the aggregate to a sum beyond the actual marketable value of the lot,--the Commissioner of Crown Lands, having first obtained an Order in Council to that effect, may re-sell such Lot as if no sale or lease had ever been made thereof, and the new purchaser shall have the same privileges and right of entry under any license or certificate from the Commissioner of Crown Lands as would pertain to any license or certificate granted in the first instance for any other Sale of Clergy Lands under this Act;--But such new sales shall be on the condition that one fifth of the purchase money shall be paid in hand, and the remaining four-fifths in four equal annual instalments with interest. 16 V. c. 159, s. 27.

Clergy Reserve lots may be sold, released, &c., on failure of the original purchaser or lessee to fulfil conditions.

20. When claims to locations of land are forfeited by Order in Council, the Crown may resume the land under this Act,

Land may be resumed when

claim is declared forfeited. Proviso--privilege to be allowed to locate in certain cases.

to which it shall then be subject, and shall be disposed of accordingly;--Provided that the Governor in Council may, upon the special merits of any case, extend a right of pre-emption to the original locatee, his heirs and assigns, upon such terms and for such price as may seem just in the case, or, when such forfeiture has been founded on an erroneous report, he may regrant the lot to the original locatee, his heirs or assigns. 16 V. c. 159, s. 13.

Mode of obtaining possession if the settler refuses to deliver up the land on the revocation of his license.

21. When any settler or other person refuses or neglects to deliver up possession of any land after revocation of the License of Occupation as aforesaid, the Commissioner of Crown Lands may apply to the County Judge of the County or to a Judge of the Superior Court in the Circuit in which the land lies, for an Order in the form of a Writ of Ejectment or of *Habere Facias Possessionem*, and the said Judge, upon proof to his satisfaction that the land was held under a License of Occupation, and that such License has been revoked by the Governor in Council, shall grant an Order upon the settler or person in possession, to deliver up the same to the Commissioner of Crown Lands, or his Agent; and such Order shall have the same force as a Writ of *Habere Facias Possessionem*, and the Sheriff shall execute the same in like manner as he would execute the said Writ in an action of Ejectment or Petitory Action. 16 V. c. 159, s. 12.

S.C. 1859, c. 22, cont'd.

PATENTS ISSUED IN ERROR.

Erroneous patents may be cancelled, and correct ones issued when there is no adverse claim.

**22.** Whenever a Patent has been erroneously issued or contains any clerical error, misnomer or wrong description of the land thereby intended to be granted, the Governor in Council may, upon the Report of the Commissioner of Crown Lands, (there being no adverse claim,) direct the defective Patent to be cancelled and a correct one to be issued in its stead, which corrected Patent shall relate back to the date of the one so cancelled, and have the same effect as if issued at the date of such cancelled Patent. 16 V. c. 159, s. 18.

In cases of double grants of the same land, an equivalent may be granted to the loser.

**23.** In all cases in which Grants or Letters Patent have issued for the same land inconsistent with each other through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Governor in Council may order a new grant equivalent to the land of which any grantee or purchaser is thereby deprived;—And no such claim shall be entertained unless it is preferred within five years after discovery of the error. 16 V. c. 159, s. 19.

Free grant as compensation for loss by erroneous survey.

**24.** Whenever by reason of false survey, any grant, sale or appropriation of land is found to be deficient, the Governor in Council may order a free grant equal in value to the ascertained deficiency;—But no such claim shall be entertained unless application has been made within five years from the

discovery of the deficiency, nor unless the deficiency is equal to one tenth of the whole quantity described as being contained in the particular lot or parcel of land granted. 16 V. c. 159, s. 20.

**25.** In all cases wherein Patents for lands have issued through fraud or in error or improvidence, the Court of Chancery in Upper Canada, and the Superior Court in Lower Canada, may, upon action, bill or plaint respecting such lands situate within their jurisdiction, and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Courts shall respectively order, decree such Patents to be void;—And upon the registry of such decree in the office of the Provincial Registrar, such Patents shall be void to all intents;—The practice in Court, in such cases, shall be regulated by orders to be from time to time made by the said Courts respectively; and any action or proceeding commenced under any former Act may be continued under this section, which, for the purpose of any such action or proceeding, shall be construed as merely continuing the provisions of such former Act. 16 V. c. 159, s. 21.

Court of Chancery in U. C. and Superior Court in L. C. may void patents issued in error.

Practice in such cases.

Pending proceedings continued.

MISCELLANEOUS PROVISIONS.

**26.** The Commissioner of Crown Lands shall cause lists of the Crown, School and Clergy Lots for sale in the several Townships in Canada, to be made out from time to time, and advertised and exhibited as he deems most advisable for ensuring general information. 16 V. c. 159, s. 16.

Lists of Crown, school and clergy lands for sale to be published.

S.C. 1859, c. 22, cont'd.

27. The Commissioner of Crown Lands shall transmit in the month of January in each year, to the Registrar of every County or Registration District, and to the Secretary-Treasurer of any Municipality in Lower Canada, a list of the Clergy and Crown Lands sold or for which licenses of occupation have been granted in such County or Registration District, and upon which a payment has been made; which said Crown, Clergy and School lands shall be liable to the assessed taxes in the Townships in which they respectively lie from the date of such sale or license; and the Commissioner of Crown Lands shall in like manner apprise each Registrar of the cancellation of any License of Occupation or Patent. 16 V. c. 159, s. 24.

Commissioner to transmit yearly to county registrars lists of lands sold, &c.

28. All affidavits required under this Act may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits, or any Agent of the Commissioner of Crown Lands. 16 V. c. 159, s. 22.

Before whom affidavits under this Act may be made.

29. All Commissioners for taking affidavits in the Superior Courts of Law either in Upper or Lower Canada, shall have the same power for administering oaths in matters relating to the Crown, Clergy and School Lands, as are possessed by Justices of the Peace. 16 V. c. 159, s. 8.

Powers of Commissioners.



An Act to authorize the making and maintenance of Roads through Indian Reserves in Lower Canada. S.C. 1859, c. 60. (22 Vict.)

C A P . L X .

An Act to authorize the making and maintenance of  
Roads through Indian Reserves in Lower Canada.

[Assented to 4th May, 1859.]

**W**HEREAS great inconvenience has been suffered from the want of authority to the Municipalities of Lower Canada to make and cause to be maintained public roads in the Indian Reserves of Lower Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Whenever the Council of a County in which any Indian Reserve is situate in Lower Canada, or the Council of any local Municipality surrounding or contiguous to any such Reserve, shall by Resolution declare that it is necessary that any land set apart for a public road by the original survey of such Indian Reserve should be opened or kept open by such Municipality, it shall be lawful for such Council, through their road officers, to enter upon such road, and to cause the same to be maintained;—and whenever it shall be declared by a Resolution of any such Council, that it is expedient to take any part of an Indian Reserve for the purpose of opening a new road, it shall be lawful for such Council, after consent obtained from the Superintendent General of Indian Affairs, to enter upon the same in the manner prescribed by “The Lower Canada Municipal and Road Act of 1855,” and the price at which any such

Such Roads may be made under Resolution of the County Council with the consent of the Superintendent of Indian Affairs.

land shall be valued shall be paid to the Superintendent General of Indian Affairs, for the use of the Tribe of Indians for which such land may be held in trust.

Statute Labour by Indians.

2. Any road in any Indian Reserve in Lower Canada brought under the control of a Municipality by the preceding section, may be maintained by Statute Labour, to be performed by the Indians of such Reserve, according to a By-law or By-laws passed by any such Municipality, and approved by the Superintendent General of Indian Affairs.

An Act respecting Pawnbrokers and Pawnbroking. C.S.C. 1859, c. 61.

Pawn not to be  
taken from  
Indians for  
liquor.

**56.** No pawn taken of any Indian in Upper Canada for any spirituous liquor shall be retained by the person to whom such pawn may be delivered, but the thing so pawned may be sued for and recovered with costs of suit by the Indian who may have deposited the same, before any Court of competent jurisdiction. 13, 14 V. c. 74, s. 7.

Repealed by 39 Vic. c. 18, s. 99.

An Act respecting the sale and management of the Public Lands.  
S.C. 1860, c. 2. (23 Vict.)

## C A P. II.

### An Act respecting the sale and management of the Public Lands.

[Assented to 23rd April, 1860.]

Preamble. **H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Department and Commissioner of Crown Lands. **1.** There shall continue to be and be a Department for the management and sale of the Public Lands and Forests, to be called "The Department of Crown Lands"; and the same shall be presided over by "The Commissioner of Crown Lands" for the time being.

Assistant Commissioner of Crown Lands—his appointment, duties and oath of office. **2.** There shall continue to be an "Assistant Commissioner of Crown Lands," who shall be appointed, from time to time as a vacancy occurs, by the Governor in Council—and shall perform such duties in the said Department as may be assigned to him by the Governor in Council or the Commissioner of Crown Lands, and shall preside over the Department and discharge therein the duties of the Commissioner of Crown Lands, in the absence of that officer or in the case of a vacancy in the Office of Commissioner, and shall, before entering on the duties of his office, take an oath faithfully to discharge the same, which oath shall be administered by the Commissioner of Crown Lands, or any person by the Governor for that purpose appointed.

#### COMMISSIONER AND OFFICERS OF DEPARTMENT.

Departments of Surveyor General and Commissioner of Crown Lands consolidated. **3.** The Department and Office of the Surveyor General of this Province shall continue to be consolidated with the Department and Office of the Commissioner of Crown Lands, under the superintendence and management of the last named Officer.

Powers and duties of the Surveyor General to be exercised and performed by the Commissioner of Crown Lands. **4.** All the powers and duties which, before the seventeenth day of March, 1845, were assigned to or vested in the Surveyor General, shall be vested in the Commissioner of Crown Lands; and the said powers and duties shall be exercised and performed by him, or by any Assistants or Clerks in his Department or Office, or by any person whom he, by an instrument in writing under his hand, authorizes to that effect, and under such name or designation of office as he may fix, as effectually as they might before the said day have been exercised or performed by the Surveyor General.

Governor may appoint officers and agents under this Act. **5.** The Governor may, from time to time, appoint Officers and Agents to carry out this Act and Orders in Council under it, which Officers and Agents shall be paid in such manner and at such rates as the Governor in Council may direct.

**6.** The Governor in Council shall require from the Commissioner of Crown Lands and from the Assistant Commissioner, and from every Agent appointed under him, security for the due performance of his duty; Provided that all securities given under any repealed Act shall nevertheless continue in full force. Commissioner, Assistant Commissioner and Agents to give security. Proviso.



S.C. 1860, c. 2, cont'd.

7. No County or Resident Agent for the sale of Public Lands shall, within his division, directly or indirectly, unless under an Order of the Governor in Council, purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his Agency; and any such purchase or interest shall be void; and if any such Agent offends in the premises, he shall forfeit his office and the sum of four hundred dollars for every such offence, to be recovered in action of debt by any person who may sue for the same.

Purchase, &c. by Agent of land, &c. in his agency to be void, and agent to forfeit his office and \$400.

8. The Commissioner of Crown Lands shall annually lay before the Legislature, and within ten days after the meeting thereof, a report of the proceedings, transactions and affairs of the Department during the year then next preceding.

Commissioner to report annually to the Legislature.

EXTENT OF THIS ACT--ORDERS IN COUNCIL FOR CARRYING IT OUT.

9. The Governor in Council may, from time to time, declare the provisions of this Act, or any of them, to apply to the Indian lands under the management of the Chief Superintendent of Indian affairs, or to the Jesuits' Estates, Crown Domain or Seignior of Lauzon; and the said Chief Superintendent of Indian affairs shall, in respect to the said Indian lands so declared to be subject to this Act, have the same powers as the Commissioner of Crown Lands has in respect to Crown Lands.

Provisions of this Act may be extended to Indian Lands by Order in Council.

10. The Governor in Council may, from time to time, make such Orders as are necessary to carry out the provisions of this Act according to their obvious intent, or to meet cases which may arise and for which no provision is made by this Act;--and such Orders shall be published in the Official Gazette, and in such Newspapers as the Commissioner of Crown Lands may direct, and shall be laid before the Legislature within the first ten days of the Session next after the date thereof; But no such Order shall be inconsistent with this Act, save that the powers herein given to the Commissioner of Crown Lands may be exercised by the Governor in Council, and shall be subject to any Order in Council regulating or affecting the same from time to time.

Governor in Council may make orders for carrying out this Act.

Proviso.

FREE GRANTS LIMITED.

11. Except as hereinafter provided, no free grant of Public Land shall be made.

Free grants limited.

S.C. 1860, c. 2, cont'd.

Determina-  
tion of claim  
arising un-  
der repealed  
Acts, Orders  
in Council, &c.

Proviso.

Free grants  
may be made  
to settlers on  
or near roads  
in new settle-  
ments.

Lands may  
be set apart  
for certain  
public purpo-  
ses and free  
grants thereof  
made in trust.

Proviso.

Governor in  
Council  
may fix price  
&c., of lands.

**12.** Any claim to land arising under any Act or under any Order in Council or other regulation of the Government heretofore in force, shall be determined by the Commissioner of Crown Lands, subject to such arrangement and order in respect to improvements on any particular lands as the Commissioner may think just; or the same may be satisfied by issuing, to the party entitled, Land Scrip, or a certificate entitling him to purchase land to such an amount as the Commissioner of Crown Lands may find just; But no claim for land arising from Militia, United Empire Loyalist, or Military Rights, shall be entertained unless the same was actually located or admitted, or proof in support thereof sufficient in the opinion of the Commissioner of Crown Lands furnished, before the passing, on the fourteenth of June, eighteen hundred and fifty-three, of the Act sixteenth Victoria, chapter one hundred and fifty-nine; and all land scrip or certificates entitling parties to purchase land issued prior to the passing of the said Act, shall be recognized and redeemed, in land or as payment for land; provided that such scrip and certificates be presented and established in the office of the Commissioner of Crown Lands before the first day of January, one thousand eight hundred and sixty-two.

**13.** The Governor in Council may appropriate any Public Lands as free grants to actual settlers upon or in the vicinity of any Public Roads opened through the said Lands in any new settlements, under such regulations as shall from time to time be made by Order in Council; But no such free grant shall exceed one hundred acres.

**14.** The Governor in Council may set apart and appropriate such of the Crown Lands as he deems expedient for the sites of Wharves or Piers, Market Places, Gaols, Court Houses, Public Parks or Gardens, Town Halls, Hospitals, Places of Public Worship, Burying Grounds, Schools, and for purposes of Agricultural Exhibitions, and for other like public purposes, and for Model or Industrial Farms; and at any time before the issue of Letters Patent therefor, may revoke such appropriation as seems expedient;—and may make free grants for the purposes aforesaid, the trust and uses to which they are to be subject being expressed in the Letters Patent;—But no such grant shall be for more than ten acres in any one instance and for any one of the purposes aforesaid; except for a Model or Industrial Farm, which shall not exceed one hundred acres.

#### SALES AND LICENSES OF OCCUPATION AND ASSIGNMENT THEREOF.

**15.** The Governor in Council may, from time to time, fix the price per acre of the public lands, and the terms and conditions of sale and of settlement and payment.

S.C. 1860, c. 2, cont'd.

**16.** The Commissioner of Crown Lands may issue, under his hand and seal, to any person who has purchased or may purchase or is permitted to occupy or has been entrusted with the care or protection of any public land, or who has received or been located on any public land as a free grant, an Instrument in the form of a License of Occupation; and such person, or the assignee, by an instrument registered under this or any former Act, providing for registration in such cases, may take possession of and occupy the land therein comprised, subject to the conditions of such License, and may thereunder, unless the same shall have been revoked or cancelled, maintain suits in law or equity against any wrongdoer or trespasser, as effectually as he could do under a Patent from the Crown;—and such License of Occupation shall be *prima facie* evidence for the purpose of possession by such person, or the assignee under an instrument registered as aforesaid, in any such suit; but the same shall have no force against a License to cut timber existing at the time of the granting thereof.

Licenses of occupation to be issued to intending settlers—their effect.

I.

As to prior licenses to cut timber.

**17.** Every License of Occupation heretofore granted, and every certificate of sale or receipt for money received on the Sale of Public Lands, and every location ticket heretofore granted or made by the Commissioner of Crown Lands or any Agent of his, so long as the sale or grant to which such license of occupation, receipt, certificate, or location ticket relates is in force and not rescinded, shall have the same force, and shall enure to the benefit of the party to whom the same was granted, or to the assignee, by instrument registered as aforesaid; in the same manner and to the same extent as the Instrument in the form of a License of Occupation mentioned in the next preceding section.

Licenses of occupation, certificates, receipts and location tickets heretofore issued to have the same effect.

**18.** The Commissioner of Crown Lands shall keep a book for registering (at the option of the parties interested) the particulars of any assignment made as well by the original nominee, purchaser or locatee or lessee of public lands or his heir or legal representative, as by any subsequent assignee of any such public lands or the heir or legal representative of such assignee;—and upon such assignment being produced to the Commissioner, with an affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, or as regards lands in Lower Canada upon the production of such assignment executed before Notaries, or before one Notary and two witnesses, or of a notarial copy thereof, the said Commissioner shall cause the material parts of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a Certificate of such registration, to be signed by himself or the Assistant Commissioner or any officer of the department by him authorized to sign such certificates;—And every such assignment so registered shall be valid against any one previously executed, but subsequently registered, or unregistered; but all assignments to be registered must be unconditional; and all the conditions of the sale, grant or location must have been complied with, or dispensed with by the Commissioner of Crown Lands, before such registration is made:

Commissioner to keep a register of assignments of claims to lands; on what proof entries shall be made therein, their effect, &c.

I.

First registered assignment to be valid.

Proviso.

On what proof assignment may be registered when witness dead or absent.

**2.** If any subscribing witness to any such assignment is deceased, or has left the Province, the said Commissioner may register such assignment upon the production of an affidavit proving the death or absence of such witness and his handwriting, or the handwriting of the party making such assignment.



S.C. 1860, c. 2, cont'd.

Commissioner may receive proof in support of claim for patent by heir, &c., of deceased nominee.

Power to apply to Heir and Devisee Commissioners reserved.

**19.** On any application for a Patent by the heir, assignee or devisee of the original nominee of the Crown, the Commissioner of Crown Lands may receive proof in such manner as he may direct and require in support of any claim for a Patent when the original nominee is dead, and upon being satisfied that the claim has been equitably and justly established, may allow the same and cause a patent to issue accordingly; But nothing in this section shall limit the right of the party claiming a Patent to make his application at any time to the Commissioners under the *Act respecting claims to Lands in Upper Canada for which no Patents have issued.*

#### FORFEITURE OF CLAIMS, AND ENFORCEMENT OF FORFEITURE.

Sale, &c., of land, may be cancelled in case of fraud or error.—All such cancellations heretofore made to continue.

**20.** If the Commissioner of Crown Lands is satisfied that any purchaser, grantee or locatee or lessee of any Public Land, or any assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated any of the conditions of sale, grant, location or lease, or of the License of Occupation, or if any such sale, grant, location or lease or License of Occupation has been or is made or issued in error or mistake, he may cancel such sale, grant, location, lease or license, and resume the land therein mentioned, and dispose of it as if no sale, grant, location or lease thereof had ever been made; and all such cancellations, heretofore made by the Governor in Council or the Commissioner of Crown Lands, shall continue until altered.

Mode of obtaining possession, if settler refuses to deliver up land on revocation of license, &c.

**21.** When any purchaser, lessee or other person refuses or neglects to deliver up possession of any land after revocation or cancellation of the sale, grant, location, lease or License of Occupation thereof as aforesaid, or when any person is wrongfully in possession of public land and refuses to vacate or abandon possession of the same, the Commissioner of Crown Lands may apply to the County Judge of the County, or to a Judge of the Superior Court in the Circuit, in which the land lies, for an Order in the nature of a Writ of *Habere facias possessionem*, or writ of possession, and the said Judge, upon proof to his satisfaction that the right or title of the party to hold such land has been revoked or cancelled as aforesaid, or that such person is wrongfully in possession of Public Land, shall grant an Order upon the purchaser, lessee or person in possession, to deliver up the same to the Commissioner of Crown Lands, or person by him authorized to receive the same; and such Order shall have the same force as a Writ of *Habere facias possessionem*, or writ of possession; and the Sheriff, or any Bailiff or person to whom he same may be entrusted for execution by the Commissioner of Crown Lands, shall execute the same in like manner as he would execute such Writ in an Action of Ejectment or Possessory Action:

**2.** Whenever any rent payable to the Crown on any lease of Public Lands is in arrear, the Commissioner of Crown Lands, or any Agent or Officer appointed under this Act and authorized by the Commissioner of Crown Lands to act in such cases, may issue a warrant, directed to any person or persons by him named therein, in the shape of a distress Warrant as in ordinary cases of Landlord and Tenant; and the same proceedings may be had thereon for the collection of such arrears as in the said last mentioned cases; or an action of debt as in ordinary cases of rent in arrear may be brought therefor in the name of the Commissioner of Crown Lands; but demand of rent shall not be necessary in any case;

Commissioner or his agent or other officer may issue distress warrant for rent of public lands in arrear.

Or action may be brought.

S.C. 1860, c. 2, cont'd.

3. When by law or by any deed, lease or agreement relating to any of the lands herein referred to, any notice is required to be given, or any Act to be done, by or on behalf of the Crown, such notice may be given and Act done by or by the authority of the Commissioner of Crown Lands; and the said Commissioner of Crown Lands may, in respect of the Ordnance lands, transferred to the Province, exercise all the powers which, before the transfer of said lands to the Province, were vested in the Principal Officers of Her Majesty's Ordnance prior to the passing of the Act 19, 20 V. c. 45.

How notices required in respect of Crown Lands.

Powers of Commissioner as to Ordnance Lands transferred to the province.

#### PATENTS ISSUED IN ERROR.

22. Whenever a Patent has been issued to or in the name of the wrong party, through mistake in the Crown Lands Department, or contains any clerical error, or misnomer, or wrong description of the land thereby intended to be granted, the Commissioner of Crown Lands, (there being no adverse claim,) may direct the defective Patent to be cancelled and a correct one to be issued in its stead, which corrected Patent shall relate back to the date of the one so cancelled, and have the same effect as if issued at the date of such cancelled Patent.

Erroneous patents may be cancelled and correct ones issued when there is no adverse claim.

23. In all cases in which grants or letters patent have been issued for the same land inconsistent with each other through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Commissioner of Crown

In cases of double or inconsistent grants, the purchase money

ney may be repaid with interest—or other land may be assigned—or a land certificate may be granted.  
Proviso.

Lands may, in cases of sale, cause a repayment of the purchase money, with interest, or when the land has passed from the original purchaser or has been improved before a discovery of the error, or when the original grant or appropriation was a free grant, he may in substitution assign land or grant a certificate entitling the party to purchase Crown Lands, of such value and to such extent as to him, the Commissioner of Crown Lands, may seem just and equitable under the circumstances; but no such claim shall be entertained unless it be preferred within five years from the discovery of the error.

Compensation for deficiency of land by reason of false survey or error in departmental books or plans.  
Proviso.

24. Whenever by reason of false survey or error in the books or plans in the Crown Lands Department, any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the Patent therefor, the Commissioner of Crown Lands may order the purchase money of so much land as is deficient, with the interest thereon from the time of the application therefor, or if the land has passed from the original purchaser, then the purchase money which the claimant (provided he was ignorant of a deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon from the time of the application therefor, to be paid to him in land or in money, as he, the Commissioner of Crown Lands, may direct, or in case of a free grant he may order a grant of other land equal in value to the land so intended as a free grant at the time such grant was made;—But no such claim shall be entertained unless application has been made within five years from the date of the Patent, nor unless the deficiency is equal to one tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.



S.C. 1860, c. 2, cont'd.

**25.** In all cases wherein Patents for lands have issued through fraud or in error or improvidence, the Court of Chancery in Upper Canada, and the Superior Court in Lower Canada, may, upon action, bill or plaint, respecting such lands situate within their jurisdiction, and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Courts shall respectively order, decree such Patents to be void;—and upon a registry of such decree in the office of the Provincial Registrar, such Patents shall be void to all intents; The practice in Court, in such cases, shall be regulated by orders to be from time to time made by the said Courts respectively; and any action or proceeding commenced under any former Act may be continued under this section, which, for the purpose of any such action or proceeding, shall be construed as merely continuing the provisions of such former Act.

Courts may decree patents issued in error, &c., to be void; decree to be registered.

Practice in such cases.

Proceedings under former Acts may be continued under this.

#### MISCELLANEOUS PROVISIONS.

**26.** The Commissioner of Crown Lands shall cause lists of the Public Lands for sale in the several Townships in Canada to be made out from time to time, and advertised or published as he deems most advisable for ensuring general information.

Lists of public lands for sale to be published.

**27.** The Commissioner of Crown Lands shall transmit, as early as possible in each year, to the Registrar of every County and Registration District or Division, and to the Secretary-Treasurer of every Municipality in Lower Canada, a list of the Public Lands sold, granted, leased or appropriated or set apart to any person or for which licenses of occupation have been granted in such County or Registration District or Division during the year next preceding and for which no Patents have issued, which said lands shall be liable to the assessed taxes in the Townships in which they respectively lie from the date of such sale or license or appropriation; and the purchaser, at the sale of any such lands for taxes, shall, as heretofore, have, in the lands so sold, the same rights only as the person entitled to claim under the Crown at the time of such sale; and the Commissioner of Crown Lands shall in like manner apprise each such Registrar and Secretary-Treasurer of the cancellation of any License of Occupation or Patent, or of any sale, grant, lease, location or appropriation; from which time, until resold, leased or regranted, the land affected shall cease to be liable to taxes:

Lists of public lands sold to be transmitted yearly to Registrars, and to Secretary-Treasurers of municipalities in L. C. and notice of cancellation of sales, &c., to be given to them—effect as to taxes.

**2.** The Registrar of the Province shall transmit, as early as possible in each year, to the Registrar of every County and Registration District and Division, and to the Secretary-Treasurer of every Municipality in Lower Canada, a list of the Public Lands patented during the year next preceding; and no return of lands other than those hereinbefore mentioned need be made.

Lists of public lands patented to be sent to same yearly by Registrar of the Province.

**28.** All Affidavits required under this Act, or intended to be used in reference to any claim, business or transaction in the Crown Lands Department, may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits in any of the Courts, or the Commissioner of Crown Lands, or any Agent of the Commissioner of Crown Lands, or the Assistant Commissioner of Crown Lands, or any Surveyor duly licensed and sworn, appointed by the Commissioner of Crown Lands to enquire into or take evidence or report in any matter submitted or pending before such Commissioner, or if made out of the Province, before the Mayor or Chief Magistrate of, or the British Consul in any City, Town or other Municipality; and any Perjury. wilful false swearing in any such affidavit shall be perjury.

Before whom affidavits under this Act may be made.



S.C. 1860, c. 2, cont'd.

Governor  
may, by pro-  
clamation,  
annex gores to  
adjacent  
townships.

**29.** Whenever there is any gore or small tract of land or Island, which is not included in the original survey and description of any Township, and is of too limited extent to form a Township by itself,—the Governor may, by Proclamation, annex such gore or tract of land to any Township to which it is adjacent, or partly to one and partly to another of any two or more Townships to which it is adjacent, as he deems expedient; and from and after the day appointed in such Proclamation, or from the date thereof, if no other day be therein appointed for the purpose, the tract of land thereby annexed to any Township shall form part thereof.

Attested Co-  
pies of depart-  
mental re-  
cords, &c.,  
to be as evi-  
dence.

**30.** Copies of any records, documents, books or papers belonging to or deposited in the said Department, attested under the signature of the Commissioner, or of the Assistant Commissioner, shall be competent evidence in all cases in which the original records, documents, books or papers, could be evidence.

Employees of  
the Crown  
Land Depart-  
ment not to  
traffic in pu-  
blic lands  
or land scrip  
or take fees  
for official  
labor.

**31.** No person holding an office created by or continued under this Act (save in the case provided for in the seventh section) or employed in the Department, shall, while holding such office or employment, directly or indirectly purchase any right, title or interest in any public land, or any land scrip, nor deal, nor traffic in the same, either in his own right, or by the interposition of any other person, or in the name of any other person in trust for himself, nor shall take or receive any fee or emolument for negotiating or transacting any business connected with the duties of his office or employment; And any person offending in the premises shall forfeit his office or employment, and be liable to a penalty of four hundred dollars, to be recovered in action of debt by any person suing for the same.

Penalty.

Penalty on  
agent know-  
ingly giving  
false informa-  
tion, &c.

**32.** If any agent, appointed or continued in office under this Act, shall knowingly and falsely inform, or cause to be informed, any person applying to him to locate or purchase any land within his division and agency, that the same has already been located, assigned or purchased, or shall refuse to permit the person so applying to purchase the same, or, where entitled, to locate the same, according to existing Regulations, such agent shall be liable therefor to the person so applying in the sum of five dollars for each acre of land which the person so applying offered to locate or purchase, to be recovered by action of debt in any court of record having jurisdiction of the amount.

Hindering  
bidders at  
public sales  
of lands of  
the Province  
by intimidat-

**33.** If any person or persons shall, before or at the time of the public sale of any of the lands of the Province, by intimidation, combination, or unfair management, hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any lands so offered for sale, every such offender,

his, her, or their aiders and abettors, shall, for every such offence, be guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine not exceeding four hundred dollars, or imprisonment for a term not exceeding two years, or both, in the discretion of the Court.

tion, &c.,  
a misdemea-  
nor and how  
punished.

S.C. 1860, c. 2, cont'd.

**34.** With a view to remove doubts, and to quiet the titles to certain lands heretofore granted, it is enacted, that the non observance and non fulfilment of the condition imposed in and by certain patents issued for public lands, of taking the oaths which may have been heretofore prescribed, in case of any subsequent sale, conveyance, enfeoffment or exchange, by the patentee, and of recording such oaths, within twelve months after having taken possession, in the office of the Secretary of the Province, or of performing certain settlement duties, shall not affect in any way the patent or title of any patentee, or of any subsequent purchaser or proprietor.

Patent or title of patentee or of any subsequent purchaser not affected by non observance of certain conditions.

**35.** Whereas doubts have been entertained as to the power vested in the Crown to dispose of and grant water lots, in the harbors, rivers and other navigable waters in Upper Canada, and it is desirable to set at rest any question which might arise in reference thereto, it is declared and enacted, that it has been heretofore and that it shall be hereafter lawful for the Governor in Council to authorize sales, or appropriations, of such water lots under such conditions as it has been or it may be deemed requisite to impose.

Doubts recited.

*Water*  
Sales and appropriations of water lots declared to be legal.

**36.** All legal proceedings, commenced in virtue of the Acts repealed, shall be continued; and the rights, acquired by virtue and under the Acts repealed, shall be valid, and all orders in Council, and Regulations of the Department, and acts done thereunder, and appointments to office now in force or existing, shall continue until altered or revoked, as if the said Acts had not been repealed; and all the provisions of this Act shall apply to lands under patent, grant, sale, location, lease or license of occupation at the time of the passing thereof, as well as to lands disposed of after the passing hereof.

Proceedings, under repealed acts continued—provisions of Act to apply to lands now under patent, &c.

**37.** Compensation awarded under the twenty-third and twenty-fourth sections of this Act (except where land is specifically assigned therefor by the Commissioner of Crown Lands) and all claims therefor shall be treated as personal estate and dealt with accordingly.

Compensation under ss. 23 and 24, to be personalty—Except, &c.

**38.** The term "Public Lands" shall be held to apply to lands heretofore designated or known as Crown Lands, School Lands, Clergy Lands, Ordnance Lands, (transferred to the Province), which designations, for the purposes of administration, shall still continue.

Definition of the term "Public Lands."

**39.** The twenty-second Chapter of the Consolidated Statutes of Canada is repealed.

Chapter 22 of C. S. C. repealed.

An Act to amend the ninth chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting Civilization and Enfranchisement of certain Indians." S.C. 1860, c. 38. (23 Vict.)

### CAP. XXXVIII.

An Act to amend the ninth chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting Civilization and Enfranchisement of certain Indians."

[Assented to 19th May, 1860.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 3 of cap.  
9 of Con. Stat.  
of Canada, re-  
pealed.

1. The third Section of the ninth chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting civilization and enfranchisement of certain Indians," is hereby repealed.

2. The following Section shall be substituted for the repealed third Section of the said Act, and shall, in lieu thereof, be read as the third Section of the said Act :

"No person shall sell, barter, exchange, or give to any Indian man, woman or child, within Canada, any kind of spirituous liquors, in any manner or way, or cause or procure the same to be done for any purpose whatsoever; and if any person so sells, barter, exchanges, or gives any such spirituous liquors to any Indian man, woman, or child, as aforesaid, or causes the same to be done, he shall, on conviction thereof, by a Justice of the Peace, upon the evidence of any one credible witness, other than the informer or prosecutor, be fined, not exceeding twenty dollars for every such offence, one moiety of every such sum to go to the informer or prosecutor, and the other moiety thereof to be paid to Her Majesty, and to be part of the Consolidated Revenue Fund of this Province; but no such penalty shall be incurred by the furnishing to any Indian, in case of sickness, any spirituous liquor, either by a medical man, or under the direction of any such medical man."

No spirituous liquors to be furnished to Indians in any part of Canada.

Penalty and how to be recovered and applied.

Proviso.



An Act respecting Municipalities and Roads in Lower Canada. S.C. 1860, c. 61.

ROADS THROUGH INDIAN RESERVES.

54. Whenever the Council of a County, in which any Indian Reserve is situate in Lower Canada, or the Council of any Local Municipality, surrounding or contiguous to any such Reserve, declares by Resolution that it is necessary that any land set apart for a public road by the original survey of such Indian Reserve, should be opened or kept open by such Municipality, such Council may, through their road officers, enter upon such road, and cause the same to be maintained :

Municipal Councils may cause such roads to be opened and maintained.

2. And whenever it is declared, by a Resolution of any such Council, that it is expedient to take any part of an Indian Reserve for the purpose of opening a new road, such Council may enter upon the same in the manner prescribed by this Act, and the price at which any such land is valued shall be paid to the Superintendent General of Indian Affairs, for the use of the Tribe of Indians for which such land is held in trust ;

May enter upon and take lands.

Compensation.

3. Any road in any Indian Reserve in Lower Canada, brought under the control of a Municipality by the preceding section, may be maintained by Statute Labour, to be performed by the Indians of such Reserve, according to a By-law or By-laws passed by any such Municipality, and approved by the Superintendent General of Indian Affairs.

Such Roads may be made by statute labour of Indians.

Identical provisions found in C.S.L.C. 1860, c. 24, s. 54.

An Act respecting the Indian Lands in the Township of Durham, in the County of Drummond. S.C. 1860, c. 82. (23 Vict.)

# C A P. LXXXII.

An Act respecting the Indian Lands in the Township of Durham, in the County of Drummond.

[Assented to 19th May, 1860.]

**W**HEREAS, by the Act hereinafter mentioned, it was and Preamble.  
is in effect provided, that certain descriptions of deed or instrument therein enumerated affecting any portion of the lands in the Township of Durham, in the County of Drummond, granted by Letters Patent in the year one thousand eight hundred and five to divers Indians, should be held valid, notwithstanding any thing in such Letters Patent to the contrary, provided a certain amount of ground rent should have been stipulated thereby, but no provision was made as to the validity of any other description of deed or instrument affecting such lands, or whereby any ground rent or other right thereon might have been, in whole or part, redeemed, ceded or released; and whereas it is expedient to remedy this omission, and in other respects to make better provision than by the said Act is made for assuring, so far as may be possible, the titles and rights of all the parties interested in such lands: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

19, 20 V. c. 4,  
repealed.

1. The Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled: "An Act to change the tenure of the Indian Lands in the Township of Durham," is hereby repealed, but the repeal thereof shall not revive any Act thereby repealed.

Conveyances  
of the said  
lands not in-  
valid for cer-  
tain causes.

2. No deed or instrument in writing whatsoever, for the passing of title to such lands or any thereof, or in any wise affecting the same, or having reference to any ground rent or other right whatsoever, on, to or in respect of the same, whenever or by whomsoever executed, shall be held for null, either as a whole or as touching any stipulation or matter therein set forth, by reason of any restriction whatsoever in the premises imposed by the said Letters Patent granting the said lands, or of any provision or clause whatsoever in the said Letters Patent contained, or of any disability or supposed disability of the Indians, grantees thereunder, or of their heirs or other representatives, as being Indians, to contract in any wise in the premises.

Whenever In-  
dians are par-  
ties, Superin-  
tendent to de-  
cide.

3. Any contestation whatsoever between Indians, or whereto any Indian may be a party, as to, or arising out of, any such deed or instrument, may, by the parties, or by any Court seized of such contestation, be deferred for the decision of the Superintendent General of Indian Affairs; and his decision thereon shall be final and conclusive.

S.C. 1860, c. 82, cont'd.

Superintendent, if satisfied of title, may accept payment and grant a certificate.

4. The Superintendent General of Indian Affairs, if satisfied of the right of property in any such land, under any such deed or instrument, of any person being in lawful possession of such land, may accept payment from such person, of the capital, or of any unredeemed remainder of the capital, of all ground rent which he may find to be secured thereon in favor of any Indian, calculated at the rate of six per centum per annum; and may thereupon grant to such person a certificate in the form of Schedule A, to this Act annexed; or, if satisfied further that there subsists thereon no such ground rent, may thereupon grant to such person a certificate in the form of Schedule B, to this Act annexed.

5. Every certificate granted under the foregoing Section, being enregistered in the Registry Office of the County of Drummond, within three months from the date thereof, shall absolutely cut off all adverse title or claim whatsoever to the land therein mentioned, or any part thereof, or to any rent or other right whatsoever affecting the same, whether by any Indian whomsoever or by any other person requiring to trace such title or claim through any Indian—and shall be *prima facie* proof of the title to such land of the person to whom the same is granted, as against all other persons; but if not so enregistered within such three months, the same shall thereafter be held for null. Effect of certificate when registered.

6. Every receipt heretofore granted by the Superintendent General of Indian affairs, and duly enregistered in terms of the Act hereby repealed, shall remain of the same force and effect as though this Act had not been passed; and any such receipt not yet so enregistered, if enregistered in the said Registry Office within three months after the passing of this Act, shall also have the like force and effect, but otherwise, shall thereafter be held for null. Former receipts to remain valid.

7. The Superintendent General of Indian Affairs shall keep an account of all sums received by him, whether under the Act hereby repealed or under this Act; and may pay over the same or any balance thereof, with interest, to any Indian or claimant under an Indian, of whose right thereto he may be satisfied; or, in his discretion, may, for so long as he shall see fit, simply pay over yearly the interest accruing on any such sum or balance. Superintendent to keep certain accounts under this Act.

#### SCHEDULE A.

I, the undersigned A. B., Superintendent of Indian Affairs for the Province of Canada, do hereby certify, that I am satisfied of the right of property thereto, of \_\_\_\_\_, of \_\_\_\_\_, now in possession of the hereinafter described part of the lands in the Township of Durham, in the County of Drummond, which were granted by Letters Patent in the year one thousand eight hundred and five, to divers Indians, that is to say, of (*here describe the land,*) and further that I have this day accepted payment from him of the sum of \_\_\_\_\_ being the capital (*or the unredeemed remainder of the capital, as may be,*) of all ground rent which I find to be secured thereon in favor of any Indian.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand eight hundred and \_\_\_\_\_, under the Act passed in the twenty-third year of Her Majesty's reign, intituled: "*An Act respecting the Indian Lands in the Township of Durham, in the County of Drummond.*"



S.C. 1860, c. 82, cont'd.

SCHEDULE B.

I, the undersigned A. B., Superintendent of Indian Affairs for the Province of Canada, do hereby certify that I am satisfied of the right of property thereto, of \_\_\_\_\_, of \_\_\_\_\_, now in possession of the hereinafter described part of the Lands in the Township of Durham, in the County of Drummond, which were granted by Letters Patent in the year one thousand eight hundred and five, to divers Indians, that is to say, of (*here describe the land,*) and further, that I do not find that there is now any ground rent secured thereon in favor of any Indian.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand eight hundred and \_\_\_\_\_, under the Act passed in the twenty-third year of Her Majesty's Reign, intituled: "*An Act respecting the Indian Lands in the Township of Durham, in the County of Drummond.*"

A. B.

An Act respecting the Management of the Indian Lands and Property.  
S.C. 1860, c. 151. (23 Vict.)

# C A P . C L I .

## An Act respecting the Management of the Indian Lands and Property.

Reserved for the signification of Her Majesty's pleasure 19th May, 1860.  
The Royal Assent given by Her Majesty in Council on the 30th June, 1860; and  
Proclamation thereof made by His Excellency Sir EDMUND WALKER HEAD,  
Governor General, in the Canada Gazette of the 13th October, 1860.

**H**ER Majesty, by and with the advice and consent of the Preamble.  
Legislative Council and Assembly of Canada, enacts as follows :

1. From and after the first day of July next, the Commissioner of Crown Lands, for the time being, shall be Chief Superintendent of Indian affairs. Chief Superintendent—who shall be.

2. All lands reserved for the Indians or for any tribe or band of Indians, or held in trust for their benefit shall be deemed to be reserved and held for the same purposes as before the passing of this Act, but subject to its provisions. Lands reserved for Indians to be subject to this Act.

3. All moneys or securities of any kind applicable to the support or benefit of the Indians, or any tribe or band of Indians, and all moneys accrued, or hereafter to accrue, from the sale of any lands reserved or held in trust as aforesaid, shall, subject to the provisions of this Act, be applicable to the same purposes, and be dealt with in the same manner as they might have been applied to or dealt with before the passing of this Act. Also moneys and securities.

4. No release or surrender of lands reserved for the use of Indians, or of any tribe or band of Indians, shall be valid or binding except on the following conditions : Conditions of releases or surrenders :

1. Such release or surrender shall be assented to by the Chief, or if more than one Chief, by a majority of the Chiefs of the tribe or band of Indians, assembled at a meeting or Council of the tribe or band summoned for that purpose according to their rules and entitled under this Act to vote thereat, and held in the presence of an Officer duly authorized to attend such Council by the Commissioner of Crown Lands; **Provided** always, that no Chief or Indian shall be entitled to vote or be present at such Council, unless he habitually resides on, or near the land in question ; Assent of Chiefs.

**Proviso.**

**How such assent must be certified.**

2. The fact that such a release or surrender has been assented to by the Chief of such Tribe, or if more than one by a majority of the Chiefs entitled to vote at such Council or Meeting, shall be certified by the County Court Judge, or the Judge or Stipendiary Magistrate of the District or County within which the lands lie, and by the officer authorized to attend by the Commissioner of Crown Lands, and when so certified as aforesaid, shall be transmitted to the Commissioner of Crown Lands by such Judge or Stipendiary Magistrate, and shall be submitted to the Governor in Council for acceptance or refusal.

S.C. 1860, c. 151, cont'd.

Penalty for introducing liquor at Councils of Indians.

5. It shall not be lawful to introduce, at any Council or meeting of Indians held for the purpose of discussing, or of assenting to, a release or surrender of lands, strong or intoxicating liquors of any kind; and any person who shall introduce, at such meeting, and any Agent or Officer employed by the Commissioner of Crown Lands, or by the Governor in Council, who shall introduce, allow or countenance by his presence the use of such liquors before, at, or after any such Council or meeting, shall forfeit two hundred dollars recoverable by action in any of the Superior Courts of Law, half of which penalty shall go to the informer.

Act not to make release, &c., necessary, &c.

6. Nothing in this Act contained shall make a release or surrender of lands necessary in cases in which such release or surrender would not have been necessary before the passing of this Act, or shall render valid any release or surrender other than to the Crown.

Governor in Council may extend certain laws to Indian Lands.

7. The Governor in Council may, from time to time, declare the provisions of the Act respecting the sale and management of the Public Lands, passed in the present Session, or of the twenty-third chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting the Sale and Management of the Timber on Public Lands," or any of such provisions, to apply to Indian Lands or to the Timber on Indian Lands, and the same shall thereupon apply and have effect as if they were expressly recited or embodied in this Act.

And direct the investment of moneys arising from such lands, &c.

8. The Governor in Council may, subject to the provisions of this Act, direct how, and in what manner, and by whom, the moneys arising from sales of Indian Lands, and from the property held or to be held in trust for the Indians, shall be invested from time to time, and how the payments to which the Indians may be entitled shall be made, and shall provide for the general management of such lands, moneys, and property, and what percentage or proportion thereof shall be set apart, from time to time, to cover the cost of, and attendant upon, such management under the provisions of this Act, and for the construction or repair of roads passing through such lands, and by way of contribution to schools frequented by such Indians.

9. The Governor may, from time to time, appoint Officers and Agents to carry out this Act, and Orders in Council under it, which Officers and Agents shall be paid in such manner and at such rates as the Governor in Council may direct.

Governor may appoint officers, &c., under this Act.

10. Nothing in this Act contained shall affect the provisions of the Ninth Chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting the civilisation and enfranchisement of certain Indians," save and except that the same shall hereafter be read and construed as if the words, "the Commissioner of Crown Lands" were substituted for the words "the Superintendent General of Indian Affairs," wherever they occur in the said chapter, nor of any other Act when the same is inconsistent with this Act.

How only this Act shall affect cap. 9 of the Con. Stat. Canada.

11. The Judge, or any one of the Judges of the Superior Court for Lower Canada, to whom any District or County in Lower Canada has been last prescribed or assigned by the Governor, shall be deemed to be the Judge of such District or County for all the purposes of this Act.

Who shall be the proper Judge under this Act in L. C.



An Act to change the tenure of the Indian lands in the Township of Dundee, in the County of Huntingdon. S.C. 1864, c. 68. (27-28 Vict.)

### C A P. L X V I I I.

An Act to change the tenure of the Indian lands in the Township of Dundee, in the County of Huntingdon.

[Assented to 30th June, 1864.]

**W**HEREAS the Township of Dundee in Lower Canada, containing an area of eleven thousand one hundred and eighty-one acres of land, was set apart for the use and benefit of the Indians of the Tribe Iroquois of Saint Regis, at an early period of the Government of Canada, as an Indian Reservation; And whereas the said Indians have, through their representatives appointed by Her Majesty's Government, leased all their rights in such lands for fixed ground rents, and have given up possession of the same, after having so leased and conveyed them, and the parties to whom such lands were so conveyed, have, at great expense, cleared the same, erected buildings thereon, and otherwise improved them, thereby greatly enhancing their value; And whereas doubts have arisen respecting the legality of the said leases or conveyances, and such doubts tend to obstruct the further improvement of such lands, and it is desirable, and for the interest of the said Indians as well as of the individuals holding such lands, and for the community generally, that all such doubts should be removed and the said Indians duly compensated, and that the purchasers and lessees should have the right of redemption of such lands: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Leases made before a certain day confirmed.

Proviso: as to reserved rent.

1. All leases, *baux emphytéotiques*, or *baux à longues années* granted for a longer period than thirty years by the St. Regis Indians, or their representatives, of the said lands of the Township of Dundee, which shall have been passed before the first day of March, one thousand eight hundred and sixty-four, and which at the time the same were executed, or prior to the date above mentioned, were approved by a recognized agent of the Indian Department, shall be considered to have been legally made; Provided always, that an annual ground rent of not less than at the rate of five dollars for each lot of one hundred *arpents*, French measure, shall have been stipulated in favor of the said Indians.

S.C. 1864, c. 68, cont'd.

Purchaser or  
lessee may  
redeem the  
rent and on  
what terms.

Proviso.

Letters Patent  
may issue for  
land so re-  
deemed: and  
when.

Proviso:  
mines to be  
reserved.

Accounts to  
be kept, &c.

**2.** Any purchaser or lessee, or the heirs, representatives, assignee or assignees of any purchaser or lessee of any lot or part of a lot of the Indian lands in the Township of Dundee, now in the possession of the same, may redeem the rent annually accruing upon such land or lot, or part of lot of land, under the leases mentioned in the preceding section of this Act, by paying to the Indian Department, in addition to any arrears that may be due, the capital represented by such rent at the rate of five per cent., which payment as to capital shall be made to the Commissioner of Crown Lands, as Superintendent-General of Indian Affairs, who is hereby authorized to receive the same and grant a receipt therefor; provided such redemption shall be made within five years after the passing of this Act; and upon such redemption by the payment aforesaid, and upon satisfactory evidence of survey being furnished to the Crown Lands Department, letters patent may be issued granting such lot or part of a lot of land in fee simple, and clear of all charges, in favor of the said Indians, to the person entitled to redeem and having redeemed the same, or his heirs, assigns or legal representatives; and such letters patent shall issue forthwith after such redemption, if the said lands shall have been then surrendered to Her Majesty, for the purposes of this Act, by a deed of surrender, executed by a majority of the Chiefs of the said Indians of the Tribe Iroquois of St. Regis, with the approval and to the satisfaction of the Governor General in Council; and if such surrender be not so made at the time of the said redemption, then the said letters patent shall issue so soon thereafter as the said surrender shall have been executed; Provided always that in all such letters patent all mines of Lead, Tin, Coal and Copper and all mill sites shall be reserved by the Crown in trust for the said Indians of St. Regis.

**3.** The said Commissioner of Crown Lands, as Superintendent-General of Indian Affairs, shall keep an account of all sums deposited in his hands, and shall pay over the interest thereon annually or semi-annually to the said Indians, in any way which he may deem most beneficial to them.

**4.** This Act shall be deemed a Public Act.

Public Act.

An Act to enable the Huron Indians of La Jeune Lorette, to regulate the cutting of wood in their Reserve. S.C. 1864, c. 69. (27-28 Vict.)

C A P. L X I X.

An Act to enable the Huron Indians of La Jeune Lorette, to regulate the cutting of wood in their Reserve.

[Assented to 30th June, 1864.]

**W**HEREAS continual depredations are committed by Indians and others on the Reserve belonging to the Tribe of Huron Indians at Lorette, which is situated in the parish of St. Ambroise de la Jeune Lorette, and is commonly known as the *Quarante Arpents*, and whereas, with the view of securing to the families of the said Tribe a supply of firewood and timber for their ordinary requirements, it is necessary that the cutting of the standing timber thereon, should be regulated by Legislative enactment: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Any person who shall cut any wood of the said Reserve without the permission in writing of the Council of Chiefs of the said tribe, as hereinafter prescribed, shall be deemed to have cut the same wrongfully and shall be liable to a fine not exceeding eight dollars, and further be condemned to forfeit the value of the timber so cut; and the said fine and forfeiture shall belong one half to the informer and the other to the Indian Fund, such fund to be specially applied to the maintenance of the said tribe.

*Preamble.*  
What shall be deemed a wrongful cutting of wood.

Penalty and how applied.

2. Any person who shall purchase, from the said Indians or others, any wood cut in the said Reserve, shall thereby incur the penalty imposed by the foregoing section.

Penalty on purchaser.

3. Any person guilty of any of the offences above mentioned may be prosecuted before a Justice of the Peace on the complaint of any person whomsoever, and the said Justice may cause his judgment to be enforced by distress and sale of the movable effects to the offender, and in default of movable property by imprisonment of the offender for a period not exceeding one month.

Recovery of penalties.

4. Any person who shall be prosecuted under this Act shall be bound to prove that he was entitled to cut wood in the said Reserve, if he pleads that he was so entitled.

Onus of Proof.

5. The more effectually to secure the carrying out of this Act, it is enacted that the Council of Chiefs of the Huron Tribe of Lorette, shall be empowered to make by-laws, to be submitted for the approval of the Head of the Indian Department:

make by-laws, as to such wood.

Council of Chiefs to

1. For fixing the conditions upon which the wood shall be cut and distributed;

2. For granting to the said Indians permission, in writing, to cut wood in the said Reserve, indicating the quality and quantity of the wood required, and the place at which it is to be cut;

3. For strictly and effectually carrying out the provisions of this Act.

Public Act.

6. This Act shall be deemed a Public Act.



An Act to confirm the Title to Lands held in trust for certain of the Indians resident in this Province. S.C. 1866, c. 20. (29-30 Vict.)

C A P . X X .

An Act to confirm the Title to Lands held in trust for certain of the Indians resident in this Province.

[Assented to 15th August, 1866.]

**W**HEREAS defects have been found to exist in respect to the mode of execution of Titles to certain Lands in Upper Canada, acquired by certain Tribes of Indians, or by the Crown in trust for or on behalf of Indians or of Indian Tribes, and it is expedient to quiet and confirm such Titles : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. For and notwithstanding anything contained in any Act of the Parliament of the late Province of Upper Canada, or of the Parliament of the Province of Canada, heretofore made and passed, every Deed, Conveyance or Instrument purporting

Certain deeds of lands in trust for Indians, confirmed, notwithstanding

is sufficient execution by married woman.

to be a Conveyance and Transfer of Lands, in Upper Canada, to any Tribe of Indians, or to the Crown in trust for or on behalf of Indians or of Indian Tribes, or now held by the Crown on any such trust from any married woman seized of or entitled to such real estate, and made and executed before the passing of this Act, by such married woman, either jointly with or without her husband, or made and executed by any person constituted and authorized by power of attorney executed by such married woman, either jointly with or without her husband, to execute such Deed, Conveyance or Instrument in her name or on her behalf, shall be taken and deemed a valid Conveyance of the Land therein mentioned, and the execution thereof shall be taken and deemed to be valid and effectual and to have passed the estate of such married woman in the said land, although such Deed, Conveyance, Instrument or Power of Attorney was not executed by such married woman in accordance with the provisions of any Law or Statute in force in Upper Canada in respect to the conveyance of real estate by married woman, and although no certificate of the consent of such married woman to convey her estate in the said land, or an informal or insufficient certificate was endorsed upon such Deed, Conveyance or Instrument, whether executed by such married woman or by her Attorney, and although no certificate of such consent or an informal or insufficient certificate was endorsed upon such Power of Attorney.

The Department of Mines and Resources Act. S.C. 1936, c. 33.

1. This Act may be cited as *The Department of Mines and Resources Act*. Short title.

2. In this Act unless the context otherwise requires, Definitions.  
 (a) "Department" means the Department of Mines and Resources; "Department."  
 (b) "Minister" means the Minister of Mines and Resources; "Minister."  
 (c) "Deputy Minister" means the Deputy Minister of Mines and Resources. "Deputy Minister."

Duties,  
powers and  
functions of  
the Minister.

5. The Minister shall have and may exercise all and every of the duties, powers and functions which were, immediately prior to the coming into force of this section, vested by any Act, order or regulation in the Minister of the Interior, the Minister of Mines, the Minister of Immigration and Colonization and the Superintendent General of Indian Affairs.

As to boards,  
public bodies,  
etc.

6. The duties, powers and functions of the Minister shall extend and apply to such boards and other public bodies, subjects, services and properties of the Crown as may be designated or assigned to the Minister by the Governor in Council, over which the Minister shall have the control, regulation, management and supervision.

Organization  
of the  
Department.  
R.S., c. 22.

7. (1) Notwithstanding the provisions of the *Civil Service Act* with respect to the organization of a department and the classification of positions therein, the Governor in Council may make such orders and regulations as he may consider necessary for the immediate organization of the Department and the classification of the positions therein, including the establishment of rates of compensation for each class of position thereunder; and notwithstanding the provisions of subsection three of section four of this Act the Governor in Council may, in the first instance, fill the positions in the Department by the appointment thereto of any or all of the persons who immediately before the coming into force of this Act were officers, clerks and employees of the Department of the Interior, the Department of Immigration and Colonization, the Department of Mines and the Department of Indian Affairs and such persons so appointed shall hold office during pleasure.

Provision in  
Appropriation  
Acts  
for expenses  
of the  
public  
service.

(2) Wherever in any Appropriation Act for the financial year ending the thirty-first day of March, one thousand nine hundred and thirty-seven, provision is made, based on Estimates 1936-37, to defray expenses of the public service

S.C. 1936, c. 33, cont'd.

of Canada within the Department of the Interior, the Department of Immigration and Colonization, the Department of Mines or the Department of Indian Affairs such provision and estimates shall be interpreted as applying to similar or other as well as like classifications of the public service within the Department of Mines and Resources: Provided that where provision is made for more positions in the same classification than are created on the immediate organization of the Department of Mines and Resources only one salary shall be paid to or drawn by any person holding a position in such classification so created.

8. Wherever in any Act of the Parliament of Canada or in any order or regulation made under the authority thereof, or wherever under any contract, lease or other writing, it is provided that any duty, power or function shall be vested in or performed or exercised by any officer of the Department of the Interior or of the Department of Mines or of the Department of Immigration and Colonization or of the Department of Indian Affairs, such duty, power or function shall be vested in and performed and exercised by the appropriate officer of the Department, or by such officer thereof as may be named by the Minister.

Duties,  
powers and  
functions  
vested in,  
performed  
and exercised  
by the officers  
of the  
Department.

9. (1) Wherever in any Act of the Parliament of Canada heretofore or hereafter enacted, or in any order or regulation made under the authority thereof, the Department of the Interior, the Minister of the Interior, the Deputy Minister of the Interior, the Department of Mines, the Minister of Mines, the Deputy Minister of Mines, the Department of Immigration and Colonization, the Minister of Immigration and Colonization, the Deputy Minister of Immigration and Colonization, the Department of Indian Affairs, the Superintendent General of Indian Affairs or the Deputy Superintendent General of Indian Affairs is mentioned or referred to, there shall in each and every such case, be substituted the Department of Mines and Resources, the Minister of Mines and Resources and the Deputy Minister of Mines and Resources, respectively.

Department,  
Minister and  
Deputy  
Minister  
substituted.

(2) The chief officer in charge of the branch of the Department in which is included Indian Affairs may, under the Deputy Minister, perform and exercise all the duties, powers and functions with respect to Indian Affairs which are or may be vested in the Deputy Superintendent General of Indian Affairs by any Act of the Parliament of Canada or by any order or regulation made under the authority thereof.

Indian  
Affairs.

10. The Minister shall have the control and management of  
(a) the affairs of the Northwest Territories, and of the Yukon Territory;

Territories  
and Crown  
Lands.



S.C. 1936, c. 33, cont'd.

(b) all Crown lands which are the property of Canada, including those known as Ordnance and Admiralty lands, and all other public lands not specially under the control of the Department of Public Works, Railways and Canals, or National Defence, and excepting also marine hospitals and lighthouses and land connected therewith, and St. Paul's, Sable and Portage Islands.

Acts  
repealed.  
R.S., c. 103.  
R.S., c. 96.

**11.** (1) The *Department of the Interior Act*, chapter one hundred and three of the Revised Statutes of Canada, 1927; and the *Department of Immigration and Colonization Act*, chapter ninety-six of the Revised Statutes of Canada, 1927, are repealed;

Sections  
repealed.  
R.S., c. 83.

(2) Sections three, six, seven and nine of the *Geology and Mines Act*, chapter eighty-three of the Revised Statutes of Canada, 1927, and section five and paragraph (a) of subsection one and subsection two of section seven of the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, are repealed.

R.S., c. 98.

Coming  
into force.

**12.** This Act, in whole or in part, shall come into force on a date or dates to be fixed by proclamation of the Governor in Council published in the *Canada Gazette*.

The Department of Citizenship and Immigration Act. S.C. 1949 (2nd sess.),  
c. 16.

**1.** This Act may be cited as *The Department of Citizenship and Immigration Act*. Short title.

**2.** In this Act

(a) "Department" means the Department of Citizenship and Immigration; and Definitions.  
"Department".

(b) "Minister" means the Minister of Citizenship and Immigration. "Minister".

Duties,  
powers and  
functions of  
Minister.

**5.** The duties, powers and functions of the Minister shall extend to and include all matters over which the Parliament of Canada has jurisdiction relating to naturalization and citizenship, Indian affairs, immigration and colonization and not by law assigned to any other Department of the Government of Canada.

Department,  
Minister and  
Deputy  
Minister  
substituted.

**6.** (1) Whenever the Department of Immigration and Colonization, the Minister of Immigration and Colonization, the Deputy Minister of Immigration and Colonization, the Department of Indian Affairs, the Superintendent General of Indian Affairs or the Deputy Superintendent General of Indian Affairs is mentioned or referred to in any Act of the Parliament of Canada or any order, rule or regulation made thereunder, there shall in each and every such case be substituted the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration and the Deputy Minister of Citizenship and Immigration, respectively.

Idem.

(2) Whenever the Department of Mines and Resources, the Minister of Mines and Resources or the Deputy Minister of Mines and Resources is mentioned or referred to in the *Immigration Act*, the *Immigration Aid Societies Act*, the *Indian Act* or any order, rule or regulation made thereunder, there shall in each and every such case be substituted the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration and the Deputy Minister of Citizenship and Immigration, respectively.

R.S., c. 93.  
R.S., c. 94.  
R.S., c. 98.

Idem

(3) Whenever the Department of the Secretary of State, the Secretary of State of Canada or the Under Secretary of State of Canada is mentioned or referred to in the *Canadian Citizenship Act* or any order, rule or regulation made thereunder, there shall in each and every such case be substituted the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration and the Deputy Minister of Citizenship and Immigration, respectively.

1946, c. 15.

Powers under  
contracts,  
etc.

(4) Whenever under any contract, lease or other document any power, authority or function in relation to Indian affairs, immigration or colonization is vested in or exercisable by the Minister of Mines and Resources or the Deputy Minister of Mines and Resources, the Superintendent General of Indian Affairs or the Deputy Superintendent General of Indian Affairs, the Minister of Immigration and

Colonization or the Deputy Minister of Immigration and Colonization, the power, authority or function shall be vested in and shall or may be exercised by the Minister of Citizenship and Immigration and the Deputy Minister of Citizenship and Immigration, respectively, or by such other Minister or Deputy Minister as the Governor in Council may designate.

Department of Citizenship and Immigration Act. R.S.C. 1952, c. 67.

**1.** This Act may be cited as the *Department of Citizenship and Immigration Act*. 1949 (2nd Sess.), c. 16, s. 1. Short title.

#### INTERPRETATION.

**2.** In this Act

Definitions.

(a) "Department" means the Department of Citizenship and Immigration; and "Department."

(b) "Minister" means the Minister of Citizenship and Immigration. 1949 (2nd Sess.), c. 16, s. 2. "Minister."

Duties,  
powers and  
functions of  
Minister.

**5.** The duties, powers and functions of the Minister shall extend to and include all matters over which the Parliament of Canada has jurisdiction relating to naturalization and citizenship, Indian affairs, immigration and colonization and not by law assigned to any other Department of the Government of Canada. 1949 (2nd Sess.), c. 16, s. 5.

Department,  
Minister and  
Deputy  
Minister  
substituted.

**6.** (1) Whenever the Department of Immigration and Colonization, the Minister of Immigration and Colonization, the Deputy Minister of Immigration and Colonization, the Department of Indian Affairs, the Superintendent General of Indian Affairs or the Deputy Superintendent General of Indian Affairs is mentioned or referred to in any Act of the Parliament of Canada or any order, rule or regulation made thereunder, there shall in each and every such case be substituted the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration and the Deputy Minister of Citizenship and Immigration, respectively.

Idem.

(2) Whenever the Department of Mines and Resources, the Minister of Mines and Resources or the Deputy Minister of Mines and Resources is mentioned or referred to in the *Immigration Act*, the *Immigration Aid Societies Act*, the *Indian Act* or any order, rule or regulation made thereunder, there shall in each and every such case be substituted the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration and the Deputy Minister of Citizenship and Immigration, respectively.

Idem.

(3) Whenever the Department of the Secretary of State, the Secretary of State of Canada or the Under Secretary of State of Canada is mentioned or referred to in the *Canadian Citizenship Act* or any order, rule or regulation made thereunder, there shall in each and every such case be substituted the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration and the Deputy Minister of Citizenship and Immigration, respectively.



R.S.C. 1952, c. 67, cont'd.

Powers  
under  
contracts,  
etc.

(4) Whenever under any contract, lease or other document any power, authority or function in relation to Indian affairs, immigration or colonization is vested in or exercisable by the Minister of Mines and Resources or the Deputy Minister of Mines and Resources, the Superintendent General of Indian Affairs or the Deputy Superintendent General of Indian Affairs, the Minister of Immigration and Colonization or the Deputy Minister of Immigration and Colonization, the power, authority or function shall be vested in and shall or may be exercised by the Minister of Citizenship and Immigration and the Deputy Minister of Citizenship and Immigration, respectively, or by such other Minister or Deputy Minister as the Governor in Council may designate. 1949 (2nd Sess.), c. 16, s. 6.

An Act to amend the Canadian Citizenship Act. S.C. 1956, c. 6.

2. Section 9 of the said Act is amended by adding thereto the following subsection:

"(4) An Indian as defined in the *Indian Act*, or a person of the race of aborigines commonly referred to as Eskimos, other than a natural-born Canadian citizen, is a Canadian citizen if that person

Indians or  
Eskimos.

(a) had a place of domicile in Canada on the 1st day of January, 1947, and

(b) on the 1st day of January, 1956, had resided in Canada for more than ten years,  
and such person is deemed, for the purposes of section 19, to have become a Canadian citizen on the 1st day of January, 1947."

Repealed by S.C. 1966-67, c. 25, which set up the Department of Indian Affairs and Northern Development.

Government Organization Act, 1966. S.C. 1966-67, c. 25.

**DEPARTMENT OF INDIAN AFFAIRS AND  
NORTHERN DEVELOPMENT.**

Department  
established.

**15.** (1) There shall be a department of the Government of Canada called the Department of Indian Affairs and Northern Development over which the Minister of Indian Affairs and Northern Development appointed by Commission under the Great Seal of Canada shall preside.

Minister.

(2) The Minister of Indian Affairs and Northern Development holds office during pleasure and has the management and direction of the Department of Indian Affairs and Northern Development.

Deputy  
Minister.

**16.** (1) The Governor in Council may appoint an officer called the Deputy Minister of Indian Affairs and Northern Development to be the deputy head of the Department of Indian Affairs and Northern Development and to hold office during pleasure.

Officers  
and  
employees.

(2) Such other officers and employees as are necessary for the proper conduct of the business of the Department shall be appointed in the manner authorized by law.

Duties of  
Minister.

**17.** The duties, powers and functions of the Minister of Indian Affairs and Northern Development extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to

- (a) Indian affairs;
- (b) the Northwest Territories and the Yukon Territory and their resources and affairs;
- (c) Eskimo affairs;
- (d) national parks;
- (e) national battlefields, historic sites and monuments; and
- (f) migratory birds and other wild life.

Further  
duties.

**18.** The Minister of Indian Affairs and Northern Development shall be responsible for

- (a) co-ordinating the activities in the Northwest Territories and the Yukon Territory of the

several departments, branches and agencies of the Government of Canada;

- (b) undertaking, promoting and recommending policies and programs for the further economic and political development of the Northwest Territories and the Yukon Territory; and
- (c) fostering, through scientific investigation and technology, knowledge of the Canadian north and of the means of dealing with conditions related to its further development.

S.C. 1966-67, c. 25, cont'd.

**19.** The Minister of Indian Affairs and Northern Development Administration.

- (a) has the control, management and administration of all lands situated in the Northwest Territories or Yukon Territory belonging to Her Majesty in right of Canada except those lands therein that were immediately before the coming into force of this section under the control, management or administration of any Minister, department, branch or agency of the Government of Canada other than the Minister of Northern Affairs and National Resources or the Department of Northern Affairs and National Resources; and
- (b) shall administer all Acts, orders and regulations, not by law assigned to any other Minister, relating to any of the matters mentioned in section 17 or 18.

**20.** The Minister of Indian Affairs and Northern Development shall, on or before the 31st day of January next following the end of each fiscal year or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Department of Indian Affairs and Northern Development for that fiscal year. Report to Parliament.



S.C. 1966-67, c. 25, cont'd.

Acts to be  
administered  
by Minister  
of Indian  
Affairs and  
Northern  
Develop-  
ment.

**40.** (1) Without restricting the generality of sections 17 and 18, the Acts or portions of Acts to be administered by the Minister of Indian Affairs and Northern Development shall include the Acts or portions of Acts set out in Part IV of Schedule A, and whenever the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration, the Deputy Minister of Citizenship and Immigration, the Department of Northern Affairs and National Resources, the Minister of Northern Affairs and National Resources, the Deputy Minister of Northern Affairs and National Resources, the Department of Mines and Technical Surveys, the Minister of Mines and Technical Surveys or the Deputy Minister of Mines and Technical Surveys is mentioned or referred to in any of those Acts or portions of Acts, or in any order, rule or regulation thereunder, or any contract, lease or other document made thereunder, there shall in each and every such case unless the context otherwise requires be substituted the Department of Indian Affairs and Northern Development, the

Minister of Indian Affairs and Northern Development or the Deputy Minister of Indian Affairs and Northern Development, as the case may be.

(2) Whenever under any order, rule or regulation, or any contract, lease or other document, any power, duty or function is vested in or exercisable by the Minister of Northern Affairs and National Resources, the Deputy Minister of Northern Affairs and National Resources or any other officer of the Department of Northern Affairs and National Resources, the Minister of Citizenship and Immigration or the Deputy Minister of Citizenship and Immigration, in relation to any matter not provided for under subsection (1) to which the powers, duties or functions of the Minister of Indian Affairs and Northern Development extend under this Act, the power, duty or function is vested in and shall or may be exercised by the Minister of Indian Affairs and Northern Development, the Deputy Minister of Indian Affairs and Northern Development or the appropriate officer of the Department of Indian Affairs and Northern Development, as the case may be, unless the Governor in Council by order designates another Minister, Deputy Minister or other officer of a department of the public service of Canada to exercise such power, duty or function.

References  
elsewhere.

**PART IV: Minister of Indian Affairs and Northern Development: (Section 40)**

Indian Act (R.S., c. 149)  
Northern Canada Power Commission Act (R.S., c. 196)  
Dominion Water Power Act (R.S., c. 90)  
National Parks Act (R.S., c. 189)  
Territorial Lands Act (R.S., c. 263)  
Yukon Placer Mining Act (R.S., c. 300)  
Yukon Quartz Mining Act (R.S., c. 301)  
Land Titles Act (R.S., c. 162)  
Northwest Territories Act (R.S., c. 331)  
Yukon Act (1952-53, c. 53)  
Part III of Canada Lands Surveys Act (R.S., c. 26)  
Historic Sites and Monuments Act (1952-53, c. 39)  
Game Export Act (R.S., c. 128)  
Migratory Birds Convention Act (R.S., c. 179)

## CONSEQUENTIAL AMENDMENTS.

**45.** The Acts and portions of Acts set out in Schedule B are repealed or amended in the manner and to the extent indicated in that Schedule. <sup>Amendments and repeals.</sup>

Indian Act  
1951, c. 29

Paragraph (b) of subsection (3) of section 123 is amended by substituting the Minister of Indian Affairs and Northern Development for the Minister therein mentioned.

GOVERNMENT ORGANIZATION ACT, 1969. S.C. 1968-69, c. 28.

## 17-18 ELIZABETH II

### CHAPTER 28

An Act respecting the organization of the  
Government of Canada and matters  
related or incidental thereto

*[Assented to 28th March, 1969]*

Her Majesty, by and with the advice  
and consent of the Senate and House of  
Commons of Canada, enacts as follows:

#### SHORT TITLE

Short title    1. This Act may be cited as the *Govern-  
ment Organization Act, 1969.*

#### *Consequential Amendments*

Amendments    105. The Acts and portions of Acts set  
and            out in Schedule B are repealed or amended  
repeals       in the manner and to the extent indicated  
              in that Schedule.

Indian Act  
R.S., c. 149

Subsection 69(4) is amended by sub-  
stituting the Receiver General for the Min-  
ister of Finance.



**CHAPTER I-7**

An Act respecting the Department of Indian Affairs and Northern Development

Short title	1. This Act may be cited as the <i>Department of Indian Affairs and Northern Development Act</i> .
Department established	2. (1) There shall be a department of the Government of Canada called the Department of Indian Affairs and Northern Development over which the Minister of Indian Affairs and Northern Development appointed by commission under the Great Seal shall preside.
Minister	(2) The Minister of Indian Affairs and Northern Development holds office during pleasure and has the management and direction of the Department of Indian Affairs and Northern Development. 1966-67, c. 25, s. 15.
Deputy Minister	3. The Governor in Council may appoint an officer called the Deputy Minister of Indian Affairs and Northern Development to be the deputy head of the Department of Indian Affairs and Northern Development and to hold office during pleasure. 1966-67, c. 25, s. 16.
Duties of Minister	4. The duties, powers and functions of the Minister of Indian Affairs and Northern Development extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to <ul style="list-style-type: none"> <li>(a) Indian affairs;</li> <li>(b) the Northwest Territories and the Yukon Territory and their resources and affairs;</li> <li>(c) Eskimo affairs;</li> <li>(d) national parks;</li> <li>(e) national battlefields, historic sites and monuments; and</li> <li>(f) migratory birds and other wildlife. 1966-67, c. 25, s. 17.</li> </ul>

R.S.C. 1970, c. I-7, cont'd.

Further duties

5. The Minister of Indian Affairs and Northern Development shall be responsible for

- (a) coordinating the activities in the Northwest Territories and the Yukon Territory of the several departments, branches and agencies of the Government of Canada;
- (b) undertaking, promoting and recommending policies and programs for the further economic and political development of the Northwest Territories and the Yukon Territory; and
- (c) fostering, through scientific investigation and technology, knowledge of the Canadian north and of the means of dealing with conditions related to its further development. 1966-67, c. 25, s. 18.

Administration

6. The Minister of Indian Affairs and Northern Development

- (a) has the control, management and administration of all lands situated in the Northwest Territories and the Yukon Territory belonging to Her Majesty in right of Canada except those lands therein that were immediately before the 1st day of October 1966 under the control, management or administration of any Minister, department, branch or agency of the Government of Canada other than the Minister of Northern Affairs and National Resources or the Department of Northern Affairs and National Resources; and
- (b) shall administer all Acts, orders and regulations, not by law assigned to any other Minister, relating to any of the matters mentioned in section 4 or 5. 1966-67, c. 25, s. 19.

Report to Parliament

7. The Minister of Indian Affairs and Northern Development shall, on or before the 31st day of January next following the end of each fiscal year or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Department of Indian Affairs and Northern Development for that fiscal year. 1966-67, c. 25, s. 20.

Government Organization Act, 1970. R.S.C. 1970 (2nd Supp.), c. 14.

*Consequential Amendments*

Amend-  
ments and  
repeals

31. The Acts mentioned in Schedule II  
are repealed or amended in the manner and  
to the extent indicated in that Schedule.

SCHEDULE II

Item	Act Affected	Repeal or Amendment
3	Indian Affairs and Northern Development Act R.S., c. I-7	Paragraph 4(f) is repealed.



An Act respecting the north-western, northern and north-eastern boundaries of the province of Quebec. S.C. 1898, c. 3.

### CHAP. 3.

An Act respecting the north-western, northern and north-eastern boundaries of the province of Quebec.

[Assented to 13th June, 1898.]

WHEREAS in and by *The British North America Act*, 1871, c. 23 (Imperial.) 1871, it is enacted that the Parliament of Canada may, from time to time, with the consent of the legislature of any province, increase, diminish or otherwise alter the limits of such province, upon such terms and conditions as may be agreed to by the said legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any province affected thereby; and whereas it has been agreed between the Governments of the Dominion of Canada and the province of Quebec that the north-western, northern and north-eastern boundaries of the province of Quebec shall be those hereinafter described, and the Legislature of Quebec has, by chapter 6 of the statutes of 1898, expressed its consent that the Parliament of Canada should declare the said boundaries to be the north-western, northern and north-eastern limits of the said province: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. The north-western, northern and north-eastern boundaries of the province of Quebec are hereby declared to be the following:—Commencing at the head of Lake Temiscamingue, thence along the eastern boundary of the province of Ontario due north to the shore of the part of Hudson Bay commonly known as James Bay, and thence north-easterly following upon the said shore to the mouth of the East Main River, and thence easterly ascending along the middle of the said river up to the confluence of the branch thereof flowing from Patamisk Lake, and thence ascending along the middle of the said branch up to Patamisk Lake, and thence along the middle of the said lake to the most northerly point thereof, the said point being about fifteen miles south from the Hudson's Bay Com-

Boundaries described.

S.C. 1898, c. 3, cont'd.

pany's post on Lake Nichigun, and approximately in latitude fifty-two degrees fifty-five minutes north, and longitude seventy degrees forty-two minutes west of Greenwich; thence due east along the parallel of latitude of the said point to the intersection of the river discharging the waters of Lake Ashuanipi, which river is known under the names of Hamilton or Ashuanipi or Great Esquimaux River, and thence descending along the middle of the said river through Menihek, Marble, Astray and Dyke Lakes to the most southerly outlet of Dyke Lake, and thence along the middle of the said outlet to Birch Lake, and thence along the middle of Birch and Sandgirt Lakes to the most southerly outlet of Sandgirt Lake, and thence along the middle of the southern channel of the Hamilton River to Flour Lake, and thence along the middle of Flour Lake to its outlet, and thence along the middle of the Hamilton River to the Bay du Rigolet or Hamilton Inlet, and thence easterly along the middle of the said bay or inlet until it strikes the westerly boundary of the territory under the jurisdiction of Newfoundland, and thence southerly along the said boundary to the point where it strikes the north shore of the Anse Sablon, in the Gulf of St. Lawrence, the said line being shown in red as far as Hamilton Inlet, upon the plan accompanying the copy of the Order of the Governor General in Council number two thousand six hundred and twenty-three, dated the eighth of July, one thousand eight hundred and ninety-six, transmitted to the Lieutenant Governor of Quebec, and now deposited among the archives of the Provincial Secretary of that province.

## CHAP. 32.

### An Act to provide for the extension of the Boundaries of the Province of Manitoba.

[Assented to 1st April, 1912.]

**W**HEREAS, on the thirteenth day of July, one thousand nine hundred and eight, the House of Commons resolved that the limits of the province of Manitoba should be increased by the extension of the boundaries of the province northward to the sixtieth parallel of latitude and north-eastward to the shores of Hudson Bay, as in the said resolution is more particularly set out, upon such terms and conditions as may be agreed to by the Legislature of Manitoba and by the Parliament of Canada; Preamble.

And whereas it is desirable that the financial terms applicable to the said province, as altered by the increase of territory aforesaid, should be on a basis of substantial equality with the financial terms enjoyed by each of the provinces of Saskatchewan and Alberta under *The Saskatchewan Act* and *The Alberta Act*, respectively, inasmuch as the area of these respective provinces is approximately equal to that of the province of Manitoba as by this Act increased, and inasmuch as each of the said three provinces at the time of its establishment as a province was without public debt, and inasmuch as the Crown lands, mines and minerals and royalties incident thereto in the province of Manitoba are, as is the case in the other two said provinces, vested in the Crown and administered by the Government of Canada for the purposes of Canada: Therefore, subject to the consent of the Legislature of Manitoba, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

#### SHORT TITLE.

Short title. **1.** This Act may be cited as *The Manitoba Boundaries Extension Act, 1912.*

#### INTERPRETATION.

Interpretation.  
"province."  
"Government."

**2.** In this Act, unless the context otherwise requires,—  
(a) "the province" means the province of Manitoba;  
(b) "the Government" means His Majesty the King acting in respect of the Dominion of Canada by and through the Governor General in Council.



S.C. 1912, c. 32, cont'd.

#### BOUNDARIES.

Boundaries  
extended.

U. K., 1889,  
c. 28.

3. The limits of the province are hereby increased so that the boundaries of the province shall be as follows: Commencing where the sixtieth parallel of north latitude intersects the western shore of Hudson Bay; thence westerly along the said parallel of latitude to the north-east corner of the province of Saskatchewan; thence southerly along the easterly boundary of the province of Saskatchewan to the international boundary dividing Canada from the United States; thence easterly along the said international boundary to the point where the said international boundary turns due north; thence north along the said international boundary to the most northerly point thereof at or near the northwest angle of the Lake of the Woods; thence continuing due north along the westerly boundary of the province of Ontario, by virtue of "The Canada (Ontario Boundary) Act, 1889," chapter 28 of the statutes of 1889 of the United Kingdom, (the said westerly boundary being the easterly boundary of the province of Manitoba) to the most northerly point of the said boundary common to the two provinces under the said Act; thence continuing due north along the same meridian to the intersection thereof with the centre of the road allowance on the twelfth base line of the system of Dominion Land Surveys; thence northeasterly in a right line to the most eastern point of Island Lake, as shown in approximate latitude  $53^{\circ} 30'$  and longitude  $93^{\circ} 40'$  on the railway map of the Dominion of Canada published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior; thence northeasterly in a right line to the point where the eightyninth meridian of west longitude intersects the southern shore of Hudson Bay; thence westerly and northerly following the shores of the said Bay to the place of commencement; and all the land embraced by the said description not now within the province of Manitoba, shall, from and after the commencement of this Act, be added thereto and the whole shall, from and after the said commencement, form and be the province of Manitoba.

#### FINANCIAL PROVISIONS.

4. Inasmuch as the province was not in debt at the time the province was established, it shall be entitled to be paid and to receive from the Government of Canada, by half-yearly payments in advance on the first day of January and July in each year an annual sum of three hundred and eighty-one thousand five hundred and eighty-four dollars and nineteen cents, being the equivalent of interest at the rate of five per cent per annum on the sum of seven million six hundred and thirty-one thousand six hundred and eighty-three dollars and eighty-five cents, the difference between a principal sum of eight million, one hundred and seven thousand five hundred dollars and the sum of four hundred and seventy-five thousand eight hundred and sixteen dollars and fifteen cents heretofore advanced by the Government to the province for provincial purposes.

Annual pay-  
ment to  
province.

S.C. 1912, c. 32, cont'd.

2. This section shall be held to have come into force on the first day of July, one thousand nine hundred and eight, and shall have effect as if the first half-yearly payment thereunder was due to be made on that date. Commence-  
ment of  
section.

3. There shall be deducted from the aggregate of the sums payable under this section at the commencement of this Act all sums received on and after the first day of July, one thousand nine hundred and eight, by the province from the Government by way of interest on capital allowance in lieu of debt. Deduction of  
interest on  
capital  
allowance.

5. Inasmuch as under the provisions of this Act the province will not have the public land as a source of revenue, there shall, subject to the provisions hereinafter set out, be paid by the Government to the province, by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the province as from time to time ascertained by the quinquennial census thereof, as follows:— Compensa-  
tion to  
province for  
public lands.

The population of the province being assumed to be on the first day of July, nineteen hundred and eight, over four hundred thousand, the sum payable until such population reaches eight hundred thousand shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

1885, c. 50  
amended.

Transfer of  
swamp lands  
to Govern-  
ment.

2. Section 1 of chapter 50 of the statutes of 1885 is repealed, and all lands (known as swamp lands) transferred to the province under the said section 1, and not sold by the province prior to the time at which the terms and conditions of this Act have been agreed to by the Legislature of the province, shall be re-transferred to the Govern-  
ment.

Deduction  
respecting  
swamp lands.

3. The sums payable to the province under subsection 1 of this section shall be subject to a deduction at the rate of five per cent per annum upon the difference between the aggregate of the sums for which the said swamp lands were sold by the province and the aggregate of the sums from time to time charged to the province by the Government in connection with the selection, survey and transfer of such lands and of the sums expended by the province which may be fairly chargeable to the administration and sale of such swamp lands.

Determina-  
tion of  
amount.

4. The difference referred to in the next preceding subsection shall be determined by the Governor in Council after audit on behalf of the Government.

Deduction  
respecting  
lands granted  
to Manitoba  
University.

5. The sums payable to the province under subsection 1 of this section shall also be subject to a deduction by reason of the allotment of land, to the extent of one hundred and fifty thousand acres, granted as an endowment to the University of Manitoba under section 2 of chapter 50 of the statutes of 1885, to wit, to a deduction of five per cent per annum upon the sum of three hundred thousand dollars.

Commence-  
ment of  
payments  
under s-s. 1.

6. This section shall be held to have come into force, in so far as the provisions directing and affecting the half-yearly payments in advance under subsection 1 of this section are concerned, on the first day of July, nineteen hundred and eight, and shall have effect as if the first half-yearly payment thereunder was due to be made on that date.



S.C. 1912, c. 32, cont'd.

Deductions  
respecting  
indemnity in  
lieu of public  
lands.

7. There shall be deducted from the aggregate of the sums payable under the next preceding subsection at the commencement of this Act all sums received on and after the first day of July, nineteen hundred and eight, by the province from the Government on account of indemnity in lieu of public lands.

Allowance for  
provincial  
public  
buildings.

8. As an additional allowance in lieu of public land, there shall be paid by the Government to the province, one-half on the first day of July, nineteen hundred and twelve, and one-half on the first day of July, nineteen hundred and thirteen, to assist in providing for the construction of necessary public buildings, two hundred and one thousand seven hundred and twenty-three dollars and fifty-seven cents, a sum equal to the difference between the total payments made by the Government to each of the provinces of Saskatchewan and Alberta, under *The Saskatchewan Act* and *The Alberta Act*, respectively, for the like purposes and the sums already paid by the Government on account of the construction of the Legislative Buildings and the Government House at Winnipeg.

#### RIGHTS OF CROWN.

6. All Crown lands, mines and minerals and royalties incident thereto in the territory added to the province under the provisions of this Act, and the interest of the Crown under *The Irrigation Act* in the waters within such territory, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act.

Crown lands,  
minerals and  
waters.

#### REPRESENTATION IN THE SENATE.

7. The province shall continue to be represented in the Senate of Canada by four members; provided that such representation may, after the completion of the decennial census of June, nineteen hundred and eleven, be from time to time increased to six by the Parliament of Canada.

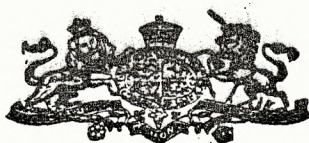
Senate  
representa-  
tion.

#### COMMENCEMENT OF ACT.

8. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in *The Canada Gazette*, but such proclamation shall not be made until after the Legislature of Manitoba shall have consented to the increase of the limits of the province herein provided for, and agreed to the terms, conditions and provisions aforesaid.

Commence-  
ment  
of Act.





## 2 GEORGE V.

### CHAP. 40.

#### An Act to extend the Boundaries of the Province of Ontario.

[Assented to 1st April, 1912.]

**W**HEREAS, on the thirteenth day of July, one thousand Preamble.  
 nine hundred and eight, the House of Commons resolved that the limits of the province of Ontario should be increased by the extension of the boundaries of the province so as to include the territory hereinafter described, as in the said resolution is more particularly set out, upon such terms and conditions as may be agreed to by the Legislature of Ontario and by the Parliament of Canada: Therefore, subject to the consent of the said Legislature, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Ontario Boundaries Extension Act.* Short title.

2. The limits of the province of Ontario are hereby Boundaries extended.  
 increased so that the boundaries thereof shall include, in addition to the present territory of the said province, the territory bounded and described as follows:—Commencing at the most northerly point of the westerly boundary of the province of Ontario as determined by "The Canada (Ontario Boundary) Act, 1889," chapter 28 of the statutes of 1889 of the United Kingdom, (the said westerly boundary being the easterly boundary of the province of Manitoba); U.K. 1889, c. 28.  
 thence continuing due north along the same meridian to the intersection thereof with the centre of the road allowance on the twelfth base line of the system of Dominion Land Surveys; thence north-easterly in a right line to the

S.C. 1912, c. 40, cont'd.

most eastern point of Island lake, as shown in approximate latitude  $53^{\circ} 30'$  and longitude  $93^{\circ} 40'$  on the railway map of the Dominion of Canada, published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior; thence northeasterly in a right line to the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson bay; thence easterly and southerly following the shore of the said bay to the point where the northerly boundary of the province of Ontario as established under the said Act intersects the shore of James bay; thence westward along the said boundary as established by the said Act to the place of commencement; and all the land embraced by the said description shall, from and after the commencement of this Act, be added to the province of Ontario, and shall, from and after the said commencement, form and be part of the said province of Ontario, upon the following terms and conditions and subject to the following provisions:—

Indian  
rights in  
new  
territory.

(a) That the province of Ontario will recognize the rights of the Indian inhabitants in the territory above described to the same extent, and will obtain surrenders of such rights in the same manner, as the Government of Canada has heretofore recognized such rights and has obtained surrender thereof, and the said province shall bear and satisfy all charges and expenditure in connection with or arising out of such surrenders;

Surrenders.

(b) That no such surrender shall be made or obtained except with the approval of the Governor in Council;

Trusteeship.

(c) That the trusteeship of the Indians in the said territory, and the management of any lands now or hereafter reserved for their use, shall remain in the Government of Canada subject to the control of Parliament.

Hudson's Bay  
Co. rights  
preserved.

**3.** Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Ruperts Land to the Crown.

Commence-  
ment of  
Act.

**4.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in *The Canada Gazette*, but such proclamation shall not be made until after the Legislature of Ontario shall have consented to the increase of the limits of the province herein provided for, and agreed to the terms, conditions and provisions aforesaid.

Consent of  
Ontario  
legislature.

## CHAP. 45.

## An Act to extend the Boundaries of the Province of Quebec.

[Assented to 1st April, 1912.]

WHEREAS on the thirteenth day of July, one thousand nine hundred and eight, the House of Commons resolved that the limits of the province of Quebec should be increased by the extension of the boundaries of the province northwards so as to include the territory hereinafter described, as in the said resolution is more particularly set out, upon such terms and conditions as may be agreed to by the Legislature of Quebec and by the Parliament of Canada: Therefore, subject to the consent of the said Legislature, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. This Act may be cited as *The Quebec Boundaries Extension Act, 1912.* Short title.

2. The limits of the province of Quebec are hereby increased so that the boundaries thereof shall include, in addition to the present territory of the said province, the territory bounded and described as follows:—Commencing at the point at the mouth of East Main river where it empties into James bay, the said point being the western termination of the northern boundary of the province of Quebec as established by chapter 3 of the statutes of 1898, intituled *An Act respecting the north-western, northern and north-eastern boundaries of the province of Quebec*; thence northerly and easterly along the shores of Hudson bay and Hudson strait; thence southerly, easterly and northerly along the shore of Ungava bay and the shore of the said strait; thence easterly along the shore of the said strait to the boundary of the territory over which the island of Newfoundland has lawful jurisdiction; thence southeasterly along the westerly boundary of the said last mentioned territory to the middle of Bay du Rigolet or Hamilton Inlet; thence westerly along the northern boundary of the province of Quebec as established by the said Act to the place of commencement; and all the land embraced by the said description shall, from and after the commencement of this Act, be added to the province of Quebec, and shall, from and after the said commencement, form and be part of the said province of Quebec upon the following terms and conditions and subject to the following provisions:—

Boundaries extended.

1898, c. 3.

Population as affecting representation.

(a) That the population of the territory hereby added to the province of Quebec shall be excluded in ascertaining the population of the said province for the purposes of any readjustment of representation of the other provinces consequent upon any census;



S.C. 1912, c. 45, cont'd.

Population  
under  
decennial  
census.

(b) That in the general census of the population of Canada which is required to be taken in the year one thousand nine hundred and twenty-one and in every tenth year thereafter the population of the territory hereby added to the province of Quebec shall be distinguished from that of the said province as heretofore constituted, and the representation of the said territory in the House of Commons shall be determined according to the rules enacted by section 51 of "The British North America Act, 1867," regulating the representation of the provinces other than Quebec;

B.N.A. Act,  
s. 51.

Indian  
rights in  
new  
territory.

(c) That the province of Quebec will recognize the rights of the Indian inhabitants in the territory above described to the same extent, and will obtain surrenders of such rights in the same manner, as the Government of Canada has heretofore recognized such rights and has obtained surrender thereof, and the said province shall bear and satisfy all charges and expenditure in connection with or arising out of such surrenders;

Surrenders.

(d) That no such surrender shall be made or obtained except with the approval of the Governor in Council;

Trusteeship.

(e) That the trusteeship of the Indians in the said territory, and the management of any lands now or hereafter reserved for their use, shall remain in the Government of Canada subject to the control of Parliament.

Hudson's  
Bay Co.  
rights  
preserved.

3. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Ruperts Land to the Crown.

Commence-  
ment of  
Act.

4. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in *The Canada Gazette*, but such proclamation shall not be made until after the Legislature of Quebec shall have consented to the increase of the limits of the province herein provided for, and agreed to the terms, conditions and provisions aforesaid.

Consent of  
Quebec  
legislature.

Canadian Bill of Rights. S.C. 1960, c. 44.

## CANADIAN BILL OF RIGHTS

An Act for the Recognition and Protection of  
Human Rights and Fundamental Free-  
doms

8-9 Elizabeth II, c. 44 (Canada)

*[Assented to 10th August 1960]*

Preamble

The Parliament of Canada, affirming that the Canadian Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free men and free institutions;

Affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

And being desirous of enshrining these principles and the human rights and fundamental freedoms derived from them, in a Bill of Rights which shall reflect the respect of Parliament for its constitutional authority and which shall ensure the protection of these rights and freedoms in Canada:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### PART I

#### BILL OF RIGHTS

Recognition and  
declaration of  
rights and  
freedoms

1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

(a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;

(b) the right of the individual to equality before the law and the protection of the law;

(c) freedom of religion;

(d) freedom of speech;

(e) freedom of assembly and association;  
and

(f) freedom of the press.

S.C. 1960, c. 44, cont'd.

Construction of  
law

2. Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the *Canadian Bill of Rights*, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared, and in particular, no law of Canada shall be construed or applied so as to

- (a) authorize or effect the arbitrary detention, imprisonment or exile of any person;
- (b) impose or authorize the imposition of cruel and unusual treatment or punishment;
- (c) deprive a person who has been arrested or detained

- (i) of the right to be informed promptly of the reason for his arrest or detention,

- (ii) of the right to retain and instruct counsel without delay, or

- (iii) of the remedy by way of *habeas corpus* for the determination of the validity of his detention and for his release if the detention is not lawful;

- (d) authorize a court, tribunal, commission, board or other authority to compel a person to give evidence if he is denied counsel, protection against self incrimination or other constitutional safeguards;

- (e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;

- (f) deprive a person charged with a criminal offence of the right to be presumed innocent until proved guilty according to law in a fair and public hearing by an independent and impartial tribunal, or of the right to reasonable bail without just cause; or

- (g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak the language in which such proceedings are conducted.



S.C. 1960, c. 44, cont'd.

Duties of  
Minister of  
Justice

3. The Minister of Justice shall, in accordance with such regulations as may be prescribed by the Governor in Council, examine every proposed regulation submitted in draft form to the Clerk of the Privy Council pursuant to the *Regulations Act* and every Bill introduced in or presented to the House of Commons, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this Part and he shall report any such inconsistency to the House of Commons at the first convenient opportunity.

Short title

4. The provisions of this Part shall be known as the *Canadian Bill of Rights*.

## PART II

Savings

5. (1) Nothing in Part I shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this Act.

"Law of  
Canada"  
defined

(2) The expression "law of Canada" in Part I means an Act of the Parliament of Canada enacted before or after the coming into force of this Act, any order, rule or regulation thereunder, and any law in force in Canada or in any part of Canada at the commencement of this Act that is subject to be repealed, abolished or altered by the Parliament of Canada.

Jurisdiction of  
Parliament

(3) The provisions of Part I shall be construed as extending only to matters coming within the legislative authority of the Parliament of Canada.

## CHAP. 40.

## An Act respecting the Electoral Franchise.

[Assented to 20th July, 1885.]

HER Majesty, by and with the advice and consent of the Preamble.  
Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as "*The Electoral Franchise Act*." Short title.

## INTERPRETATION

2. In this Act, unless it is otherwise expressly provided, or Interpretation.  
unless there is in the context something inconsistent with or repugnant to such construction, the following words and expressions have the meanings hereinafter assigned to them, respectively:—

Person.

"Person" means a male person, including an Indian, and excluding a person of Mongolian or Chinese race:

## WHO SHALL NOT VOTE AT ELECTIONS.

11. The following persons shall be disqualified and incompetent to vote at any election to which this Act applies, except that the persons or officers named in paragraph "b" of this section shall only be disqualified and incompetent to vote at elections for the electoral districts for which they hold such offices or positions respectively:—

Persons disqualified as voters.

Certain Indians not qualified.

(c.) Indians in Manitoba, British Columbia, Keewatin and the North-West Territories, and any Indian on any reserve elsewhere in Canada who is not in possession and occupation of a separate and distinct tract of land in such reserve, and whose improvements on such separate tract are not of the value of at least one hundred and fifty dollars, and who is not otherwise possessed of the qualifications entitling him to be registered on the list of voters under this Act.

64. Every person who is an agent within the meaning of "The Indian Act, 1880," and who, either directly or indirectly, seeks to induce or compel any person who is an Indian or of part Indian blood and qualified to vote only in respect of property forming part of a reserve, as defined by the said Act, to cause his name to be registered as a voter or to vote or refrain from voting at any election of a member of the House of Commons, shall be held to be guilty of a misdemeanor and, if found guilty thereof, shall be punishable by a fine not exceeding two hundred dollars or by imprisonment for any term not exceeding six months, or by both, and shall not be entitled to hold any office or place of emolument in the appointment of the Governor, or of the Superintendent General of Indian Affairs, for a period of two years from the date of his conviction.

Punishment of persons being agents within 43 V., c. 28, influencing Indians to be registered as voters or to vote or not to vote.

## CHAPTER 5.

## An Act respecting the Electoral Franchise.

A.D. 1886.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

## SHORT TITLE.

1. This Act may be cited as "*The Electoral Franchise Act.*" Short title.  
48-49 V., c. 40, s. 1.

## INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Interpretation.

(a.) The expression "person" means any male person, "Person." including an Indian, and excluding a person of Mongolian or Chinese race;

Certain  
Indians not  
alified.

9. No Indian in either of the Provinces of Manitoba or British Columbia, or in the District of Keewatin or the North-West Territories of Canada, shall be entitled to be registered on any list of voters or to vote, and no Indian on any reserve elsewhere in Canada who is not in possession and occupation of a separate and distinct tract of land in such reserve, and whose improvements on such separate tract are not of the value of at least one hundred and fifty dollars, and who is not otherwise possessed of the qualifications entitling him to be registered on the list of voters under this Act, shall be entitled to be registered on any list of voters or to vote.  
48-49 V., c. 40, s. 11, part.

42. Every person who is an agent within the meaning of "*The Indian Act*," and who, either directly or indirectly, seeks to induce or compel any person who is an Indian or of part Indian blood, and qualified to vote only in respect of property forming part of a reserve, as defined by "*The Indian Act*," to cause his name to be registered as a voter or to vote or refrain from voting at any election, is guilty of a misdemeanor and liable to a fine not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, or to both, and he shall be disqualified from holding any office or place of emolument in the appointment of the Governor General or of the Superintendent General of Indian Affairs, for a term of two years from the date of his conviction. 48-49 V., c. 40, s. 64.

Punishment  
of certain persons  
influencing  
Indians to  
be registered  
as voters, &c



An Act further to amend the Revised Statutes, Chapter five, respecting the Electoral Franchise. S.C. 1890, c. 8.

## CHAP. 8.

An Act further to amend the Revised Statutes, Chapter five, respecting the Electoral Franchise.

[Assented to 16th May, 1890.]

Preamble.  
R.S.C., c. 5.

IN further amendment of "*The Electoral Franchise Act*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 9 repealed; new section.

2. Section nine of the said Act, as amended by section one of the Act fifty-second Victoria, chapter nine, is hereby repealed, and the following substituted therefor:—

Certain Indians not qualified.

"9. No Indian in either of the Provinces of Manitoba or British Columbia, or in the District of Keewatin or the North-West Territories of Canada, shall be entitled to be registered on any list of voters or to vote, and no Indian on any reserve elsewhere in Canada who is not in possession and occupation of a separate and distinct tract of land in such reserve, and whose improvements on such separate tract are not of the value of at least one hundred and fifty dollars, and who is not otherwise possessed of the qualifications entitling him to be registered on the list of voters under this Act, shall be entitled to be registered on any list of voters or to vote:

The Franchise Act. S.C. 1898, c. 14.

## CHAP. 14.

An Act to repeal the Electoral Franchise Act, and to further amend the Dominion Elections Act.

[Assented to 13th June, 1898.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Franchise Act, 1898.*

Short title.

2. This Act shall not apply to the North-west Territories.

Application.

3. *The Electoral Franchise Act*, being chapter five of the Revised Statutes, and all Acts amending it, are hereby repealed.

R.S.C., c. 5,  
and amending  
Acts, repealed.

Dominion Elections Act. R.S.C. 1906, c. 6.

**Application.** 31. This Part applies exclusively to the provinces of Saskatchewan and Alberta and the Yukon Territory.

*Franchise.*

**Qualification in Saskatchewan and Alberta.** 32. In the provinces of Saskatchewan and Alberta, except as in this Act otherwise provided, every male person shall be qualified to vote at the election of a member under this Act, who, not being an Indian, is a British subject and of the full age of twenty-one years, and has resided in either of the said provinces for at least twelve months, and, in the electoral district where he seeks to vote, for at least three months, immediately preceding the issue of the writ of election: Provided that, except as hereinafter provided, an elector may only vote at the polling station of the polling division in which he is a resident at the time of voting. 58-59 V., c. 11, s. 1; 4-5 E. VII., c. 28, s. 1.

33. In the Yukon Territory, save as in this Act otherwise provided, every male person shall be qualified to vote at the election of a member under this Act, who, not being an Indian, is a British subject and of the full age of twenty-one years, and has resided in such territory for at least twelve months immediately preceding the issue of the writ of election. 2 E. VII., c. 37, s. 4. Same in Yukon Territory.

The Dominion By-Elections Act, 1919. S.C. 1919, c. 48.

1. This Act may be cited as *The Dominion By-Elections Act, 1919.* Short title.

2. In the case of a by-election of a member to serve in the House of Commons, to wit an election other than a general election following upon the dissolution of a Parliament, and excepting a by-election for the electoral district of Yukon, the *Dominion Elections Act*, being chapter six of the Revised Statutes, 1906, as amended, shall apply as if further amended in the following respects:— Act to apply to by-elections except for Yukon.

(B) By substituting for Part One of said *Dominion Elections Act* the two sections numbered five and six following:— Sections substituted for Part I of *Dominion Elections Act*.

“PART I.

“ELECTORAL FRANCHISE.

“5. (1) Save as in this Act otherwise provided, every person, male or female, shall be qualified to vote at the election of a member, who, not being an Indian ordinarily resident on an Indian reservation,— Who may vote.

“(a) is a British subject by birth or naturalization; and,

“(b) is of the full age of twenty-one years; and,

“(c) has ordinarily resided in Canada for at least twelve months, and in the electoral district wherein such person seeks to vote for at least two months, immediately preceding the issue of the writ of election.

Dominion Elections Act. S.C. 1920, c. 46.*Qualification of Electors.*

Electors,  
qualifications  
for.

**29.** (1) Save as in this Act otherwise provided, every person, male or female, shall be qualified to vote at the election of a member, who, not being an Indian ordinarily resident on an Indian reservation,—

- (a) is a British subject by birth or naturalization; and,
- (b) is of the full age of twenty-one years; and,
- (c) has ordinarily resided in Canada for at least twelve months and in the electoral district wherein such person seeks to vote for at least two months immediately preceding the issue of the writ of election.
- (d) provided, however, that any Indian who has served in the Naval, Military or Air forces of Canada in the late war shall be qualified to vote, unless such Indian is otherwise disqualified under paragraphs (a), (b) and (c) of this section.

Dominion Elections Act. R.S.C. 1927, c. 53.*Qualification of Electors.*

Electors.  
qualifica-  
tions for.

**29.** Save as in this Act otherwise provided, every person, male or female, shall be qualified to vote at the election of a member, who, not being an Indian ordinarily resident on an Indian reservation,

- (a) is a British subject by birth or naturalization; and
- (b) is of the full age of twenty-one years; and
- (c) has ordinarily resided in Canada for at least twelve months and in the electoral district wherein such person seeks to vote for at least two months immediately preceding the issue of the writ of election;
- (d) provided, however, that any Indian who has served in the naval, military or air forces of Canada in the war declared by His Majesty on the fourth day of August, one thousand nine hundred and fourteen, against the Empire of Germany and subsequently, against other powers, shall be qualified to vote, unless such Indian is otherwise disqualified under paragraphs (a), (b) and (c) of this section.



An Act to amend the Dominion Elections Act. S.C. 1929, c. 40.

**13.** The said Act is amended by repealing section twenty-nine and subsection one of section thirty thereof, and substituting the following:—

Electors,  
qualification  
for.

**"29.** Subject as hereinafter provided, every person, male or female, shall be qualified to vote and entitled to be included in the list of voters for the polling division in which he or she resides at the time of the preparation of the list of voters therefor, if he or she

- (a) is of the full age of twenty-one years; and
- (b) is a British subject by birth or naturalization; and
- (c) has been ordinarily resident in Canada for at least twelve months; and
- (d) was ordinarily resident in the electoral district at the date of the issue of the writ of election and, at a by-election, has continued to be ordinarily resident therein until polling day;  
and unless he or she

Disqualifi-  
cations.

- (iii) is an Indian ordinarily resident on an Indian reservation who did not serve with the naval, military or air forces of Canada in the war 1914-1918,
- (vi) is disqualified by reason of his race from voting for a member of the Legislative Assembly of the Province in which he resides, and did not serve in the naval, military or air forces of Canada in the war 1914-1918,

The Dominion Elections Act, 1934. S.C. 1934, c. 50.

*Repealed Enactments.*

**112.** (1) The following mentioned enactments are hereby wholly repealed:—

- (a) Chapter fifty-three of the Revised Statutes of Canada, the *Dominion Elections Act*; R.S.C., 1927, c. 53.
- (b) Chapter forty of the Statutes of nineteen hundred and twenty-nine, *An Act to amend the Dominion Elections Act*; 1929, c. 40.
- (c) Chapter sixteen of the Statutes of nineteen hundred and thirty, *An Act to amend the Dominion Elections Act*. 1930, c. 16.

The Dominion Franchise Act. S.C. 1934, c. 51.

*Qualifications and Disqualifications of Electors.*

Qualifications.

**4.** (1) Save as hereinafter provided every person, man or woman, shall be entitled to be registered as an elector on the list of electors for the polling division in which he or she resides at the time of the preparation of the list of electors therefor if he or she

(a) is of the full age of twenty-one years; and

(b) is a British subject by birth or naturalization; and

(c) has been ordinarily resident in Canada for at least twelve months, and in the electoral district wherein he or she seeks registration as an elector for three months of that period, immediately preceding the date of his or her application to be so registered:

Provided that the following persons are disqualified from voting at an election and incapable of being registered as electors and shall not be so registered, that is to say— Disqualifications.

(vi) every Esquimaux person, whether born in Canada or elsewhere;

(vii) every Indian person ordinarily resident on an Indian reservation who did not serve in the military, naval or air forces of Canada in the war of 1914-1918;

(2) Notwithstanding anything in this section contained an Indian shall not be incapable of being registered as an elector or be disqualified from voting at an election, except pursuant to the seventh paragraph of subsection one of this section. Indians.

*Qualifications and Disqualifications of Electors.*

14. (1) Save as hereinafter provided every person, man or woman, shall be qualified to vote and be entitled to be registered as an elector on the list of electors for the polling division in which he or she ordinarily resides at the time of the preparation and revision of the list of electors therefor if he or she

- (a) is of the full age of twenty-one years or will attain the full age of twenty-one years on or before polling day at the pending election; and
- (b) is a British subject by birth or naturalization; and
- (c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election; and
- (d) was ordinarily resident in the electoral district at the date of the issue of the writ for the pending election; and at a by-election has continued to be ordinarily resident therein until polling day.

Disqualifi-  
cations.

- (2) The following persons are disqualified from voting at an election and incapable of being registered as electors and shall not vote nor be so registered, that is to say—
- (e) every Esquimaux person, whether born in Canada or elsewhere;
  - (f) every Indian person ordinarily resident on an Indian reservation who did not serve in the military, naval or air forces of Canada in the war of 1914-1918; (For the purpose of this provision "Indian" means and includes any person of whole or part Indian blood who is entitled to receive any annuity or other benefit under any treaty with the Crown.)

*Repealed Acts.*

111. The following Acts are repealed:—

- (a) *The Dominion Elections Act, 1934*, chapter fifty of the statutes of 1934.
- (b) *An Act to provide for Dominion By-elections*, chapter 1936, c. 35. thirty-five of the statutes of 1936.
- (c) *The Dominion Franchise Act*, chapter fifty-one of the statutes of 1934.

Repealed  
Acts.  
1934, c. 50.



6. (1) Subsection one of section fourteen of the said Act is repealed and the following substituted therefor:—

"14. (1) Except as hereinafter provided, every person in Canada, man or woman, is entitled to have his or her name included in the list of electors prepared for the polling division in which he or she was ordinarily resident on the date of the issue of the writ ordering an election in the electoral district, and is qualified to vote in such polling division, if he or she

Qualifica-  
tions.

- (a) is of the full age of twenty-one years or will attain such age on or before polling day at such election;
- (b) is a British subject by birth or naturalization;
- (c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election: and
- (d) at a by-election only, continues to be ordinarily resident in the electoral district until polling day at such by-election."

(2) Paragraph (f) of subsection two of the said section fourteen is repealed and the following substituted therefor:—

"(f) every Indian person ordinarily resident on an Indian reservation who did not serve in the naval, military, or air forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine; (For the purpose of this provision "Indian" means any person wholly or partly of Indian blood who is entitled to receive any annuity or other benefit under any treaty with the Crown.)"

Disqualifica-  
tions.

(4) The said section fourteen is further amended by adding thereto the following subsections:—

Qualification  
of wife of  
Indian  
veteran.

"(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian person, as defined in paragraph (f) of subsection two of this section, which Indian person has served in the naval, military, or air forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such woman is otherwise qualified as an elector.

An Act to amend The Dominion Elections Act, 1938. S.C. 1950, c. 35.

## CHAP. 35.

An Act to amend The Dominion Elections Act, 1938. 1938, c. 46;  
1947-48, c. 46.

[Assented to 30th June, 1950.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Paragraph (e) of subsection two of section fourteen of *The Dominion Elections Act, 1938*, chapter forty-six of the statutes of 1938 is repealed. Repeal.

(2) Paragraph (f) of subsection two of section fourteen of the said Act, as enacted by section six of chapter forty-six of the statutes of 1947-48, is repealed and the following substituted therefor: Disqualifications.

"(f) every Indian, as defined in the *Indian Act*, ordinarily resident on a reserve, unless, R.S., c. 98.

(i) he served in the naval, army or air forces of Canada in World War I or World War II, or

(ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemptions under the *Indian Act* from taxation on and in respect of personal property, and subsequent to the execution of such waiver a writ has issued ordering an election in any electoral district;"

(3) Subsection four of section fourteen of the said Act, as enacted by section six of chapter forty-six of the statutes of 1947-48, is repealed and the following substituted therefor:

"(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in the *Indian Act*, who served in the naval, army or air forces of Canada in World War I or World War II, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector." Qualification of wife of Indian veteran.

An Act to amend The Dominion Elections Act, 1938, and to change its title to The Canada Elections Act. S.C. 1951 (2nd sess.), c. 3.

6. (1) Subparagraph (i) of paragraph (f) of subsection two of section fourteen of the said Act is repealed and the following substituted therefor:—

(i) he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, or"

(2) Subsection three of the said section fourteen is repealed and the following substituted therefor:—

"(3) Notwithstanding anything in this Act, any person who, subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and who, at an election, has not attained the full age of twenty-one years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector."

Qualifi-  
cation of  
veteran  
under 21  
years of  
age.

(3) Subsection four of the said section fourteen is repealed and the following substituted therefor:—

"(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in *The Indian Act*, who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service, subsequent to the ninth day of September, nineteen hundred and fifty, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector."

Qualifi-  
cation of  
wife of an  
Indian  
veteran.



*Qualifications and Disqualifications of Electors.*Qualifica-  
tions.

14. (1) Except as hereinafter provided, every person in Canada, man or woman, is entitled to have his or her name included in the list of electors prepared for the polling division in which he or she was ordinarily resident on the date of the issue of the writ ordering an election in the electoral district, and is qualified to vote in such polling division, if he or she

- (a) is of the full age of twenty-one years or will attain such age on or before polling day at such election;
- (b) is a Canadian citizen or other British subject;
- (c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election; and
- (d) at a by-election only, continues to be ordinarily resident in the electoral district until polling day at such by-election.

(2) The following persons are disqualified from voting at an election and incapable of being registered as electors and shall not vote nor be so registered, that is to say, Disqualifi-  
cations.

- (e) every Indian, as defined in the *Indian Act*, ordinarily resident on a reserve, unless,
  - (i) he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, or
  - (ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemptions under the *Indian Act* from taxation on and in respect of personal property, and subsequent to the execution of such waiver a writ has issued ordering an election in any electoral district;

Qualification  
of wife of  
Indian  
veteran.

(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in the *Indian Act*, who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service, subsequent to the 9th day of September, 1950, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector.

An Act to amend the Canada Elections Act. S.C. 1960, c. 7.

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CHAP. 7

An Act to amend the Canada Elections Act.

[Assented to 31st March, 1960.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., cc. 23,  
306, 334;  
1952-53, c. 24,  
s. 7;  
1955, c. 44.

1. (1) Paragraph (e) of subsection (2) of section 14 of the *Canada Elections Act* is repealed.

Repeal.

(2) Subsection (4) of section 14 of the said Act is repealed.

2. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Commence-  
ment.

## PART II.

## INDIAN WELFARE.

- 10.** In this Part,
- (a) the words "band", "council", "Indian" and "reserve" have the same meaning as in the *Indian Act*;
  - (b) "Indian to whom this Part applies" in relation to any province means an Indian
    - (i) who is resident on a reserve in the province,
    - (ii) who is resident on land in the province the legal title to which is vested in Her Majesty or on land in any territory in the province that is without municipal organization, or
    - (iii) who is resident in the province and is designated by the Minister charged with the administration of the *Indian Act* as an Indian to whom this Part applies,
 but does not include an Indian who is designated in or under an agreement entered into with the province pursuant to section 11 as an Indian to whom this Part does not apply; and
  - (c) "provincial welfare program" means a welfare program administered by the province, by a municipality in the province or privately, to which public money of the province is or may be contributed and that is applicable or available generally to residents of the province.

Definitions.  
 "Band",  
 "council",  
 "Indian",  
 and  
 "reserve."  
 "Indian to  
 whom this  
 Part applies."

"Provin-  
 cial welfare  
 program."

**11.** (1) The Minister and the Minister charged with the administration of the *Indian Act* may, with the approval of the Governor in Council, enter into an agreement with a province with respect to the extension of provincial welfare programs to Indians to whom this Part applies and for the payment by Canada to the province of any portion of the cost to the province of extending provincial welfare programs to such Indians.

Agreements  
 authorized.

(2) An agreement entered into under subsection (1) shall provide for the extension of a provincial welfare program to a member of an Indian band who ordinarily resides with that band, only with the consent of the council of that band signified in such manner as may be prescribed by the Governor in Council.

Consent of  
 council of  
 Indian band  
 required.

**12.** (1) Where an agreement has been entered into with a province pursuant to section 11, the Minister of Finance shall, upon the certificate of the Minister, pay to the province out of the Consolidated Revenue Fund, when and

Payments  
 to  
 provinces.



S.C. 1966-67, c. 45, cont'd.

in the manner required by the agreement, such amounts as are required to fulfil the obligations of Canada to the province under the agreement, but all such payments are subject to the observation of the agreements and undertakings contained in the agreement.

Costs  
incurred  
before  
April 1,  
1966.

(2) No payment shall be made to a province under this Part in respect of any cost incurred before April 1, 1966.

Where no  
agreement  
in effect.

**13.** Where, in the case of any province, no agreement is in effect pursuant to section 11, nothing in an agreement entered into with the province under Part I shall be construed to require the provision of assistance or welfare services to or in respect of any Indian to whom this Part applies.

## PART II

### INDIAN WELFARE

Definitions	<b>10. In this Part</b>
"band", etc.	"band", "council", "Indian" and "reserve" have the same meaning as in the <i>Indian Act</i> ;
"Indian to whom this Part applies"	<p>"Indian to whom this Part applies" in relation to any province means an Indian</p> <p>(a) who is resident on a reserve in the province,</p> <p>(b) who is resident on land in the province the legal title to which is vested in Her Majesty or on land in any territory in the province that is without municipal organization, or</p> <p>(c) who is resident in the province and is designated by the Minister charged with the administration of the <i>Indian Act</i> as an Indian to whom this Part applies,</p> <p>but does not include an Indian who is designated in or under an agreement entered into with the province pursuant to section 11 as an Indian to whom this Part does not apply;</p>
"provincial welfare program"	<p>"provincial welfare program" means a welfare program administered by the province, by a municipality in the province or privately, to which public money of the province is or may be contributed and that is applicable or available generally to residents of the province. 1966-67, c. 45, s. 10.</p>
Agreements authorized	<p><b>11. (1)</b> The Minister and the Minister charged with the administration of the <i>Indian Act</i> may, with the approval of the Governor in Council, enter into an agreement with a province with respect to the extension of provincial welfare programs to Indians to whom this Part applies and for the payment by Canada to the province of any portion of the cost to the province of extending provincial welfare programs to such Indians.</p>
Consent of council of Indian band required	<p><b>(2)</b> An agreement entered into under sub-</p>

R.S.C. 1970, c. C-1, cont'd.

section (1) shall provide for the extension of a provincial welfare program to a member of an Indian band who ordinarily resides with that band, only with the consent of the council of that band signified in such manner as may be prescribed by the Governor in Council. 1966-67, c. 45, s. 11.

Payments to  
provinces

12. (1) Where an agreement has been entered into with a province pursuant to section 11, the Minister of Finance shall, upon the certificate of the Minister, cause to be paid to the province out of the Consolidated Revenue Fund, when and in the manner required by the agreement, such amounts as are required to fulfil the obligations of Canada to the province under the agreement, but all such payments are subject to the observation of the agreements and undertakings contained in the agreement.

Costs incurred  
before April 1,  
1966

(2) No payment shall be made to a province under this Part in respect of any cost incurred before April 1, 1966. 1966-67, c. 45, s. 12.

Where no  
agreement in  
effect

13. Where, in the case of any province, no agreement is in effect pursuant to section 11, nothing in an agreement entered into with the province under Part I shall be construed to require the provision of assistance or welfare services to or in respect of any Indian to whom this Part applies. 1966-67, c. 45, s. 13.



An Act to amend the Farm Credit Act. S.C. 1968-69, c. 6.

*"Loans to Indians"*

Agreement  
re loans  
to Indians  
on reserves

17A. (1) With the approval of the Governor in Council, the Corporation may enter into an agreement with the Minister of Indian Affairs and Northern Development for the purpose of enabling loans to be made under this Act to farmers who are Indians on reserves, to farming corporations and co-operative farm associations the shareholders or members of which are Indians on reserves and to bands engaged in farming operations on reserves.

Regulations

(2) With the approval of the Governor in Council, the Corporation may make regulations providing for any matter or thing that it deems necessary in order to make or to facilitate the making of loans under this Act to farmers and bands referred to in subsection (1).

Loans to  
Indians

(3) Where an agreement has been entered into pursuant to subsection (1), the Corporation may make loans under this Act to farmers and bands referred to in that subsection without obtaining a first mortgage on farm lands or on farm lands and chattels.

Maximum  
loan to  
a band

(4) The total amount outstanding of loans that may be made to any one band under this Act shall not exceed one hundred thousand dollars.

Application  
of other  
provisions  
of Act

(5) The provisions of this Act, in so far as practicable, shall apply to all loans made or to be made to farmers and bands referred to in subsection (1), and in relation to any such loan any reference in this Act to "mortgaged farm", "mortgaged land", "farm to be mortgaged" or "appraised value of farm lands" shall be deemed to be a reference to the land that is being farmed or is to be farmed by the farmer or the band.

Definition

(6) For the purposes of this section, the words "Indian", "band" and "reserve" have the meanings assigned to them in the *Indian Act*."

*Loans to Indians*

Agreement re  
loans to Indians  
on reserves

19. (1) With the approval of the Governor in Council, the Corporation may enter into an agreement with the Minister of Indian Affairs and Northern Development for the purpose of enabling loans to be made under this Act to farmers who are Indians on reserves, to farming corporations and cooperative farm associations the shareholders or members of which are Indians on reserves and to bands engaged in farming operations on reserves.

Regulations

(2) With the approval of the Governor in Council, the Corporation may make regulations providing for any matter or thing that it deems necessary in order to make or to facilitate the making of loans under this Act to farmers and bands referred to in subsection (1).

Loans to  
Indians

(3) Where an agreement has been entered into pursuant to subsection (1), the Corporation may make loans under this Act to farmers and bands referred to in that subsection without obtaining a first mortgage on farm lands or on farm lands and chattels.

Maximum loan  
to a band

(4) The total amount outstanding of loans that may be made to any one band under this Act shall not exceed one hundred thousand dollars.

Application of  
Act

(5) This Act, in so far as practicable, applies to all loans made or to be made to farmers and bands referred to in subsection (1), and in relation to any such loan any reference in this Act to "mortgaged farm", "mortgaged land", "farm to be mortgaged" or "appraised value of farm lands" is deemed to be a reference to the land that is being farmed or is to be farmed by the farmer or the band.

Definition

(6) For the purposes of this section, the words "Indian", "band" and "reserve" have the meanings assigned to them in the *Indian Act*, 1968-69, c. 6, s. 6.

An Act to amend the Farm Credit Act. S.C. 1974-75-76, c. 45.

5. (1) Subsections 19(1) to (3) of the said Act are repealed and the following substituted therefor:

Agreement re  
loans to Indians  
on reserves

"19. (1) With the approval of the Governor in Council, the Corporation may enter into an agreement with the Minister of Indian Affairs and Northern Development for the purpose of enabling loans to be made under this Act to Indians on reserves, to farming corporations and cooperative farm associations the shareholders or members of which are Indians on reserves and to bands engaged in farming operations on reserves.

Regulations

(2) With the approval of the Governor in Council, the Corporation may make regulations providing for any matter or thing that it deems necessary in order to make or to facilitate the making of loans under this Act to persons and bands referred to in subsection (1).

Loans to Indians

(3) Where an agreement has been entered into pursuant to subsection (1), the Corporation may make loans under this Act to persons and bands referred to in that subsection without obtaining a mortgage on farm lands or on farm lands and chattels."

(2) Subsection 19(5) of the said Act is repealed and the following substituted therefor:

Application of  
Act

"(5) This Act, in so far as practicable, applies to all loans made or to be made to persons and bands referred to in subsection (1), and in relation to any such loan any reference in this Act to "mortgaged farm", "mortgaged land", "farm to be mortgaged" or "appraised value of farm lands" is deemed to be a reference to the land that is being farmed or is to be farmed by the person or the band."



An Act to amend the Farm Machinery Syndicates Credit Act. S.C. 1968-69, c. 32.

**3.** The heading preceding section 3 and sections 3 and 4 of the said Act are repealed and the following substituted therefor:

"FARM SYNDICATE LOANS

**Loans to  
farm  
syndicates**

**3.** (1) Subject to this Act, the Corporation may make loans to a farm syndicate

- (a) to purchase farm machinery,
- (b) to purchase, erect or improve buildings, or
- (c) to purchase or improve land on which buildings are or are to be erected

for use primarily by the syndicate or its members in their farming operations.

**Security**

(2) Every loan made pursuant to subsection (1) shall be secured by

- (a) a promissory note, signed
  - (i) by the syndicate, where the syndicate is a co-operative farm association or a farming corporation, and
  - (ii) by each member of the syndicate, where the syndicate is not a co-operative farm association or a farming corporation, in which case each member signing the promissory note thereby undertakes to be jointly and severally liable for the outstanding amount of the loan; and
- (b) such other security as the Corporation may require.

**Agreement  
re Indians  
on reserves**

**3A.** (1) With the approval of the Governor in Council, the Corporation may enter into an agreement with the Minister of Indian Affairs and Northern Development

- (a) for the purpose of enabling loans to be made under this Act to bands engaged in farming operations on

S.C. 1968-69, c. 32, cont'd.

reserves where at least three members of any such band who have attained the age of twenty-one years are engaged in the farming operations of the band and at least two of those members are principally occupied in such farming operations; and

(b) for the purpose of providing such security as the Corporation may require under paragraph (b) of subsection (2) of section 3 in respect of loans made to farm syndicates

(i) that are co-operative farm associations or farming corporations, the members or shareholders of which are Indians on reserves, or

(ii) that are associations referred to in subparagraph (iii) of paragraph (c) of subsection (1) of section 2, the members of which are Indians on reserves or farming corporations the shareholders of which are Indians on reserves.

Application  
of other  
provisions  
of Act to  
bands

(2) Where an agreement has been entered into pursuant to subsection (1), a band referred to in paragraph (a) of that subsection shall be deemed to be a farm syndicate for the purposes of this Act and the provisions of this Act, in so far as practicable, shall apply to all loans made or to be made to that band.

Security  
for loans  
to bands

(3) Where a loan is made or to be made to a band referred to in paragraph (a) of subsection (1), the loan shall be secured in such manner as may be required by the agreement entered into pursuant to subsection (1).

Maximum  
loan to  
a band

(4) The total amount outstanding of loans that may be made to any one band under this Act shall not exceed the lesser of one hundred thousand dollars or the amount obtained by multiplying fifteen thousand dollars by the number of members of the band engaged in the farming operations of the band at the time the loan is made, except that where the number of such members principally

S.C. 1968-69, c. 32, cont'd.

occupied in the farming operations of the band is equal to or less than the number of such members not principally so occupied, the number of such members not principally so occupied shall be deemed to be one less than the number principally so occupied.

**Regulations**

(5) With the approval of the Governor in Council, the Corporation may make regulations providing for any matter or thing that it deems necessary in order to make or to facilitate the making of loans under this Act to bands referred to in paragraph (a) of subsection (1).

**Definition**

(6) For the purposes of this section, the words "Indian", "band" and "reserve" have the meanings assigned to them in the *Indian Act*.

Farm Syndicates Credit Act. R.S.C. 1970, c. F-4.

**Agreement re  
Indians on  
reserves**

4. (1) With the approval of the Governor in Council, the Corporation may enter into an agreement with the Minister of Indian Affairs and Northern Development

(a) for the purpose of enabling loans to be made under this Act to bands engaged in farming operations on reserves where at least three members of any such band who have attained the age of twenty-one years are engaged in the farming operations of the band and at least two of those members are principally occupied in such farming operations; and

(b) for the purpose of providing such security as the Corporation may require under paragraph 3(2)(b) in respect of loans made to farm syndicates

(i) that are cooperative farm associations

or farming corporations, the members or shareholders of which are Indians on reserves, or

(ii) that are associations referred to in paragraph (c) of the definition "farm syndicate" in subsection 2(1), the members of which are Indians on reserves or farming corporations the shareholders of which are Indians on reserves.



R.S.C. 1970, c. F-4, cont'd.

Application of  
other provisions  
of Act to bands

(2) Where an agreement has been entered into pursuant to subsection (1), a band referred to in paragraph (a) of that subsection shall be deemed to be a farm syndicate for the purposes of this Act and the provisions of this Act, in so far as practicable, apply to all loans made or to be made to that band.

Security for  
loans to bands

(3) Where a loan is made or to be made to a band referred to in paragraph (1)(a), the loan shall be secured in such manner as may be required by the agreement entered into pursuant to subsection (1).

Maximum loan  
to a band

(4) The total amount outstanding of loans that may be made to any one band under this Act shall not exceed the lesser of one hundred thousand dollars or the amount obtained by multiplying fifteen thousand dollars by the number of members of the band engaged in the farming operations of the band at the time the loan is made, except that where the number of such members principally occupied in the farming operations of the band is equal to or less than the number of such members not principally so occupied, the number of such members not principally so occupied shall be deemed to be one less than the number principally so occupied.

Regulations

(5) With the approval of the Governor in Council, the Corporation may make regulations providing for any matter or thing that it deems necessary in order to make or to facilitate the making of loans under this Act to bands referred to in paragraph (1)(a).

Definition

(6) For the purposes of this section the words "Indian", "band" and "reserve" have the meanings assigned to them in the *Indian Act*, 1968-69, c. 32, s. 3.

An Act to amend the National Housing Act, 1954. S.C. 1956, c. 9.

**17.** The said Act is further amended by adding thereto, immediately after section 40 thereof, the following section:

**"40A.** The Corporation may, subject to and in accordance with regulations of the Governor in Council, make loans to an Indian, as defined in the *Indian Act*, for the purpose of assisting in the construction of housing projects on Indian reserves."

Loans to  
Indians.

National Housing Act. R.S.C. 1970, c. N-10.

Loans to  
Indians

**59.** The Corporation may, subject to and in accordance with regulations of the Governor in Council, make loans to an Indian, as defined in the *Indian Act*, for the purpose of assisting in the construction of housing projects on Indian reserves. 1956, c. 9, s. 17.

An Act to amend the National Housing Act. S.C. 1973-74, c. 18.

**21.** Section 59 of the said Act is repealed and the following substituted therefor:

Loans to  
Indians

**"59.** The Corporation may, subject to and in accordance with regulations of the Governor in Council, make loans to Indians, as defined in the *Indian Act*, for the purpose of assisting in the purchase, improvement or construction of housing projects on Indian reserves."

An Act to amend The Veterans' Land Act. S.C. 1945, c. 34.

7. The said Act is further amended by adding thereto, immediately after section thirty-five thereof, the following section:—

"35A. (1) The Director may grant an amount not exceeding two thousand three hundred and twenty dollars to an Indian veteran who settles on Indian Reserve lands, the said grant to be paid to the Minister of Mines and Resources who shall have the control and management thereof on behalf of the Indian veteran.

Grant to  
Indian  
veteran.

(2) A grant made pursuant to subsection one of this section shall be disbursed by the Minister of Mines and Resources on behalf of the Indian veteran only for one or more of the following purposes:—

Disburse-  
ments by  
Minister of  
Mines and  
Resources.

(a) the purchase of essential building materials and other costs of construction;

(b) the clearing and other preparation of land for cultivation;

(c) the purchase of essential farm livestock and machinery;

(d) the purchase of machinery or equipment essential to forestry;

(e) the purchase of commercial fishing equipment;

(f) the purchase of trapping or fur farming equipment but not breeding stock;

(g) the purchase of essential household equipment; and

(h) the acquisition of occupational rights to lands, vacant or improved, located within the boundaries of any Indian reserve.

Grant not in  
addition to  
other grant  
or a sale

(3) An Indian veteran on whose behalf a grant has been made under this section shall not be entitled to enter into a contract with the Director under section nine or section thirteen of this Act, and an Indian veteran who has entered into a contract with the Director under section nine or section thirteen of this Act shall not be eligible for a grant under this section."

The Department of Citizenship and Immigration Act. S.C. 1949 (2nd sess.), c. 16.

Duties,  
powers and  
functions of  
Minister.

5. The duties, powers and functions of the Minister shall extend to and include all matters over which the Parliament of Canada has jurisdiction relating to naturalization and citizenship, Indian affairs, immigration and colonization and not by law assigned to any other Department of the Government of Canada.



Veterans' Land Act. R.S.C. 1952, c. 280.

**39.** (1) The Director may grant an amount not exceeding two thousand three hundred and twenty dollars to an Indian veteran who settles on Indian Reserve lands, the said grant to be paid to the Minister of Citizenship and Immigration who shall have the control and management thereof on behalf of the Indian veteran.

Grant to  
Indian  
veteran.

(2) A grant made pursuant to subsection (1) shall be disbursed by the Minister of Citizenship and Immigration on behalf of the Indian veteran only for one or more of the following purposes:

Disburse-  
ments by  
Minister of  
Citizenship  
and Immi-  
gration.

- (a) the purchase of essential building materials and other costs of construction;
- (b) the clearing and other preparation of land for cultivation;
- (c) the purchase of essential farm livestock and machinery;
- (d) the purchase of machinery or equipment essential to forestry;
- (e) the purchase of commercial fishing equipment;
- (f) the purchase of trapping or fur farming equipment but not breeding stock;
- (g) the purchase of essential household equipment; and
- (h) the acquisition of occupational rights to lands, vacant or improved, located within the boundaries of any Indian reserve.

(3) An Indian veteran on whose behalf a grant has been made under this section is not entitled to enter into a contract with the Director under section 10 or section 15, and an Indian veteran who has entered into a contract with the Director under section 10 or section 15 is not eligible for a grant under this section. 1945, c. 34, s. 7; 1949 (2nd Sess.), c. 16, s. 5.

Grant not in  
addition to  
other grant  
or a sale.

An Act to amend the Veterans' Land Act. S.C. 1959, c. 37.

**12.** Subsection (3) of section 39 of the said Act is repealed and the following substituted therefor:

"(3) An Indian veteran on whose behalf a grant has been made under this section is not entitled to enter into a contract with the Director under section 10 or 15, and an Indian veteran who has entered into a contract with the Director under section 10, 15 or 23 is not eligible for a grant under this section unless, in either case, all disbursements made under this Act on behalf of or in respect of the veteran together with interest thereon at the rate of three and one-half per cent per annum are repaid to the Director."

Grant not  
in addition  
to other  
grant or  
sale.

An Act to amend the Veterans' Land Act. S.C. 1965, c. 19.

**14.** Subsection (2) of section 39 of the said Act is amended by striking out the word "and" at the end of paragraph (g) thereof, by adding the word "and" at the end of paragraph (h) thereof and by adding thereto the following paragraph:

"(i) the purchase of improvements on the Indian reserve lands at the time the Indian veteran is approved for a grant under this section."

Government Organization Act, 1966. S.C. 1966-67, c. 25.

**45.** The Acts and portions of Acts set out in Schedule B are repealed or amended in the manner and to the extent indicated in that Schedule. Amendments  
and repeals.

Act Affected	Repeal or Amendments.
Veterans' Land Act R.S., c. 280	Paragraph (b) of subsection (1) of section 38 is amended by substituting the Minister of Indian Affairs and Northern Development for the Minister therein mentioned; and subsections (1) and (2) of section 39 are amended by substituting the Minister of Indian Affairs and Northern Development for the Minister therein mentioned.

Veterans' Land Act. R.S.C. 1970, c. V-4.Agreements with  
provinces

45. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with

(a) the government of any province for the settlement of veterans on any provincial lands that the provincial government may recommend as being specially suitable for settlement by veterans, and

(b) the Minister of Indian Affairs and Northern Development for the settlement of veterans on any federal lands that the Minister of Indian Affairs and Northern Development may recommend as being specially suitable for the settlement by veterans.

Terms and  
conditions

(2) An agreement entered into pursuant to subsection (1) shall contain such terms, conditions and limitations with reference to settlement of veterans as the Governor in Council may approve.

## Amount of grant

(3) Subject to the regulations made under this Part the Director may grant an amount not exceeding two thousand three hundred and twenty dollars to a veteran who settles on provincial or federal lands pursuant to an agreement entered into under subsection (1).

## Purposes

(4) A grant made pursuant to subsection (3) shall be used only for one or more of the following purposes:

(a) the purchase of essential building materials and other costs of construction;

(b) the clearing and other preparation of land for cultivation;

(c) the purchase of essential farm livestock and machinery;

(d) the purchase of machinery and equipment essential to forestry;

(e) the purchase of commercial fishing equipment;

(f) the purchase of trapping or fur farming equipment but not breeding stock;

(g) the purchase of essential household equipment; and

(h) the purchase of improvements on the land at the time the veteran is approved for a grant under this section.



R.S.C. 1970, c. V-4, cont'd.

Grant not in  
addition to  
other grant or  
sale

(5) A veteran who has received a grant under this section is not entitled to enter into a contract with the Director under section 11 or 17 and a veteran who has entered into a contract with the Director under section 11, 17 or 26 is not entitled to a grant under this section unless, in either case, all disbursements made under this Act on behalf or in respect of the veteran together with interest thereon at the rate of three and one-half per cent per annum are repaid to the Director. R.S., c. 280, s. 38; 1959, c. 37, s. 11; 1965, c. 19, s. 13; 1966-67, c. 25, s. 45.

Grant to Indian  
veteran

46. (1) The Director may grant an amount not exceeding two thousand three hundred and twenty dollars to an Indian veteran who settles on Indian reserve lands, the said grant to be paid to the Minister of Indian Affairs and Northern Development who shall have the control and management thereof on behalf of the Indian veteran.

Disbursements  
by Minister

(2) A grant made pursuant to subsection (1) shall be disbursed by the Minister of Indian Affairs and Northern Development on behalf of the Indian veteran only for one or more of the following purposes:

- (a) the purchase of essential building materials and other costs of construction;
- (b) the clearing and other preparation of land for cultivation;
- (c) the purchase of essential farm livestock and machinery;
- (d) the purchase of machinery or equipment essential to forestry;
- (e) the purchase of commercial fishing equipment;
- (f) the purchase of trapping or fur farming equipment but not breeding stock;
- (g) the purchase of essential household equipment;
- (h) the acquisition of occupational rights to lands, vacant or improved, located within the boundaries of any Indian reserve; and
- (i) the purchase of improvements on the Indian reserve lands at the time the Indian veteran is approved for a grant under this section.

R.S.C. 1970, c. V-4, cont'd.

Grant not in  
addition to  
other grant or  
sale

(3) An Indian veteran on whose behalf a grant has been made under this section is not entitled to enter into a contract with the Director under section 11 or 17, and an Indian veteran who has entered into a contract with the Director under section 11, 17 or 26 is not eligible for a grant under this section unless, in either case, all disbursements made under this Act on behalf of or in respect of the veteran together with interest thereon at the rate of three and one-half per cent per annum are repaid to the Director. R.S., c. 280, s. 39; 1959, c. 37, s. 12; 1965, c. 19, s. 14; 1966-67, c. 25, s. 45.

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands. S.C. 1891, c. 5.



54-55 VICTORIA.

CHAP. 5.

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands.

[Assented to 10th July, 1891.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. It shall be lawful for the Governor in Council, if he shall see fit, to enter into an agreement with the Government of Ontario in accordance with the terms of the draft of a proposed agreement contained in the schedule to this Act, with any modification or additional stipulations which may be agreed to by the two Governments; and such agreement, when entered into, and every matter and thing therein, shall be as binding on the Dominion of Canada as if the same were specified and set forth in an Act of this Parliament; and the Governor in Council is hereby authorized to carry out the provisions of the agreement so to be entered into.

Powers conferred.

Effect of agreement.

Enforcement thereof.

SCHEDULE.

Agreement made on behalf of the Government of Canada on the one part, and on behalf of the Government of Ontario on the other part.

Whereas by Articles of a Treaty made on the third of October, one thousand eight hundred and seventy-three, between Her Most Gracious Majesty the Queen, by Her commissioners the Honourable Alexander Morris, Lieutenant Governor of Manitoba and the North-West Territories, Joseph Albert Norbert Provencher and Simon James Dawson, on the one part, and the Saulteaux tribe of the Ojibbeway Indians, inhabitants of the country within the limits thereafter defined and described, by their chiefs, chosen and named as thereafter mentioned, of the other part, which said treaty is usually known as the North-West Angle Treaty, No. 3, the Saulteaux tribe of the Ojibbeway Indians and all other the Indians inhabiting the country therein defined and described surrendered to Her Majesty all their rights, titles and privileges whatsoever to the lands therein defined and described on certain terms and considerations therein mentioned:



And whereas by the said treaty, out of the lands so surrendered, reserves were to be selected and laid aside for the benefit of the said Indians; and the said Indians were amongst other things hereinafter provided to have the right to pursue their avocations of hunting and fishing throughout the tract surrendered, subject to such regulations as might, from time to time, be made by the Government of the Dominion of Canada, and saving and excepting such tracts as might, from time to time, be required or taken up for settlement, mining, lumbering or other purposes by the said Government of the Dominion of Canada or by any of the subjects thereof duly authorized therefor by the said Government:

And whereas the true boundaries of Ontario have since been ascertained and declared to include part of the territory surrendered by the said treaty, and other territory north of the height of land with respect to which Indians are understood to make a claim as being occupants thereof, according to their mode of occupying, and as not having yet surrendered their claim thereto or interest therein:

And whereas before the true boundaries had been declared as aforesaid, the Government of Canada had selected and set aside certain reserves for the Indians in intended pursuance of the said treaty and the said Government of Ontario was no party to the selection, and has not yet concurred therein:

And whereas it is deemed desirable for the Dominion of Canada and the Province of Ontario to come to a friendly and just understanding in respect of the said matters, it is therefore agreed as follows:—

1. With respect to the tracts to be, from time to time, taken up for settlement, mining, lumbering or other purposes and to the regulations required in that behalf, as in the said treaty mentioned, it is hereby conceded and declared that, as the Crown lands in the surrendered tract have been decided to belong to the Province of Ontario, or to Her Majesty in right of the said Province, the rights of hunting and fishing by the Indians throughout the tract surrendered, not including the reserves to be made thereunder, do not continue with reference to any tracts which have been, or from time to time may be, required or taken up for settlement, mining, lumbering or other purposes by the Government of Ontario or persons duly authorized by the said Government of Ontario; and that the concurrence of the Province of Ontario is required in the selection of the said reserves.

2. That to avoid dissatisfaction or discontent among the Indians, full enquiry will be made by the Government of Ontario as to the reserves heretofore laid out in the territory, with a view of acquiescing in the location and extent thereof unless some good reason presents itself for a different course.

S.C. 1891, c. 5, cont'd.

3. That in case the Government of Ontario after such enquiry is dissatisfied with the reserves or any of them already selected, or in case other reserves in the said territory are to be selected, a joint commission or joint commissions shall be appointed by the Governments of Canada and Ontario to settle and determine any question or all questions relating to such reserves or proposed reserves.

4. That in case of all Indian reserves so to be confirmed or hereafter selected, the waters within the lands laid out or to be laid out as Indian reserves in the said territory, including the land covered with water lying between the projecting headlands of any lake or sheets of water, not wholly surrounded by an Indian reserve or reserves, shall be deemed to form part of such reserve, including islands wholly within such headlands, and shall not be subject to the public common right of fishery by others than Indians of the band to which the reserve belongs.

5. That this agreement is made without prejudice to the jurisdiction of the Parliament of Canada, with respect to inland fisheries under the British North America Act, one thousand eight hundred and sixty-seven, in case the same shall be decided to apply to the said fisheries herein mentioned.

6. That any future treaties with the Indians in respect of territory in Ontario to which they have not hitherto surrendered their claim aforesaid, shall be deemed to require the concurrence of the Government of Ontario.

## CHAP. 24.

## An Act respecting the Songhees Indian Reserve.

[Assented to 19th May, 1911.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement for the sale of the Songhees Indian Reserve contained in the schedule to this Act is hereby confirmed and, notwithstanding anything in *The Indian Act*, the whole of the amount payable to each head of an Indian family under the terms of the said agreement may be paid in the manner therein provided.

Confirmation  
of agreement  
for sale of  
Songhees  
Indian  
Reserve.

## SCHEDULE.

MEMORANDUM OF AGREEMENT made (in duplicate) between The Government of the Dominion of Canada, represented by the Honourable Frank Oliver, Superintendent General of Indian Affairs of Canada: and The Government of the Province of British Columbia, represented by the Honourable William Roderick Ross, Minister of Lands for the Province of British Columbia:

Witnesseth that it has been agreed between the parties hereto as follows:—

1: That the Songhees Indian Reserve, in the city of Victoria, in the Province of British Columbia, shall be conveyed or transferred to the Government of the Province of British Columbia for the consideration hereinafter mentioned as soon as the Songhees Band of Indians have surrendered the same under the provisions of the "Indian Act" and as soon as the necessary legislation has been obtained from the Parliament of Canada confirming this agreement.

2: That the Government of the Province of British Columbia will, in consideration of such conveyance or transfer:—

(1) Deposit in the Canadian Bank of Commerce in the city of Victoria the sum of ten thousand dollars (\$10,000.00) to the credit and in the name of each head of a family of the said Songhees Band of Indians as set forth in the census of the said Band made November 21st to 25th, 1910, by Inspector Ditchburn, and any additional bona fide heads of families existing at the date of payment as the names of such heads of families are certified by the Superintendent General to the Minister of Lands, and will furnish the Superintendent General with the said Bank's receipt for each deposit countersigned by the Indian to whose credit such deposit has been made:



S.C. 1911, c. 24, cont'd.

(2) Deposit the value of each Indian's improvements to his or her credit in the said Bank; and when the value of the school-house, now used by the Indians as a church, the water pipe, and any other Band improvements, is ascertained, will divide it equally among the heads of families and deposit the same to the credit of the respective heads, furnishing the Bank's receipt for each deposit as above. In case an agreement cannot be arrived at with respect to the value of such improvements, school-house and water pipe, the value shall be settled by arbitration, the Superintendent General and the Minister of Lands each to appoint an arbitrator and the two arbitrators so appointed to appoint a third arbitrator, and the decision of such arbitrators, or any two of them, to be final and conclusive:

(3) Convey in fee simple to His Majesty the King, represented by the Superintendent General, a piece or parcel of land at Esquimalt, being all that piece or parcel of land situate in and being part of Section two, Esquimalt District, Vancouver Island, and now known as Section 2A, and being more particularly described as follows:—Commencing at a post planted at high water mark on the northerly shore of Constance Cove, Esquimalt Harbour; thence in a direction north thirty-six degrees and twenty-eight minutes east, Magnetic (N.  $36^{\circ} 28'$  E. Mag.) a distance of eighty chains and ninety links (80.90.) more or less, to an intersection with the southerly boundary of the Craigflower Road; thence westerly along said southerly boundary to an intersection with the easterly boundary of the Admiral's Road; thence southerly following said easterly boundary to an intersection with the east boundary of the Esquimalt Indian Reserve; thence following the said east boundary of the reserve to its southeast corner; thence at right angles and westerly along the south boundary of the Indian reserve to its southwest corner on the shore of Esquimalt Harbour; thence following the shore line of the Harbour westerly, southerly and easterly to point of commencement, the whole containing by admeasurement one hundred and sixty-three and forty-two hundredths acres, more or less, and more particularly shown on the annexed tracing and thereon coloured red save and excepting that portion of the right of way (passing through Section 2A) conveyed to the Esquimalt and Nanaimo Railway Company by deed dated July 4, 1905, and registered in the Land Registry Office at Victoria in absolute fees book Vol. 22, Folio 385, No. 115080, and deposited in said office under No. 167:

Together with all mines royal and all mines and minerals and all rights, members and appurtenances whatsoever to the said hereditaments belonging, and all the estate, right, title and property whatsoever of the said Vendor in, to, and out of the said premises.

S.C. 1911, c. 24, cont'd.

(4) Remove the dead, together with all monuments and tombstones from the said Songhees reserve in the city of Victoria to the new reserve at Esquimalt, and there re-inter and replace them in a manner satisfactory to the Superintendent General, the whole at the cost of the Government of British Columbia.

In witness whereof the parties have hereunto affixed and set their hands and seals of office this 31st day of March, A.D., One thousand nine hundred and eleven.

Signed, sealed and delivered by the Honourable Frank Oliver in the presence of:	}	FRANK OLIVER (Seal.) Superintendent General of Indian Affairs.
FRANK PEDLEY.		

Signed, sealed and delivered by the Honourable William R. Ross in the presence of:	}	WM. R. ROSS (Seal.) Minister of Lands.
R. F. CHILD.		



## 10-11 GEORGE V.

### CHAP. 51.

An Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province.

*[Assented to 1st July, 1920.]*

WHEREAS by Memorandum of Agreement bearing date Preamble. the twenty-fourth day of September, one thousand nine hundred and twelve, made between J. A. J. McKenna, Special Commissioner appointed by the Governor in Council to investigate the condition of Indian affairs in British Columbia, and the Honourable Sir Richard McBride as Premier of the Province of British Columbia, an Agreement was arrived at, subject to the approval of the Governments of the Dominion and of the Province, for the purpose of settling all differences between the said Governments respecting Indian lands and Indian affairs generally in the Province of British Columbia, and for the final adjustment of all matters relating thereto by the appointment of a Royal Commission for the purpose set out in the Agreement; and whereas by orders in council subsequently made by the respective Governments of the Dominion and the Province the said Agreement was approved, subject to the further provision that, notwithstanding anything in the said Agreement contained, the acts and proceedings of the Royal Commission shall be subject to the approval of the two Governments, and that the Governments agree to consider favourably the reports, whether final or interim, of the Royal Commission, with a view to give effect as far as reasonably may be to the acts, proceedings and recommendations of the Royal Commission, and to take all such steps and proceedings as may be reasonably necessary with the object of carrying into execution the settlement provided for by the Agreement in accordance with its true intent and purpose; and whereas a Royal Commission on Indian affairs for the Province of British Columbia was duly appointed for the purpose of carrying out the said Agreement; and whereas the said Royal Commission has since



S.C. 1919-20, c. 51, cont'd.

reported its recommendations as to lands reserved and to be reserved for Indians in the Province of British Columbia, and otherwise for the settling of all differences between the said Governments respecting Indian lands and Indian affairs generally in the said Province: Now, therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.      1. This Act may be cited as *The British Columbia Indian Lands Settlement Act*.

Power given to Governor in Council to settle differences between Canada and B.C. with respect to Indian matters.      2. To the full extent to which the Governor in Council may consider it reasonable and expedient the Governor in Council may do, execute, and fulfil every act, deed, matter or thing necessary for the carrying out of the said Agreement between the Governments of the Dominion of Canada and the Province of British Columbia according to its true intent, and for giving effect to the report of the said Royal Commission, either in whole or in part, and for the full and final adjustment and settlement of all differences between the said Governments respecting Indian lands and Indian affairs in the Province.

Power to order reductions or cutoffs from reserves without surrender by Indians.      3. For the purpose of adjusting, readjusting or confirming the reductions or cutoffs from reserves in accordance with the recommendations of the Royal Commission, the Governor in Council may order such reductions or cutoffs to be effected without surrenders of the same by the Indians, notwithstanding any provisions of the *Indian Act* to the contrary, and may carry on such further negotiations and enter into such further agreements with the Government of the Province of British Columbia as may be found necessary for a full and final adjustment of the differences between the said Governments.

Further negotiations.

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands. S.C. 1924, c. 48.

. CHAP. 48.

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands.

*[Assented to 19th July, 1924.]*

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement between the Dominion of Canada and the Province of Ontario, in the terms set out in the schedule hereto, shall be as binding on the Dominion of Canada as if the provisions thereof had been set forth in an Act of this Parliament, and the Governor in Council is hereby authorized to carry out the provisions of the said agreement.

Agreement  
binding, and  
Governor in  
Council  
authorized  
to carry  
out its  
provisions.

SCHEDULE.

MEMORANDUM OF AGREEMENT made in triplicate this 24th day March 1924.

BETWEEN the Government of the Dominion of Canada, acting herein by the Honourable Charles Stewart, Superintendent General of Indian Affairs, of the first part,

AND the Government of the Province of Ontario, acting herein by the Honourable James Lyons, Minister of Lands and Forests, and the Honourable Charles McCrea, Minister of Mines, of the second part.

WHEREAS from time to time treaties have been made with the Indians for the surrender for various considerations of their personal and usufructuary rights to territories now included in the Province of Ontario, such considerations including the setting apart for the exclusive use of the Indians of certain defined areas of land known as Indian Reserves;

AND WHEREAS, except as to such Reserves, the said territories were by the said treaties freed, for the ultimate benefit of the Province of Ontario, of the burden of the Indian rights, and became subject to be administered by the Government of the said Province for the sole benefit thereof;

AND WHEREAS the surrender of the whole or some portion of a Reserve by the band of Indians to whom the same was allotted has, in respect of certain Reserves in the Provinces of Ontario and Quebec, been under consideration in certain appeals to the Judicial Committee of the Privy Council, and the respective rights of the Dominion of Canada and the Province of Ontario, upon such surrenders being made, depend upon the law as declared by the Judicial Committee of the Privy Council and otherwise affecting the Reserve in question, and upon the circumstances under which it was set off;

S.C. 1924, c. 48, cont'd.

AND WHEREAS on the 7th day of July, 1902, before the determination of the last two of the said appeals, it had been agreed between counsel for the Governments of the Dominion of Canada and the Province of Ontario, respectively, that, as a matter of policy and convenience, and without thereby affecting the constitutional or legal rights of either of the said Governments, the Government of the Dominion of Canada should have full power and authority to sell, lease and convey title in fee simple or for any less estate to any lands forming part of any Reserve thereafter surrendered by the Indians, and that any such sales, leases or other conveyances as had theretofore been made by the said Government should be confirmed by the Province of Ontario, the Dominion of Canada, however, holding the proceeds of any lands so sold, leased or conveyed subject, upon the extinction of the Indian interest therein and so far as such proceeds had been converted into money, to such rights of the Province of Ontario as might exist by law;

AND WHEREAS by the said agreement it was further provided that, as to the Reserves set aside for the Indians under a certain treaty made in 1873 and recited in the Schedule to the Dominion Statute, 54-55 Victoria, chapter 5, and the Statute of the Province of Ontario, 54 Victoria, chapter 3, the precious metals should be considered to form part thereof and might be disposed of by the Dominion of Canada in the same way and subject to the same conditions as the land in which they existed, and that the question whether the precious metals in the lands included in Reserves set aside under other treaties were to be considered as forming part thereof or not, should be expressly left for decision in accordance with the circumstances and the law governing each;

NOW THIS AGREEMENT WITNESSETH that the parties hereto, in order to settle all outstanding questions relating to Indian Reserves in the Province of Ontario, have mutually agreed, subject to the approval of the Parliament of Canada and the Legislature of the Province of Ontario, as follows:—



S.C. 1924, c. 48, cont'd.

1. All Indian Reserves in the Province of Ontario heretofore or hereafter set aside, shall be administered by the Dominion of Canada for the benefit of the band or bands of Indians to which each may have been or may be allotted; portions thereof may, upon their surrender for the purpose by the said band or bands, be sold, leased or otherwise disposed of by letters patent under the Great Seal of Canada, or otherwise under the direction of the Government of Canada, and the proceeds of such sale, lease or other disposition applied for the benefit of such band or bands, provided, however, that in the event of the band or bands to which any such Reserve has been allotted becoming extinct, or if, for any other reason, such Reserve, or any portion thereof is declared by the Superintendent General of Indian Affairs to be no longer required for the benefit of the said band or bands, the same shall thereafter be administered by, and for the benefit of, the Province of Ontario, and any balance of the proceeds of the sale or other disposition of any portion thereof then remaining under the control of the Dominion of Canada shall, so far as the same is not still required to be applied for the benefit of the said band or bands of Indians, be paid to the Province of Ontario, together with accrued unexpended simple interest thereon.

2. Any sale, lease or other disposition made pursuant to the provisions of the last preceding paragraph may include or may be limited to the minerals (including the precious metals) contained in or under the lands sold, leased or otherwise disposed of, but every grant shall be subject to the provisions of the statute of the Province of Ontario entitled "The Bed of Navigable Waters Act", Revised Statutes of Ontario, 1914, chapter thirty-one.

3. Any person authorized under the laws of the Province of Ontario to enter upon land for the purpose of prospecting for minerals thereupon shall be permitted to prospect for minerals in any Indian Reserve upon obtaining permission so to do from the Indian Agent for such Reserve and upon complying with such conditions as may be attached to such permission, and may stake out a mining claim or claims on such Reserve.

4. No person not so authorized under the laws of the Province of Ontario shall be given permission to prospect for minerals upon any Indian Reserve.

5. The rules governing the mode of staking and the size and number of mining claims in force from time to time in the Province of Ontario or in the part thereof within which any Indian Reserve lies shall apply to the staking of mining claims on any such Reserve, but the staking of a mining claim upon any Indian Reserve shall confer no rights upon the person by whom such claim is staked except such as may be attached to such staking by the Indian Act or other law relating to the disposition of Indian Lands.

S.C. 1924, c. 48, cont'd.

6. Except as provided in the next following paragraph, one-half of the consideration payable, whether by way of purchase money, rent, royalty or otherwise, in respect of any sale, lease or other disposition of a mining claim staked as aforesaid, and, if in any other sale, lease or other disposition hereafter made of Indian Reserve lands in the Province of Ontario, any minerals are included, and the consideration for such sale, lease or other disposition was to the knowledge of the Department of Indian Affairs affected by the existence or supposed existence in the said lands of such minerals, one-half of the consideration payable in respect of any such other sale, lease or other disposition, shall forthwith upon its receipt from time to time, be paid to the Province of Ontario; the other half only shall be dealt with by the Dominion of Canada as provided in the paragraph of this agreement numbered 1.

7. The last preceding paragraph shall not apply to the sale, lease or other disposition of any mining claim or minerals on or in any of the lands set apart as Indian Reserves pursuant to the hereinbefore recited treaty made in 1873, and nothing in this agreement shall be deemed to detract from the rights of the Dominion of Canada touching any lands or minerals granted or conveyed by His Majesty for the use and benefit of Indians by letters patent under the Great Seal of the Province of Upper Canada, of the Province of Canada or of the Province of Ontario, or in any minerals vested for such use and benefit by the operation upon any such letters patent of any statute of the Province of Ontario.

8. No water-power included in any Indian Reserve, which in its natural condition at the average low stage of water has a greater capacity than five hundred horsepower, shall be disposed of by the Dominion of Canada except with the consent of the Government of the Province of Ontario and in accordance with such special agreement, if any, as may be made with regard thereto and to the division of the purchase money, rental or other consideration given therefor.

9. Every sale, lease or other disposition heretofore made under the Great Seal of Canada or otherwise under the direction of the Government of Canada of lands which were at the time of such sale, lease or other disposition included in any Indian Reserve in the Province of Ontario, is hereby confirmed, whether or not such sale, lease or other disposition included the precious metals, but subject to the provisions of the aforesaid statute of the Province of Ontario entitled "The Bed of Navigable Waters Act", and the consideration received in respect of any such sale lease or other disposition shall be and continue to be dealt with by the Dominion of Canada in accordance with the provisions of the paragraph of this agreement numbered 1, and the consideration received in respect of any sale, lease or other disposition heretofore made under the Great Seal of the Province of Ontario, or under the direction of the Government of the said Province, of any lands which at any time formed part of any Indian Reserve, shall remain under the exclusive control and at the disposition of the Province of Ontario.

S.C. 1924, c. 48, cont'd.

10. Nothing herein contained, except the provision for the application of "The Bed of Navigable Waters Act" aforesaid, shall affect the interpretation which would, apart from this agreement, be put upon the words of any letters patent heretofore or hereafter issued under the Great Seal of Canada or the Great Seal of the Province of Ontario, or of any lease or other conveyance, or of any contract heretofore or hereafter made under the direction of the Government of Canada or of the Province of Ontario.

IN WITNESS WHEREOF these presents have been signed by the parties thereto the day and year above written.

Signed on behalf of the Government  
of Canada by the Honourable  
Charles Stewart, Superintendent  
General of Indian Affairs, in the presence of CHARLES STEWART.

DUNCAN C. SCOTT.

Signed on behalf of the Government  
of the Province of Ontario by the  
Honourable James Lyons, Minister  
of Lands and Forests, and by the  
Honourable Charles McCrea, Minister  
of Mines, in the presence of JAS. LYONS.  
C. MCCREA.

W. C. CAIN.

(SEAL)

(SEAL)



Order in Council No. 208. 3 February 1930.

P.C. 208

Certified to be a true copy of a Minute of a Meeting of the  
Committee of the Privy Council, approved by His Excellency  
the Governor General on the 3rd FEBRUARY 1930

The Committee of the Privy Council have had before them a Report, dated 24th January, 1930, from the Superintendent General of Indian Affairs, submitting that, pursuant to certain Statutes of Canada and of the Province of British Columbia (Ca. 1920, Chapter 51, B.C. 1919, Ch. 32) Your Excellency in Council and His Honour the Lieutenant-Governor of British Columbia in Council were respectively authorized to take such action as might be necessary to carry out a certain agreement made on the 24th day of September, 1912, with respect to the administration of Indian lands in the said Province, a copy of which said agreement is attached as schedule One hereto.

The Minister states that in pursuance of the said agreement a Royal Commission was constituted to report on the matters aforesaid, and duly reported on the 30th of June, 1916, whereupon the Lieutenant-Governor in Council, on the 26th day of July, 1923, made an Order (No. 911) approving of the said report, and Your Excellency in Council, on the 19th day of July, 1924, (P.C. 1265) made an Order approving thereof except as to cut-offs in the Railway Belt.

The Minister further states that on the 22nd day of March, 1929, a further agreement with respect to Indian lands in the Province of British Columbia was entered into between representatives of the Governments of Canada and of the Province of British Columbia respectively, a copy of which said agreement with schedules containing a list of the reserves in the Railway Belt and Peace River Block and a draft of the form of conveyance in the said agreement referred to are hereto attached as schedules Two, Three and Four.

The Minister accordingly recommends that the said last mentioned agreement and the schedules aforesaid be approved and the agreement directed to be carried out according to its terms upon the approval thereof by the Lieutenant-Governor of British Columbia in Council.

Order in Council No. 208, cont'd.

The Minister further recommends that the Superintendent General of Indian Affairs be authorized, pursuant to Section 48 of the Indian Act (R.S.C. 1927, Ch. 98), to agree to the taking for any such public work as is mentioned in the draft form of conveyance attached hereto as schedule Four an area in excess of the one-twentieth therein provided for on payment by the Province of British Columbia for the benefit of the Indians of such sum by way of compensation for the land so taken as the Superintendent General of Indian Affairs may determine.

The Committee concur in the foregoing recommendations and submit the same for Your Excellency's approval.

(Sgd.) E.J. Lemaire

Clerk of the Privy Council.

## CHAP. 3.

An Act respecting the transfer of the Natural Resources  
of Alberta.

[Assented to 30th May, 1930.]

HIS Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as  
follows:—

1. This Act may be cited as *The Alberta Natural Resources Act*. Short title.

2. The agreement set out in the schedule hereto is hereby approved, subject to the proviso that, in addition to the rights accruing hereunder to the province of Alberta, the said province shall be entitled to such further rights, if any, with respect to the subject matter of the said agreement as are required to be vested in the said province in order that it may enjoy rights equal to those which may be conferred upon or reserved to the province of Saskatchewan under any agreement upon a like subject matter hereafter approved and confirmed in the same manner as the said agreement. Agreement confirmed.  
Proviso.

## SCHEDULE

## MEMORANDUM OF AGREEMENT

Made this fourteenth day of December, 1929,

## BETWEEN

THE GOVERNMENT OF THE DOMINION OF CANADA, represented herein by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior,

*Of the first part,*

## AND

THE GOVERNMENT OF THE PROVINCE OF ALBERTA, represented herein by the Honourable John Edward Brownlee, Premier of Alberta, and the Honourable George Hoadley, Minister of Agriculture and Health,

*Of the second part.*

Whereas by section twenty-one of *The Alberta Act*, being chapter three of four and five Edward the Seventh, it was provided that "All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the province under *The North-west Irrigation Act, 1898*, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said province with the substitution therein of the said province for the North-west Territories";



S.C. 1930, c. 3, cont'd.

And Whereas it is desirable that the Province should be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905;

And Whereas it has been agreed between Canada and the said Province that the provisions of *The Alberta Act* should be modified as herein set out;

Now Therefore This Agreement Witnesseth:

#### TRANSFER OF PUBLIC LANDS GENERALLY

1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the *British North America Act, 1867*, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall, from and after the coming into force of this agreement and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals or royalties before the coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangement, or by any Act of the parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred or by any regulation made under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may, be specified by the Legislature thereof from time to time and until otherwise directed, may be exercised by the Provincial Secretary of the Province.

S.C. 1930, c. 3, cont'd.

4. The Province will perform every obligation of Canada arising by virtue of the provisions of any statute or order in council or regulation in respect of the public lands to be administered by it hereunder to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of lands for right of way, road bed, stations, station grounds, work-shops, buildings, yards, ballast pits or other appurtenances.

5. The Province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the Deed of Surrender from the said Company to the Crown as modified by the *Dominion Lands Act* and the Agreement dated the 23rd day of December, 1924, between His Majesty and the said Company, which said Agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the Province will grant to the Company any lands in the Province which the Company may be entitled to select and may select from the lists of lands furnished to the Company by the Minister of the Interior under and pursuant to the said Agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said Company pursuant to the Deed of Surrender from it to the Crown, the *Dominion Lands Act* or the said Agreement of the 23rd day of December, 1924.

#### SCHOOL LANDS FUND AND SCHOOL LANDS

6. Upon the coming into force of this agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund, created under sections twenty-two and twenty-three of *The Act to amend and consolidate the several Acts respecting Public Lands of the Dominion*, being chapter thirty-one of forty-two Victoria, and subsequent statutes, which is derived from the disposition of any school lands within the Province or within that part of the Northwest Territories now included within the boundaries thereof.



S.C. 1930, c. 3, cont'd.

7. The School Lands Fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the *Dominion Lands Act*, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the *Dominion Lands Act*, for the support of schools organized and carried on therein in accordance with the law of the Province.

#### WATER

8. Canada agrees that the provision contained in section four of the *Dominion Water Power Act*, being chapter two hundred and ten of the Revised Statutes of Canada, 1927, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to undertakings within the Province; nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section ninety-two of the *British North America Act, 1867*.

#### FISHERIES

9. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this agreement, belong to and be administered by the Province, and the Province shall have the right to dispose of all such rights of fishery by sale, licence or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.

#### INDIAN RESERVES

10. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof.

11. The provisions of paragraphs one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March,



S.C. 1930, c. 3, cont'd.

1924, which said agreement was confirmed by statute of Canada, fourteen and fifteen George the Fifth chapter forty-eight, shall (except so far as they relate to the *Bed of Navigable Waters Act*) apply to the lands included in such Indian reserves as may hereafter be set aside under the last preceding clause as if the said agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

12. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

#### SOLDIER SETTLEMENT LANDS

13. All interests in Crown lands in the Province upon the security of which any advance has been made under the provisions of the *Soldier Settlement Act*, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.

#### NATIONAL PARKS

14. The parks mentioned in the schedule hereto shall continue as national parks and the lands included therein, as the same are described in the orders in council in the said schedule referred to (except such of the said lands as may be hereafter excluded therefrom), together with the mines and minerals (precious and base) in each of the said parks and the royalties incident thereto, shall continue to be vested in and administered by the Government of Canada as national parks, but in the event of the Parliament of Canada at any time declaring that the said lands or any part thereof are no longer required for park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration.

S.C. 1930, c. 3, cont'd.

15. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of each of the said parks notwithstanding that portions of such area may not form part of the park proper; the laws now in force within the said area shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

16. The Government of Canada will introduce into the Parliament of Canada such legislation as may be necessary to exclude from the parks aforesaid certain areas forming part of certain of the said parks which have been delimited as including the lands now forming part thereof which are of substantial commercial value, the boundaries of the areas to be so excluded having been heretofore agreed upon by representatives of Canada and of the Province, and the Province agrees that upon the exclusion of the said areas as so agreed upon, it will not, by works outside the boundaries of any of the said parks, reduce the flow of water in any of the rivers or streams within the same to less than that which the Minister of the Interior may deem necessary adequately to preserve the scenic beauties of the said parks.

#### SEED GRAIN, ETC., LIENS

17. Every lien upon any interest in any unpatented land passing to the Province under this agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be designated in that behalf under the laws thereof.

S.C. 1930, c. 3, cont'd.

#### GENERAL RESERVATION TO CANADA

18. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (a) any lands for which Crown grants have been made and registered under the *Land Titles Act* of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become the registered owner at the date upon which the agreement comes into force, or (b) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

#### HISTORIC SITES, BIRD SANCTUARIES, ETC.

19. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be specified under the laws thereof.

#### FINANCIAL TERMS

20. In lieu of the provision made by subsection one of section twenty of *The Alberta Act*, Canada will, from and after the date of the coming into force of this agreement, pay to the Province by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the Province as from time to time ascertained by the quinquennial census thereof, as follows:

The sum payable until the population of the said Province reaches eight hundred thousand shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

21. If at the date of the coming into force of this agreement any payment has been made under subsection one of section twenty of *The Alberta Act* in respect of any half-

year commencing before but terminating after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions hereof.



S.C. 1930, c. 3, cont'd.

22. It is agreed that the Honourable W. F. A. Turgeon, a Judge of the Court of Appeal of Saskatchewan, Charles M. Bowman, of the Town of Waterloo, in the Province of Ontario, Esquire, Chairman of the Board of Directors of the Mutual Life Assurance Company of Canada, and Fred E. Osborne, Esquire, Mayor of the City of Calgary, or, if any of the foregoing cannot act, then such other person or persons as may be agreed upon, will be appointed commissioners under Part One of the *Inquiries Act* to enquire and report whether any, and, if any, what consideration, in addition to the sums provided in paragraph twenty hereof, should be paid to the Province in order that the Province may be placed in a position of equality with the other Provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905, such commissioners to be empowered to decide what financial or other considerations are relevant to the enquiry, and the report to be submitted to the Parliament of Canada and to the Legislature of Alberta; and if by the said report, the payment of any additional consideration is recommended, then, upon agreement between the Governments of Canada and of the Province following the submission of such report, the said Governments will respectively introduce the legislation necessary to give effect to such agreement.

#### RECORDS

23. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

#### AMENDMENT OF AGREEMENT

24. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

S.C. 1930, c. 3, cont'd.

WHEN AGREEMENT COMES INTO FORCE

25. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

In Witness Whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable John Edward Brownlee, Premier of Alberta, and the Honourable George Hoadley, Minister of Agriculture and Health thereof, have hereunto set their hands on behalf of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Ernest Lapointe, Minister of Justice and the Honourable Charles Stewart, Minister of the Interior, in the presence of

O. M. BIGGAR.

ERNEST LAPOINTE.

CHAS. STEWART.

Signed on behalf of the Province of Alberta by the Honourable John Edward Brownlee, Premier of the said Province, and the Honourable George Hoadley, Minister of Agriculture and Health thereof, in the presence of

J. F. LYMBURN.

J. E. BROWNLEE.

GEO. HOADLEY.

Manitoba Natural Resources Act. S.C. 1930, c. 29.

## CHAP. 29.

An Act respecting the transfer of the Natural Resources of Manitoba.

[Assented to 30th May, 1930.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Manitoba Natural Resources Act*. Short title.

2. The agreement set out in the schedule hereto is hereby approved. Agreement confirmed.

### SCHEDULE

#### MEMORANDUM OF AGREEMENT

Made this fourteenth day of December, 1929.

#### BETWEEN

THE GOVERNMENT OF THE DOMINION OF CANADA, represented herein by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior,

Of the first part,

#### AND

THE GOVERNMENT OF THE PROVINCE OF MANITOBA, represented herein by the Honourable John Bracken, Premier of Manitoba, and the Honourable Donald G. McKenzie, Minister of Mines and Natural Resources,

Of the second part.

Whereas by section thirty of the *Manitoba Act*, being chapter three of thirty-three Victoria, it was provided that all ungranted or waste lands in the Province should be vested in the Crown and administered by the Government of Canada for the purposes of the Dominion, subject to the conditions and stipulations contained in the Agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty;

And whereas the boundaries of the Province as defined by the *Manitoba Act* were altered and the area included in the said Province enlarged by the statutes forty-four Victoria chapter fourteen, and two George the Fifth chapter thirty-two;



S.C. 1930, c. 29, cont'd.

And whereas by an Order in Council adopted upon a report from the Right Honourable W. L. Mackenzie King, Prime Minister of Canada, and approved by His Excellency the Governor General on the first day of August, 1928, it was provided, pursuant to an agreement in that behalf entered into with representatives of the Government of the Province that the Province would be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1870, that a commission of three persons would be appointed to inquire into and report as to what financial readjustments should be made to effect that end and that upon agreement between the Government of Canada and the Government of the Province upon the financial terms, following considera-

tion of the report of the Commission, a transfer would be made by Canada to the Province of the unalienated natural resources within the boundaries of the Province subject to any trust existing in respect thereof and without prejudice to any interest other than that of the Crown in the same;

And whereas a Commission, composed of the Honourable Mr. Justice W. F. A. Turgeon, the Honourable Thomas Alexander Crerar and Charles M. Bowman, Esquire, was appointed to conduct an inquiry into the financial readjustments involved in the proposed transfer, and the Commission has since reported its findings and these findings have been accepted and agreed to by the Government of Canada and the Government of the Province;

And whereas it is now expedient, in order to carry out the purpose of the aforesaid Order in Council and to give effect to the agreement arrived at in the premises between the Government of Canada and the Government of the Province, to modify the provisions of the statutes above referred to as herein set out.

Now Therefore This Agreement Witnesseth:

S.C. 1930, c. 29, cont'd.

#### TRANSFER OF PUBLIC LANDS GENERALLY

1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the *British North America Act, 1867*, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall, from and after the coming into force of this agreement, and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals or royalties before the coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangement, or by any Act of the Parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred, or by any regulation made under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time, and until otherwise directed, may be exercised by the Minister of Mines and Natural Resources of the Province.

4. The Province will perform every obligation of Canada arising by virtue of the provisions of any statute or order in council or regulation in respect of the public lands to be administered by it hereunder to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of land for right of way, road bed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances.

S.C. 1930, c. 29, cont'd.

5. The Province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the Deed of Surrender from the said Company to the Crown as modified by the *Dominion Lands Act* and the Agreement dated the 23rd day of December, 1924, between His Majesty and the said Company, which said Agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the Province will grant to the Company any lands in the Province which the Company may be entitled to select and may select from the lists of lands furnished to the Company by the Minister of the Interior under and pursuant to the said Agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying

the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said Company pursuant to the Deed of Surrender from it to the Crown, the *Dominion Lands Act* or the said Agreement of the 23rd day of December, 1924.

#### SCHOOL LANDS FUND AND SCHOOL LANDS

6. Upon the coming into force of this agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund, created under sections twenty-two and twenty-three of *The Act to amend and consolidate the several Acts respecting Public Lands of the Dominion*, being chapter thirty-one of forty-two Victoria, and subsequent statutes, which is derived from the disposition of any school lands within the Province or within those parts of the District of Keewatin and of the Northwest Territories now included within the boundaries of the said Province.

7. The School Lands Fund to be transferred to the Province as aforesaid and such of the school lands specified in section thirty-seven of the *Dominion Lands Act*, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the *Dominion Lands Act*, for the support of schools organized and carried on therein in accordance with the law of the Province.



## WATER

8. The Province will pay to Canada, by yearly payments on the first day of January in each year after the coming into force of this agreement, the proportionate part, chargeable to the development of power on the Winnipeg River within the Province, of the sums which have been or shall hereafter be expended by Canada pursuant to the agreement between the Governments of Canada and of the Provinces of Ontario and Manitoba, made on the 15th day of November, 1922, and set forth in the schedule hereto, the Convention and Protocol relating to the Lake of the Woods entered into between His Majesty and the United States of America on the 24th day of February, 1925, and the *Lac Seul Conservation Act, 1928*, being chapter thirty-two of eighteen and nineteen George the Fifth, the annual payments hereunder being so calculated as to amortise the expenditures aforesaid in a period of fifty years from the date of the coming into force of this agreement and the interest payable to be at the rate of five per cent per annum.

9. Canada agrees that the provision contained in section four of the *Dominion Water Power Act*, being chapter two hundred and ten of the Revised Statutes of Canada, 1927, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to such undertakings within the Province; nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section ninety-two of the *British North America Act, 1867*.

## FISHERIES

10. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this agreement, belong to and be administered by the Province, and the Province shall have the right to dispose of all such rights of fishery by sale, licence or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.

S.C. 1930, c. 29, cont'd.

#### INDIAN RESERVES

11. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the Minister of Mines and Natural Resources of the Province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof.

12. The provisions of paragraphs one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1924, which said agreement was confirmed by statute of Canada, fourteen and fifteen George the Fifth chapter forty-eight, shall (except so far as they relate to the *Bed of Navigable Waters Act*) apply to the lands included in such Indian reserves as may hereafter be set aside under the last preceding clause as if the said agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

13. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

#### SOLDIER SETTLEMENT LANDS

14. All interests in Crown lands in the Province upon the security of which any advance has been made under the provisions of the *Soldier Settlement Act*, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.

S.C. 1930, c. 29, cont'd.

#### NATIONAL PARK

15. The lands specified as included in the Riding Mountain Forest Reserve, as such reserve is described in the schedule to the *Dominion Forest Reserves and Parks Act*, being chapter seventy-eight of the Revised Statutes of Canada, 1927, as amended by eighteen and nineteen George the Fifth chapter twenty, shall be established as a national park, and the said lands, together with the mines and minerals (precious and base) in such area and the royalties incident thereto shall continue to be vested in and shall be administered by the Government of Canada for the purposes of a national park, but in the event of the Parliament of Canada at any time declaring that the said lands or any part thereof are no longer required for such purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration.

16. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of the said park, notwithstanding that portions of such area may not form part of the park proper; the laws now in force within the said area shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

#### SEED GRAIN, ETC., LIENS

17. Every lien upon any interest in any unpatented land passing to the Province under this agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any advance, any document required to be executed to discharge the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Minister of Mines and Natural Resources or such other Minister of the Province as may be designated in that behalf under the laws thereof.



S.C. 1930, c. 29, cont'd.

#### GENERAL RESERVATION TO CANADA

18. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (a) any lands for which Crown grants have been made and registered under the *Real Property Act* of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become the registered owner at the date upon which this agreement comes into force, or (b) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

#### HISTORIC SITES, BIRD SANCTUARIES, ETC.

19. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Minister of Mines and Natural Resources, or such other Minister of the Province as may be specified under the laws thereof.

#### FINANCIAL TERMS

20. In lieu of the provision made by section five of the statute two George the Fifth chapter thirty-two above referred to, Canada will, from and after the date of the coming into force of this agreement, pay to the Province by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the Province as from time to time ascertained by the quinquennial census thereof, as follows:—

The sum payable until the population of the said Province reaches eight hundred thousand shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

21. If at the date of the coming into force of this agreement any payment has been made under the provisions of section five of the statute two George the Fifth chapter thirty-two above referred to in respect of any half-year commencing before but terminating, after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions hereof.

S.C. 1930, c. 29, cont'd.

22. In order to provide an adequate financial readjustment in favour of the Province for the period intervening between its entrance into Confederation in 1870 and the first day of July, 1908, before which date it received either no subsidy in lieu of public lands or a smaller subsidy than it should have received in order to put it on an equality with the other Provinces, Canada, forthwith after the coming into force of this agreement, will, in accordance with the report of the hereinbefore recited Commission, pay to the said Province the sum of four million, five hundred and eighty-four thousand two hundred and twelve dollars and forty-nine cents with interest thereon at the rate of five per cent per annum from the first day of July, 1929.

#### RECORDS

23. Canada will after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

#### AMENDMENT OF AGREEMENT

24. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

#### WHEN AGREEMENT COMES INTO FORCE

25. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Manitoba, and shall take effect on the fifteenth day of July, 1930, if His Majesty has theretofore given His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same, and if He has not given such Assent before the said day, then on such date as may be agreed upon.

S.C. 1930, c. 29, cont'd.

In witness whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable John Bracken, Premier of Manitoba, and the Honourable Donald G. McKenzie, Minister of Mines and Natural Resources thereof, have hereunto set their hands on behalf of the Province of Manitoba.

Signed on behalf of the Government of Canada by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, in the presence of

O. M. BIGGAR.

ERNEST LAPOINTE.

CHAS. STEWART.

Signed on behalf of the Province of Manitoba by the Honourable John Bracken, Premier of the said Province, and the Honourable Donald G. McKenzie, Minister of Mines and Natural Resources thereof, in the presence of

W. J. MAJOR.

JOHN BRACKEN

DONALD G.  
McKENZIE.



S.C. 1930, c. 29, cont'd.

## SCHEDULE

### AGREEMENT BETWEEN CANADA, ONTARIO AND MANITOBA

---

OTTAWA, November 15, 1922.

MEMORANDUM: of agreement arrived at regarding the control of the upper waters of the Winnipeg River.

PRESENT:

*Representing the Dominion Government*

Right Honourable Mackenzie King, Prime Minister;  
Honourable Charles Stewart, Minister of the Interior;  
Mr. W. W. Cory, Deputy Minister of the Interior.

*In attendance*

Mr. W. J. Stewart and Mr. J. B. Challies, Consulting Engineers to the Department of External Affairs;  
Mr. S. S. Scovil, Engineer of Lake of the Woods Control Board.

*Representing the Province of Ontario*

Honourable E. C. Drury, Premier.

*In attendance*

Mr. H. G. Acres and Mr. L. V. Rorke.

*Representing the Province of Manitoba*

Honourable John Bracken, Premier.  
Honourable R. W. Craig, Attorney-General; also  
Honourable T. H. Johnson, K.C., Counsel.

This agreement, as a working basis for the regulation of the English and Winnipeg rivers, is entered into on the understanding that all parties are agreeable to the repeal of the Lake of the Woods Regulation Act 1920, but Ontario does not bind itself to the terms of this agreement in the event of that Act not being repealed.

The Government representatives agreed that the general advantage legislation could be rescinded on the following basis (Mr. Bracken undertaking to urge the acceptance thereof by the Manitoba power interests):

1. *Control of Lake of the Woods*

The recommendation of the Lake of the Woods Control Board that the Norman Dam be expropriated was agreed to in principle.

It was further understood that the Board should immediately investigate and report to the three governments concerned, whether,

S.C. 1930, c. 29, cont'd.

(1) There is some alternative method of securing control by construction of a new structure above the present dam or otherwise;

(2) Failing such an alternative being found, under what procedure and whether under Federal or Provincial auspices should the dam be expropriated.

The cost of securing the results contemplated under either (1) or (2) above should be borne on the following basis,—

One-third of the total cost to be attributable to navigation and borne by the Federal Government;

The remaining two-thirds to be considered chargeable to power, to be borne in the first instance by the expropriating Government, but

(a) Ontario to be responsible for the share chargeable to the undeveloped power site at White Dog Falls;

(b) The Federal Government (as proprietors of the water powers on the Winnipeg river in Manitoba) to be responsible in the first instance for the amount chargeable to the remaining fall of the Winnipeg river in the Province of Manitoba; the Department of the Interior to recover cost of same from the present power developments on the river and from prospective power developments on such basis as that Department may consider advisable.

So far as the amount chargeable to power is concerned, the basis of settlement between the Dominion Government and the Province of Ontario should be that of the ratio of potential head in Ontario and Manitoba.

### *2. Regulation under Concurrent Legislation*

It was agreed that the Lake of the Woods Control Board should be instructed to immediately canvass the necessities of the situation and make appropriate recommendations to the Governments of Canada and Ontario with a view to having approved and authorized whatever operating regulations are considered necessary to make practically effective the existing concurrent legislation.

### *3. Lac Seul*

With regard to storage on Lac Seul, it is agreed that if the power interests in Manitoba or their administrative agency desire storage on Lac Seul, they shall immediately notify the Government of Ontario to this effect. In the event of such notification the Government of Ontario shall undertake not to permit the construction of any development which would later be destroyed, wholly or in part, by the creation of this storage, and shall agree to grant

S.C. 1930, c. 29, cont'd.

flooding rights, on Crown Lands affected, under the customary conditions, including recompense for timber destroyed, and the usual rental for water powers which may be wholly or partially destroyed incidental to the construction of the said works. Further, the power interests benefited shall be prepared, when required by the Government of Ontario, to pay the said Government an amount to be ascertained by the Control Board, sufficient to pay the difference between the cost of power feasible of development at Pelican Falls and the cost of a similar amount of power to be developed at some other possible site designated by the Government of Ontario and delivered at Sioux Lookout at a distribution voltage.

It is agreed that whatever storage scheme may be worked out covering Lac Seul shall be under the jurisdiction of the Lake of the Woods Control Board, the cost of the same to be borne by the power interests as and when benefited.

#### *4. International Questions*

With regard to the international issues it was unanimously agreed that there was not sufficient data to enable a commitment at the present stage with regard to storage and regulation on Rainy and upper international lakes, and that in any case all the interests concerned, governmental, municipal, corporate and private, on both sides of the boundary, should be afforded the opportunity and the advantage of presenting their views, and of hearing the views of others presented, to the International Joint Commission.

It was further agreed that the basis for an international arrangement between the two countries arrived at by the technical advisers of the United States and Canada at Washington in December, should be adhered to, namely,—

- (a) An immediate settlement by treaty of the Lake of the Woods issues; and
- (b) Concurrent with the ratification of such a treaty, an appropriate reference to the International Joint Commission respecting Rainy and upper lakes matters.

It was further agreed that once a reference of the upper lakes matter has been agreed to, the Canadian Governments, Dominion and Provincial, should facilitate in every possible way, a thorough investigation and an early report by the International Joint Commission, but that pending such a report, the Dominion Government could not make any commitment as to policy.



S.C. 1930, c. 29, cont'd.

With regard to financial obligations arising under settlement of the Lake of the Woods issues it was agreed that the same should be borne by the respective Governments on the same basis as that set out above for the acquirement of the Norman Dam.

(Sgd.) E. C. DRURY,  
*For the Government of Ontario.*

(Sgd.) JOHN BRACKEN,  
*For the Government of Manitoba.*

(Sgd.) W. L. MACKENZIE KING,  
*For the Government of Canada.*

Saskatchewan Natural Resources Act. S.C. 1930, c. 41.

## CHAP. 41.

An Act respecting the transfer of the Natural Resources of Saskatchewan.

[Assented to 30th May, 1930.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Saskatchewan Natural Resources Act*. Short title.

2. The agreement set out in the schedule hereto is hereby approved. Agreement confirmed.

## SCHEDULE.

### MEMORANDUM OF AGREEMENT.

Made this 20th day of March, 1930.

BETWEEN

THE GOVERNMENT OF THE DOMINION OF CANADA, represented herein by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior,

Of the first part,

AND

THE GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN, represented herein by the Honourable James Thomas Milton Anderson, Premier and Minister of Education of the Province, and the Honourable Murdoch Alexander MacPherson, Attorney-General,

Of the second part.

Whereas by section twenty-one of the *Saskatchewan Act*, being chapter forty-two of the four and five Edward the Seventh, it was provided that "All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the Province under the *North-West Irrigation Act, 1898*, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said Province with the substitution therein of the said Province for the North-West Territories;"

S.C. 1930, c. 41, cont'd.

And whereas the Government of Canada desires that the Province should be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entry into Confederation in 1905;

And whereas the Government of the Province contends that, before the Province was constituted and entered into Confederation as aforesaid, the Parliament of Canada was not competent to enact that the natural resources within the area now included within the boundaries of the Province should vest in the Crown and be administered by the Government of Canada for the purposes of Canada and was not entitled to administer the said natural resources otherwise than for the benefit of the residents within the said area, and moreover that the Province is entitled to be and should be placed in a position of equality with the other Provinces of Confederation with respect to its natural resources as from the fifteenth day of July, 1870, when Rupert's Land and the North-Western Territory were admitted into and became part of the Dominion of Canada:

And whereas it has been agreed between Canada and the said Province that the said section of the *Saskatchewan Act* should be modified and that provision should be made for the determination of the respective rights and obligations of Canada and the Province as herein set out;

Now Therefore This Agreement Witnesseth:

#### TRANSFER OF PUBLIC LANDS GENERALLY.

1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the *British North America Act, 1867*, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall from and after the coming into force of this agreement and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals, or royalties before the coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.



S.C. 1930, c. 41, cont'd.

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangement, or by any Act of the Parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred or by any regulation made under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time, and until otherwise directed, may be exercised by the Provincial Secretary of the Province.

4. The Province will perform every obligation of Canada, arising by virtue of the provisions of any statute or Order in Council or regulation in respect of the public lands to be administered by it hereunder, to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of lands for right of way, road bed, stations, station grounds, work-shops, buildings, yards, ballast pits or other appurtenances.

5. The Province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the Deed of Surrender from the said Company to the Crown as modified by the *Dominion Lands Act* and the agreement dated the 23rd day of December, 1924, between His Majesty and the said Company, which said Agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the Province will grant to the Company any lands in the Province which the Company may be entitled to select and may select from the lists of lands furnished to the Company by the Minister of the Interior under and pursuant to the said agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said Company pursuant to the Deed of Surrender from it to the Crown, the *Dominion Lands Act* or the said agreement of the 23rd day of December, 1924.

S.C. 1930, c. 41, cont'd.

#### SCHOOL LANDS FUND AND SCHOOL LANDS.

6. Upon the coming into force of this agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund, created under sections twenty two and twenty-three of the *Act to amend and consolidate the several Acts respecting Public Lands of the Dominion*, being chapter thirty-one of forty-two Victoria, and subsequent statutes, which is derived from the disposition of any school lands within the Province or within that part of the Northwest Territories now included within the boundaries thereof.

7. The school lands fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the *Dominion Lands Act*, being chapter one hundred and thirteen of the *Revised Statutes of Canada, 1927*, as pass to the administration of the Province, under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the *Dominion Lands Act*, for the support of schools organized and carried on therein in accordance with the law of the Province.

#### WATER.

8. Canada agrees that the provision contained in section four of the *Dominion Water Power Act*, being chapter two hundred and ten of the *Revised Statutes of Canada, 1927*, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to undertakings within the Province; nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section ninety-two of the *British North America Act, 1867*.

#### FISHERIES.

9. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this agreement, belong to and be administered by the Province, and the Province shall have the right to dispose of all such rights of fishery by sale, licence or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.

## INDIAN RESERVES.

10. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof.

11. The provisions of paragraph one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1924, which said agreement was confirmed by statute of Canada, fourteen and fifteen George the Fifth chapter forty-eight, shall (except so far as they relate to the *Bed of Navigable Waters Act*) apply to the lands included in such Indian reserves as may hereafter be set aside under the last preceding clause as if the said agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

12. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

## SOLDIER SETTLEMENT LANDS.

13. All interest in Crown lands in the Province upon the security of which any advance has been made under the provisions of the *Soldier Settlement Act*, being chapter 188 of the *Revised Statutes of Canada, 1927*, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.



S.C. 1930, c. 41, cont'd.

#### NATIONAL PARKS.

14. The Prince Albert National Park shall continue as a national park and the lands included therein as the same are described in Orders made by the Governor in Council on the twenty-fourth day of March, 1927 (P.C. 524), the eighteenth day of October, 1928, (P.C. 1846) and the sixth day of February, 1929, (P.C. 162), together with the mines and minerals (precious and base) in the said park and the royalties incident thereto, shall continue to be vested in and administered by the Government of Canada as a national park, but in the event of the Parliament of Canada at any time declaring that the said land or any part thereof is no longer required for park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration.

15. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of the said park, notwithstanding that portions of the said area may not form part of the park proper; the laws now in force within the said area shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing Acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

16. The Province will not, by works outside the boundaries of the said park, reduce the flow of water in any of the rivers or streams within the same to less than that which the Minister of the Interior may deem necessary adequately to preserve the scenic beauties of the said park.

17. In the event of its being hereafter agreed by Canada and the Province that any area or areas of land in the Province, in addition to that hereinbefore specified, should be set aside as national parks and be administered by Canada, the foregoing provisions of this agreement on the subject of parks may be applied to such area or areas with such modification as may be agreed upon.

S.C. 1930, c. 41, cont'd.

#### SEED GRAIN, ETC., LIENS.

18. Every lien upon any interest in any unpatented land passing to the Province under this agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be designated in that behalf under the laws thereof.

#### GENERAL RESERVATION TO CANADA.

19. Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province (a) any lands for which Crown grants have been made and registered under the *Land Titles Act* of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become the registered owner at the date upon which this agreement comes into force, or (b) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

#### HISTORIC SITES, BIRD SANCTUARIES, ETC.

20. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be specified under the laws thereof.

## FINANCIAL TERMS.

21. In lieu of the provision made by subsection one of section twenty of the *Saskatchewan Act*, Canada will, from and after the date of the coming into force of this agreement, pay to the Province by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the Province as from time to time ascertained by the quinquennial census thereof, as follows:

The sum payable until such population reaches one million two hundred thousand shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

22. If at the date of the coming into force of this agreement any payment has been made under subsection one of section twenty of the *Saskatchewan Act* in respect of any half-year commencing before but terminating after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions hereof.

23. Provision will be made pursuant to section fifty-five of the *Supreme Court Act*, being chapter thirty-five of the *Revised Statutes of Canada, 1927*, to submit for the consideration of the Supreme Court of Canada questions agreed upon between the parties hereto as being appropriate to obtain the judgment of the said Court, subject to appeal to His Majesty in Council in accordance with the usual practice, as to the rights of Canada and the Province respectively, before the first day of September, 1905, in or to the lands, mines or minerals (precious or base), now lying within the boundaries of the Province, and as to any alienation by Canada before the said date of any of the said lands, mines or minerals or royalties incident thereto.

24. As soon as final answers to the questions submitted under the last preceding paragraph have been given, the Government of Canada will appoint three persons to be agreed upon to be Commissioners under Part I of the *Inquiries Act*, to inquire and report whether any, and if any, what consideration, in addition to the sums provided in paragraph twenty-one hereof, shall be paid to the Province in order that the Province may be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources either as from the first day of September, 1905, or as from such earlier date, if any, as may appear to be proper, having regard to the answers to the questions submitted as aforesaid; such commissioners to be empowered to decide what financial or other considerations are

relevant to the inquiry and the report to be submitted to the Parliament of Canada and to the Legislature of Saskatchewan, if by the said report, the payment of any additional consideration is recommended, then, upon agreement between the Governments of Canada and of the Province following the submission of such report, the said Governments will respectively introduce the legislation necessary to give effect to such agreement.



S.C. 1930, c. 41, cont'd.

#### RECORDS.

25. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

#### AMENDMENT OF AGREEMENT.

26. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

#### RESERVATION OF RIGHTS.

27. This agreement is signed on behalf of the Province with the reservation on its part that neither the execution thereof nor any statute confirming the same shall affect or prejudice any right the Province may now have to call into question the legislative competence of the Parliament of Canada to enact certain sections of the *Saskatchewan Act* and the *Dominion Lands Acts*.

#### WHEN AGREEMENT COMES INTO FORCE.

28. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Saskatchewan, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

S.C. 1930, c. 41, cont'd.

In witness whereof the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, have hereunto set their hands on behalf of the Dominion of Canada, and the Honourable James Thomas Milton Anderson, Premier and Minister of Education of the Province, and the Honourable Murdoch Alexander MacPherson, Attorney-General thereof, have hereunto set their hands on behalf of the Province of Saskatchewan.

ERNEST LAPOINTE.

Signed on behalf of the Government of Canada, by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, in the presence of

O. M. BIGGAR.

CHAS. STEWART.

J. T. M. ANDERSON.

Signed on behalf of the Province of Saskatchewan by the Honourable James Thomas Milton Anderson, Premier and Minister of Education, and the Honourable Murdoch Alexander MacPherson, Attorney-General, in the presence of

JAS. F. BRYANT.

R. STIPE.

M. A. MACPHERSON.

## CHAP. 19.

### The British Columbia Indian Reserves Mineral Resources Act.

[Assented to 24th July, 1943.]

**H**IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The agreement set out in the Schedule to this Act is confirmed and shall take effect according to its terms. Agreement confirmed.

### SCHEDULE.

MEMORANDUM OF AGREEMENT made this 26th day of January, A.D. 1943,

BETWEEN:

THE GOVERNMENT OF THE DOMINION OF CANADA, represented herein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,

OF THE FIRST PART,  
and

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA, represented herein by the Honourable Ernest Crawford Carson, Minister of Mines,

OF THE SECOND PART.

WHEREAS from time to time treaties have been made with the Indians for the surrender for various considerations of their personal and usufructury rights to territories now included in the Province of British Columbia, such considerations including the setting apart for the exclusive use of the Indians of certain definite areas of land known as Indian Reserves;

AND WHEREAS the said Indian Reserves were conveyed to the Dominion Government as trustee for the Indians under the terms and conditions set forth in an agreement dated the 24th day of September, 1912, between the Dominion Government and the Province of British Columbia;

AND WHEREAS the precious metals in, upon, or under the lands comprising such Reserves are not incidents of such lands but belong beneficially to the Crown in the right of the Province of British Columbia with the result that the development of all the minerals in, upon or under such lands is at present impractical since the precious and base metals are closely associated and cannot be mined separately;



S.C. 1943-44, c. 19, cont'd.

AND WHEREAS it has been agreed between the Governments of the Dominion of Canada and the Province of British Columbia, that as a matter of policy and convenience and for the development of such minerals and without thereby affecting the constitutional or legal rights of either of the said Governments, the Province of British Columbia should have charge of the development of all minerals and mineral claims both precious and base, in, upon, or under the said Indian Reserves;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties have mutually agreed, subject to the approval of the Parliament of Canada and the Legislature of the Province of British Columbia, as follows:

1. Subject as hereinafter in this Agreement provided, the Indian Reserves in the Province of British Columbia shall continue to be administered in accordance with the legislation and agreements now in force.

2. The administration, control and disposal of all minerals and mineral claims, both precious and base, in, upon or under all Indian Reserves in the said Province shall be subject to the laws of the Province which shall apply to the prospecting, staking, recording, developing, leasing, selling or otherwise disposing of or dealing with all such minerals and mineral claims;

Provided, however, that any leases now existing by virtue of subsection (2) of Section 50 of the Indian Act shall not be affected hereby;

And provided further that no prospecting or right of entry on the said Indian Reserve shall be authorized or permitted until permission so to do has been obtained from the Indian Agent for such Reserve; such permission shall be subject to such terms and conditions as the said Indian Agent may specify and shall be granted only to such persons whose application for permission has been approved by the Gold Commissioner for the Mining Division of the Province in which such Reserve is situated;

And provided further that base minerals and mineral rights shall only be subject to this agreement upon being surrendered pursuant to the Indian Act.

3. The term "mineral" shall mean and include gold, silver, and all naturally occurring useful minerals, but shall not include peat, coal, petroleum, natural gas, bitumen, oil shales, limestone, marble, clay, gypsum, or any building stone when mined for building purposes, earth, ash, marl, gravel, sand or any element which forms part of the agricultural surface of the land.

4. The Department of Mines of British Columbia or the officers thereof shall collect all revenue whether by way of purchase money, rent, recording fees, royalty or otherwise in respect of any sale or other disposition of minerals and mineral claims, in, upon, or under such Reserves, together with all licence, permit or other fees.

S.C. 1943-44, c. 19, cont'd.

5. One-half of all the revenue collected in accordance with paragraph four of this Agreement shall belong to the Province of British Columbia and one-half of such revenue shall at the end of every calendar year, be remitted to the Receiver General of Canada to be dealt with by the Government of the Dominion of Canada in accordance with the provision of paragraph seven of the agreement hereinbefore mentioned, dated the 24th day of September, 1912, insofar as the provisions of such paragraph are applicable.

6. The scale of fees, charges, royalties and other sources of revenue relating to the prospecting, staking, recording, developing, leasing, selling, or otherwise disposing of or dealing with minerals and mineral claims on Indian Reserves in the said Province, in force at the date of this agreement shall not be reduced without the consent of the Governor General in Council.

7. The Province shall use its best endeavours to collect the revenue referred to in paragraph four of this agreement in accordance with the mining laws of the Province in the same manner as revenue from minerals and mineral claims situate elsewhere than upon Indian Reserves and the Province shall not be liable to the Dominion for failure to collect the said revenue or any portion of same by reason of the neglect or failure of any officer or servant of the Provincial Government or of the Department of Mines of the Province to carry out his duties in connection with same, and it is further agreed between the parties hereto that the Province shall only be liable to the Dominion for one-half of the revenues collected under paragraph four of this agreement in any one calendar year and not further or otherwise.

IN WITNESS WHEREOF the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada and the Honourable Ernest Crawford Carson, Minister of Mines, has hereunto set his hand on behalf of the Province of British Columbia.

SIGNED on behalf of the Government  
of Canada by the Honourable  
Thomas Alexander Crerar, Minister of Mines and Resources. } "T. A. CRERAR."

In the presence of:

"C. W. JACKSON."

SIGNED on behalf of the Government  
of British Columbia by the Honourable Ernest Crawford Carson, Minister of Mines. } "E. C. CARSON".

In the presence of:

"JOHN F. WALKER."

An Act to confirm an Agreement between the Government of Canada and the Government of the Province of New Brunswick respecting Indian Reserves.  
S.C. 1959, c. 47.

## CHAP. 47

An Act to confirm an Agreement between the Government of Canada and the Government of the Province of New Brunswick respecting Indian Reserves.

*[Assented to 18th July, 1959.]*

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Agreement between the Government of Canada and the Government of the Province of New Brunswick, set out in the Schedule, is ratified and confirmed, and it shall take effect according to its terms.

Agreement  
ratified and  
confirmed.

### SCHEDULE.

MEMORANDUM OF AGREEMENT MADE THIS 25th DAY OF March, 1958

BETWEEN

THE GOVERNMENT OF CANADA hereinafter referred to as  
"Canada"

OF THE FIRST PART;

AND

THE GOVERNMENT OF THE PROVINCE OF NEW  
BRUNSWICK hereinafter referred to as "New Brunswick"

OF THE SECOND PART.

WHEREAS since the enactment of the British North America Act, 1867, certain lands in the Province of New Brunswick set aside for Indians have been surrendered to the Crown by the Indians entitled thereto;

AND WHEREAS from time to time Letters Patent have been issued under the Great Seal of Canada purporting to convey said lands to various persons;

AND WHEREAS two decisions of the Judicial Committee of the Privy Council relating to Indian lands in the Provinces of Ontario and Quebec lead to the conclusion that said lands could only have been lawfully conveyed by authority of New Brunswick with the result that the grantees of said lands hold defective titles and are thereby occasioned hardship and inconvenience;

NOW THIS AGREEMENT WITNESSETH that the parties hereto, in order to settle all outstanding problems relating to Indian reserves in the Province of New Brunswick and to enable Canada to deal effectively in future with lands forming part of said reserves, have mutually agreed subject to the approval of the Parliament of Canada and the Legislature of the Province of New Brunswick as follows:



S.C. 1959, c. 47, cont'd.

1. In this agreement, unless the context otherwise requires,
  - (a) "Province" means the Province of New Brunswick;
  - (b) "reserve lands" means those reserves in the Province referred to in the appendix to this agreement;
  - (c) "patented lands" means those tracts of land in the Province in respect of which Canada accepted surrenders of their rights and interests therein from the Indians entitled to the use and occupation thereof and in respect of which grants were made by Letters Patent issued under the Great Seal of Canada;
  - (d) "minerals" includes salt, oil, natural gas, infusorial earth, ochres or paints, the base of which is found in the soil, fire clays, carbonate of lime, sulphate of lime, gypsum, coal, bituminous shale, albertite and uranium, but not sand, gravel and marl;
  - (e) "Indian Act" means the Indian Act, Revised Statutes of Canada 1952, cap. 149, as amended from time to time and includes any re-enactment, revision or consolidation thereof;
  - (f) "surrender" means the surrender for sale of reserve lands or a portion thereof pursuant to the Indian Act, but does not include a surrender of rights and interests in reserve lands for purposes other than sale; and
  - (g) "public highways" means every road and bridge in reserve lands, constructed for public use by and at the expense of the Province or any municipality in the Province and in existence at the coming into force of this agreement.
2. All grants of patented lands are hereby confirmed except in so far as such grants purport to transfer to the grantees any minerals and said minerals are hereby acknowledged to be the property of the Province.
3. New Brunswick hereby transfers to Canada all rights and interests of the Province in reserve lands except lands lying under public highways, and minerals.
4.
  - (1) In the event that a band of Indians in the Province becomes extinct, Canada shall re-vest in the Province all the rights and interests transferred to it under this agreement in the reserve lands occupied by such band prior to its becoming extinct.
  - (2) For the purposes of subparagraph (1) a band does not become extinct by enfranchisement.
5. The mining regulations made from time to time under the Indian Act apply to the prospecting for, mining of or other dealing in all minerals in unsurrendered reserve lands and all minerals reserved in the grants referred to in paragraph 2, and any payment made pursuant to such regulations whether by way of rent, royalty, or otherwise, shall be paid to the Receiver General of Canada for the use and benefit of the Indian band or Indians from whose reserve lands such monies are so derived.

S.C. 1959, c. 47, cont'd.

6. (1) Canada shall forthwith notify New Brunswick of any surrender and New Brunswick may within thirty days of receiving such notification elect to purchase the surrendered lands at a price to be agreed upon.
- (2) If New Brunswick fails to elect within such thirty-day period, Canada may dispose of the surrendered lands without further reference to New Brunswick.
- (3) Where a surrender is made under the condition that the surrendered lands be sold to a named or designated person at a certain price or for a certain consideration, New Brunswick shall exercise its election subject to that price or consideration.
- (4) Subject to subparagraph (3) of this paragraph, should Canada and New Brunswick be unable, within thirty days of the date of an election to purchase being made, to reach agreement on the price to be paid by New Brunswick for any surrendered lands, the matter shall be referred to arbitrators as follows:
- (a) Canada and New Brunswick shall each appoint one arbitrator, and the two arbitrators so appointed shall appoint a third arbitrator;
- (b) the decision of the arbitrators as to the price to be paid by New Brunswick for the surrendered lands shall be final and conclusive; and
- (c) the costs of arbitration shall be borne equally by Canada and New Brunswick.

IN WITNESS WHEREOF the Honourable Davie Fulton, Acting Minister of Citizenship and Immigration, has hereunto set his hand on behalf of the Government of Canada and the Honourable Norman B. Buchanan, Minister of Lands and Mines, has hereunto set his hand on behalf of the Government of the Province of New Brunswick.

Signed on behalf of the Government  
of Canada by The Honourable Davie  
Fulton, Acting Minister of Citizen-  
ship and Immigration in the presence  
of

"Laval Fortier"

"E. D. FULTON"

Signed on behalf of the Government  
of the Province of New Brunswick  
by The Honourable Norman B. Bu-  
chanan, Minister of Lands and Mines  
in the presence of

"W.W. McCormack"

"NORMAN BUCHANAN"

S.C. 1959, c. 47, cont'd.

## APPENDIX

RESERVE No.	NAME OF RESERVE	LOCATION OF RESERVE
GLOUCESTER COUNTY		
11	PABINEAU.....	In the Parish of Bathurst, on both sides of the Nipisquit River just north of its confluence with the Pabineau River. It is approximately 2 miles south of Gloucester Junction, N.B.
13	POKEMOUCHE.....	In the Parish of Inkerman, consisting of 2 parcels of land along the south shore of the Pokemouche River, approximately 4 miles east of the rural Post Office of Pokemouche
RESTIGOUCHE COUNTY		
3	EEL RIVER.....	In the Parish of Dalhousie along the north shore of Eel River at its mouth. It is approximately 2 miles south of Darlington Rural Post Office, N.B.
MADAWASKA COUNTY		
10	ST. BASILE (Edmundston)....	Along the north bank of the St. John River adjacent to the east limits of Edmundston East, N.B.
VICTORIA COUNTY		
20	TOBIQUE.....	In the Parishes of Perth and Denmark, on the north side of the Tobique River at its confluence with the Saint John River.
CARLETON COUNTY		
23	WOODSTOCK.....	In the Parish of Woodstock, on both sides of Highway No. 2, approximately 2 miles south of Woodstock, N.B.
YORK COUNTY		
6	KINGSCLEAR (French Village) ..	In the Parish of Kingsclear, on both sides of Provincial Highway No. 2, approximately 1½ miles west of McKinley Ferry, N.B.
ST. JOHN COUNTY		
18	THE BROTHERS.....	Two small islands in Kennebecasis Bay in the Parish of St. John. They lie off shore from Sandy Point Road.
KENT COUNTY		
15	RICHIBUCTO.....	In the Parish of Weldford on the north or left bank of the Richibucto east from the confluence of the Molus River. The Rural Post Office of Big Cove is on the reserve
16	BUCTOUCHE.....	In the Parish of Wellington, on the north or left bank of the Buctouche River and on the east side of Noels Creek at its confluence with said Buctouche River; 2 miles east of the Town of Buctouche.



## APPENDIX—Concluded

RESERVE No.	NAME OF RESERVE	LOCATION OF RESERVE
NORTHUMBERLAND COUNTY		
1	INDIAN POINT.....	In the Parish of Northesk, east of the Northwest Miramichi River, approximately one and one half miles northeast of the Village of Sunny Corner.
2	EEL GROUND. ....	In the Parish of Northesk on the north or left bank of the northwest Branch of the Miramichi River, approximately one mile west of its confluence with the main southwest branch of the Miramichi River; 3 mile west of the Town of Newcastle.
4	RED BANK.....	In the Parish of Southesk, approximately one mile west of the Village of Red Bank, and South of the Little Southwest Miramichi River near its confluence with the Northwest Miramichi River.
7	RED BANK.....	In the Parish of Southesk with a small part in the northeast corner in the Parish of Northesk. North of the Little Southwest Miramichi River opposite Red Bank Indian Reserve No. 4.
8	BIG HOLE TRACT....	In the Parish of Northesk on the east or left bank of the Miramichi River opposite the mouths of the North Sevogle and Little Sevogle Rivers.
9	TABUSINTAC.....	In the Parish of Alnwick along both banks of the Tabusintac River west from the mouth of Stymest Millstream, approximately 5 miles up-river from the Village of Tabusintac.
14	BURNT CHURCH.....	In the Parish of Alnwick, on both sides of the Burnt Church River at its mouth and crossed by Provincial Highway No. 11, between the Rural Post Offices of Village St. Laurent and Riviere-des-Caches.
12	RENOUS.....	In the Parish of Blackville on the east or right bank of the Southwest Miramichi River opposite the mouth of the Renous River

An Act to confirm an Agreement between the Government of Canada and the Government of the Province of Nova Scotia respecting Indian Reserves.  
S.C. 1959, c. 50.

## CHAP. 50

An Act to confirm an Agreement between the Government of Canada and the Government of the Province of Nova Scotia respecting Indian Reserves.

*[Assented to 18th July, 1959.]*

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Agreement between the Government of Canada and the Government of the Province of Nova Scotia, set out in the Schedule, is ratified and confirmed, and it shall take effect according to its terms.

Agreement  
ratified and  
confirmed.

## SCHEDULE.

MEMORANDUM OF AGREEMENT MADE THIS 14TH DAY OF APRIL, 1959

BETWEEN

THE GOVERNMENT OF CANADA, hereinafter referred to as "Canada",

of the first part,

AND

THE GOVERNMENT OF THE PROVINCE OF NOVA SCOTIA, hereinafter referred to as "Nova Scotia",

of the second part.

WHEREAS since the enactment of the British North America Act, 1867, certain lands in the Province of Nova Scotia set aside for Indians have been surrendered to the Crown by the Indians entitled thereto;

AND WHEREAS from time to time Letters Patent have been issued under the Great Seal of Canada purporting to convey said lands to various persons;

AND WHEREAS two decisions of the Judicial Committee of the Privy Council relating to Indian lands in the Provinces of Ontario and Quebec lead to the conclusion that said lands could only have been lawfully conveyed by authority of Nova Scotia with the result that the grantees of said lands hold defective titles and are thereby occasioned hardship and inconvenience;

NOW THIS AGREEMENT WITNESSETH that the parties hereto, in order to settle all outstanding problems relating to Indian reserves in the Province of Nova Scotia and to enable Canada to deal effectively in future with lands forming part of said reserves, have mutually agreed subject to the approval of the Parliament of Canada and the Legislature of the Province of Nova Scotia as follows:

S.C. 1959, c. 50, cont'd.

1. In this agreement, unless the context otherwise requires,
  - (a) "Province" means the Province of Nova Scotia;
  - (b) "reserve lands" means those reserves in the Province referred to in the appendix to this agreement;
  - (c) "patented lands" means those tracts of land in the Province in respect of which Canada accepted surrenders of their rights and interests therein from the Indians entitled to the use and occupation thereof and in respect of which grants were made by Letters Patent issued under the Great Seal of Canada;
  - (d) "minerals" includes salt, oil, natural gas, infusorial earth, ochres or paints, the base of which is found in the soil, fire clays, carbonate of lime, sulphate of lime, gypsum, coal, bituminous shale, albertite and uranium, but not sand, gravel and marl;
  - (e) "Indian Act" means the Indian Act, Revised Statutes of Canada 1952, cap. 149, as amended from time to time and includes any re-enactment, revision or consolidation thereof;
  - (f) "surrender" means the surrender for sale of reserve lands or a portion thereof pursuant to the Indian Act but does not include a surrender of rights and interests in reserve lands for purposes other than sale; and
  - (g) "public highways" means every road and bridge in reserve lands, constructed for public use by and at the expense of the Province or any municipality in the Province and in existence at the coming into force of this agreement.
2. All grants of patented lands are hereby confirmed except insofar as such grants purport to transfer to the grantees any minerals and said minerals are hereby acknowledged to be the property of the Province.
3. Nova Scotia hereby transfers to Canada all rights and interests of the Province in reserve lands except lands lying under public highways and minerals.
4.
  - (1) In the event that a band of Indians in the Province becomes extinct, Canada shall re-vest in the Province all the rights and interests transferred to it under this agreement in the reserve lands occupied by such band prior to its becoming extinct.
  - (2) For the purpose of subparagraph (1) a band does not become extinct by enfranchisement.
5. The mining regulations made from time to time under the Indian Act apply to the prospecting for, mining of or other dealing in all minerals in unsurrendered reserve lands and all minerals reserved in the grants referred to in paragraph 2, and any payment made pursuant to such regulations whether by way of rent, royalty, or otherwise, shall be paid to the Receiver General of Canada for the use and benefit of the Indian band or Indians from whose reserve lands such monies are so derived.



S.C. 1959, c. 50, cont'd.

6. (1) Canada shall forthwith notify Nova Scotia of any surrender and Nova Scotia may within thirty days of receiving such notification elect to purchase the surrendered lands at a price to be agreed upon.
- (2) If Nova Scotia fails to elect within such thirty-day period, Canada may dispose of the surrendered lands without further reference to Nova Scotia.
- (3) Where a surrender is made under the condition that the surrendered lands be sold to a named or designated person at a certain price or for a certain consideration, Nova Scotia shall exercise its election subject to that price or consideration.
- (4) Subject to subparagraph (3) of this paragraph, should Canada and Nova Scotia be unable, within thirty days of the date of an election to purchase being made, to reach agreement on the price to be paid by Nova Scotia for any surrendered lands, the matter shall be referred to arbitrators as follows:
  - (a) Canada and Nova Scotia shall each appoint one arbitrator, and the two arbitrators so appointed shall appoint a third arbitrator;
  - (b) the decision of the arbitrators as to the price to be paid by Nova Scotia for the surrendered lands shall be final and conclusive; and
  - (c) the costs of arbitration shall be borne equally by Canada and Nova Scotia.

IN WITNESS WHEREOF the Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration, has hereunto set her hand on behalf of the Government of Canada and the Honourable R. Clifford Levy, Minister of Lands and Forests, has hereunto set his hand on behalf of the Government of the Province of Nova Scotia.

Signed on behalf of the Government of Canada by The Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration in the presence of:

"ELLEN L. FAIRCLOUGH"

"E. S. RUMP"

Signed on behalf of the Government of the Province of Nova Scotia by The Honourable R. Clifford Levy, Minister of Lands and Forests in the presence of:

"R. CLIFFORD LEVY"

"M. PATRICIA CROCKER"

S.C. 1959, c. 50, cont'd.

RESERVE NO.	NAME OF RESERVE	LOCATION OF RESERVE
ANNAPOLIS COUNTY		
7	KEDGEMAKOOGEE.....	10 parcels of land lying along the shore of Kedgemakooqe (Kajimiujik) Lake, together with Richie and Muise Islands and the unnamed Island lying between the two above-named Islands, approximately 12 miles east of Caledonia.
6	BEAR RIVER.....	See Digby County.
ANTIGONISH COUNTY		
23	POMQUET AND AFTON....(a)	parcel of land on both sides of Pomquet River, one mile west of Heatherton;
	(b)	2 parcels of land, approximately 2 miles east of Heatherton, on the south side of Highway No. 4.
CUMBERLAND COUNTY		
22	FRANKLIN MANOR.....	Approximately 10 miles southwest of Amherst, west of Hebert River.
DIGBY COUNTY		
6	BEAR RIVER.....	Approximately $\frac{1}{4}$ of a mile south of the town of Bear River on the Digby-Annapolis county line. Part of this reserve is in Annapolis County.
HALIFAX COUNTY		
17	BEAVER LAKE.....	Approximately 11 miles northeast from Sheet Harbour on the west side of Highway No. 24.
HANTS COUNTY		
13	SHUBENACADIE..... (Grand Lake)	On the west shore of Shubenacadie Grand Lake near Hants and Halifax county line.
14	SHUBENACADIE.....	Approximately 2 miles west of Shubenacadie on both sides of Indian Brook on the north side of the road from Nine Mile River to Shubenacadie.
34	ST. CROIX.....	7 miles south of Windsor at the north end of St. Croix Lake.
INVERNESS COUNTY		
2	WHYCOCOMAGH.....	At the east end of St. Patrick channel, approximately one mile east of the town of Whycocomagh.
4	MALAGAWATCH.....	At the entrance of Denys Bay at the north shore of Malagawatch Harbour.
25	MARGAREE.....	A small reserve on the west bank of Margaree River about $\frac{1}{4}$ of a mile north of the junction of the southwest and northeast branches of Margaree River.

S.C. 1959, c. 50, cont'd.

RESERVE NO.	NAME OF RESERVE	LOCATION OF RESERVE
26	PORT HOOD.....	Small Reserve near Port Hood.
LUNENBURG COUNTY		
19	PENNAL.....	Between Camp Lake and Wallaback Lake, approximately 4 miles northeast of New Ross Settlement.
20	NEW ROSS.....	Near the northeast end of Wallaback Lake, about 10 miles northeast of the Pennal Indian Reserve No. 19.
21	GOLD RIVER.....	On the west side of Gold River near its mouth, approximately 3 miles west of Chester Basin Settlement.
PICTOU COUNTY		
24	FISHERS GRANT.....	On the south shore of the entrance into Pictou Harbour, about 4 miles north of the town of Trenton.
31	MERIGOMISH HARBOUR..	Indian (or Chapel) Island and Mules (or Mooley) Island, southwest of Olding Island in Merigomish Harbour.
QUEENS COUNTY		
10	PONHOOK LAKE.....	On the east shore of Medway River at the outlet of Ponhook Lake. 2 miles north of Bang Falls Settlement.
11	MEDWAY RIVER.....	On the west shore of Medway River, opposite Ponhook Lake Indian Reserve No. 10.
12	WILD CAT.....	Along both sides of Wildcat River, west of Molega Lake and north of Ponhook Lake, about 2 miles south of the town of South Brookfield.
RICHMOND COUNTY		
5	CHAPEL ISLAND.....	Approximately 5 miles east of St. Peters, on Highway No. 4, including the Chapel Island and two other adjacent Islands.
VICTORIA COUNTY		
1	MIDDLE RIVER.....	At the mouth of the Middle River on Highway No. 5, approximately 8 miles west of Baddeck.
CAPE BRETON COUNTY		
3	ESCASONI.....	On the north shore of East Bay of Bras d'Or Lake, approximately 20 miles east of Sydney.



## CHAPTER 32

An Act to approve, give effect to and declare valid certain agreements between the Grand Council of the Crees (of Quebec), the Northern Quebec Inuit Association, the Government of Quebec, la Société d'énergie de la Baie James, la Société de développement de la Baie James, la Commission hydro-électrique de Québec and the Government of Canada and certain other related agreements to which the Government of Canada is a party

[Assented to 14th July, 1977]

## Preamble

WHEREAS the Government of Canada and the Government of Quebec have entered into an Agreement with the Crees and the Inuit inhabiting the Territory within the purview of the 1898 acts respecting the Northwestern, Northern and Northeastern Boundaries of the Province of Quebec and the 1912 Quebec Boundaries extension acts, and with the Inuit of Port Burwell;

AND WHEREAS the Government of Canada and the Government of Quebec have assumed certain obligations under the Agreement in favour of the said Crees and Inuit;

AND WHEREAS the Agreement provides, *inter alia*, for the grant to or the setting aside for Crees and Inuit of certain lands in the Territory, the right of the Crees and Inuit to hunt, fish and trap in accordance with the regime established therein, the establishment in the Territory of regional and local governments to ensure the full and active participation of the Crees and Inuit in the administration of the Territory, measures to safeguard and protect their culture and to ensure their involvement in the promotion and development of their culture, the establishment of laws, regulations and procedures to manage and protect the environment in the Territory, remedial and other measures respecting hydro-electric development in the Territory, the creation and continuance of institutions and programs to promote the economic and social development of the Crees and Inuit and to encourage their full participation in society, an income support program for Cree and Inuit hunters, fishermen and trappers and the payment to the Crees and Inuit of certain monetary compensation;

S.C. 1976-77, c. 32, cont'd.

AND WHEREAS the Agreement further provides in consideration of the rights and benefits set forth therein for the surrender by the said Crees, the Inuit of Quebec and the Inuit of Port Burwell of all their native claims, rights, titles and interests, whatever they may be, in and to the land in the Territory and in Quebec;

AND WHEREAS Parliament and the Government of Canada recognize and affirm a special responsibility for the said Crees and Inuit;

AND WHEREAS it is expedient that Parliament approve, give effect to and declare valid the Agreement;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

#### SHORT TITLE

Short title

1. This Act may be cited as the *James Bay and Northern Quebec Native Claims Settlement Act*.

#### INTERPRETATION

Definitions

2. In this Act,

"Agreement"

"Agreement" means the agreement between the Grand Council of the Crees (of Quebec), the Northern Quebec Inuit Association, the Government of Quebec, la Société d'énergie de la Baie James, la Société de développement de la Baie James, la Commission hydro-électrique de Québec and the Government of Canada dated November 11, 1975, as amended by the agreement between the same parties dated December 12, 1975, tabled in the House of Commons by the Minister of Indian Affairs and Northern Development on July 13, 1976 and recorded as document number 301-5/180C;

"Territory"

"Territory" has the meaning assigned to that word by subsection 1.16 of the Agreement, namely, the entire area of land contemplated by the 1912 Quebec boundaries extension acts (an Act respecting the extension of the Province of Quebec by the annexation of Ungava, Que. 2 Geo. V, c. 7 and the Quebec Boundaries Extension Act, 1912, Can. 2 Geo. V, c. 45) and by the 1898 acts (an Act respecting the delimitation of the Northwestern, Northern and Northeastern boundaries of the Province of Quebec, Que. 61 Vict. c. 6 and an Act respecting the Northwestern, Northern and Northeastern boundaries of the Province of Quebec, Can. 61 Vict. c. 3).

## AGREEMENT

Agreement  
approved

3. (1) The Agreement is hereby approved, given effect and declared valid.

Conferral of  
rights and  
benefits

(2) Upon the extinguishment of the native claims, rights, title and interests referred to in subsection (3), the beneficiaries under the Agreement shall have the rights, privileges and benefits set out in the Agreement.

Extinguishment  
of claims

(3) All native claims, rights, title and interests, whatever they may be, in and to the Territory, of all Indians and all Inuit, wherever they may be, are hereby extinguished, but nothing in this Act prejudices the rights of such persons as Canadian citizens and they shall continue to be entitled to all of the rights and benefits of all other citizens as well as to those resulting from the *Indian Act*, where applicable, and from other legislation applicable to them from time to time.

Exemption  
from taxation

(4) The total amount mentioned in subsection 25.3 of the Agreement as monetary compensation and all the other sums mentioned in that subsection are exempt from taxation in the manner and to the extent set out in that subsection.

Regulations

(5) The Governor in Council may make such regulations as are necessary for the purpose of carrying out the Agreement or for giving effect to any of the provisions thereof.

Interest

(6) Any sum of money payable by the Government of Canada under section 25 of the Agreement shall, in the event of default in making payment, bear interest from the date of such default at the legal rate of interest.

SUPPLEMENTARY AND OTHER  
AGREEMENTSSupplementary  
and other  
agreements  
approved

4. (1) Subject to sections 5 and 6, the Governor in Council may, by order, approve, give effect to and declare valid

(a) any agreement pursuant to subsection 2.15 of the Agreement to which the Government of Canada is a party that amends or modifies the Agreement; or

(b) any agreement to which the Government of Canada is a party with the Naskapi Indians of Schefferville, Quebec, or with any other Indians or Inuit or groups thereof, concerning the native claims, rights, title and interests that such Indians, Inuit or groups thereof may have had in and to the Territory prior to the coming into force of this Act.



S.C. 1976-77, c. 32, cont'd.

Idem	(2) No order shall be made under paragraph (1)(b) in respect of any agreement under that paragraph that expressly or by necessary implication amends or modifies the Agreement unless the procedure set forth in subsection 2.15 of the Agreement has been followed.
Conferral of rights and benefits	(3) Upon the coming into force of an order of the Governor in Council approving, giving effect to and declaring valid an agreement referred to in paragraph (1)(b), the beneficiaries under the agreement shall have the rights, privileges and benefits set out in the agreement.
Exemption from taxation	(4) Any capital amounts payable as compensation under an agreement approved, given effect to and declared valid under paragraph (1)(b) shall be exempt from taxation in the manner and to the extent set out in the agreement.
Regulations	(5) The Governor in Council may make such regulations as are necessary for the purpose of carrying out any agreement approved, given effect and declared valid under subsection (1) or for giving effect to any of the provisions thereof.
Tabling order	5. (1) An order under subsection 4(1), together with the agreement to which the order relates, shall be laid before Parliament not later than fifteen days after its issue or, if Parliament is not then sitting, within the first fifteen days next thereafter that Parliament is sitting.
Coming into force	(2) An order referred to in subsection (1) shall come into force on the thirtieth sitting day after it has been laid before Parliament pursuant to that subsection unless before the twentieth sitting day after the order has been laid before Parliament a motion for the consideration of the House of Commons or Senate, to the effect that the order be revoked, signed by not less than fifty members of the House of Commons in the case of a motion for the consideration of that House and by not less than twenty members of the Senate in the case of a motion for the consideration of the Senate, is filed with the Speaker of the appropriate House.

Consideration  
of motion

(3) Where a motion for the consideration of the House of Commons or Senate is filed as provided in subsection (2) with respect to a particular order referred to in subsection (1), that House shall, not later than the sixth sitting day of that House following the filing of the motion, in accordance with the rules of that House, unless a motion to the like effect has earlier been taken up and considered in the other House, take up and consider the motion.

Procedure on  
adoption of  
motion

(4) If a motion taken up and considered in accordance with subsection (3) is adopted, with or without amendments, a message shall be sent from the House adopting the motion informing the other House that the motion has been so adopted and requesting that the motion be concurred in by that other House.

Procedure in  
other House

(5) Within the first fifteen days next after receipt of a request pursuant to subsection (4) that the House receiving the request is sitting, that House shall, in accordance with the rules thereof, take up and consider the motion that is the subject of the request.

Where motion  
adopted and  
concurred in

(6) Where a motion taken up and considered in accordance with this section is adopted by the House in which it was introduced and is concurred in by the other House, the particular order to which the motion relates shall stand revoked but without prejudice to the making of a further order of a like nature to implement a subsequent agreement to which the Government of Canada is a party.

Where motion  
not adopted or  
concurred in

(7) Where a motion taken up and considered in accordance with this section is not adopted by the House in which it was introduced or is adopted, with or without amendments, by that House but is not concurred in by the other House, the particular order to which the motion relates comes into force immediately upon the failure to adopt the motion or concur therein, as the case may be.

Definition of  
expression  
"sitting day"

(8) For the purpose of subsection (2), a day on which either House of Parliament sits shall be deemed to be a sitting day.

S.C. 1976-77, c. 32, cont'd.

Negative  
resolution of  
Parliament

6. When each House of Parliament enacts rules whereby any regulation made subject to negative resolution of Parliament within the meaning of section 28.1 of the *Interpretation Act* may be made the subject of a resolution of both Houses of Parliament introduced and passed in accordance with the rules of those Houses, section 5 of this Act is thereupon repealed and an order made thereafter under subsection 4(1) is an order made subject to negative resolution of Parliament within the meaning of section 28.1 of the *Interpretation Act*.

#### CONSEQUENTIAL AMENDMENT

1912, c. 45;  
1946, c. 29

7. Paragraphs 2(c), (d) and (e) of *The Quebec Boundaries Extension Act, 1912* and the words "upon the following terms and conditions and subject to the following provisions:-" immediately preceding those paragraphs are repealed.

#### INCONSISTENT LAWS

Inconsistency  
or conflict

8. Where there is any inconsistency or conflict between this Act and the provisions of any other law applying to the Territory, this Act prevails to the extent of the inconsistency or conflict.

#### APPROPRIATION

Payments out  
of C.R.F.

9. There shall be paid out of the Consolidated Revenue Fund such sums as may be required to meet the monetary obligations of Canada under section 25 of the Agreement.

#### REPORT TO PARLIAMENT

Annual report

10. The Minister of Indian Affairs and Northern Development shall, within sixty days after the first day of January of every year including and occurring between the years 1978 and 1998, submit to the House of Commons a report on the implementation of the provisions of this Act for the relevant period.

#### COMMENCEMENT

Coming into  
force

11. This Act shall come into force on a day to be fixed by proclamation.



## CHAPTER M-12

An Act respecting a Convention between His Majesty and the United States of America for the protection of migratory birds in Canada and the United States

### SHORT TITLE

1. This Act may be cited as the *Migratory Birds Convention Act*. R.S., c. 179, s. 1.

### SCHEDULE

### CONVENTION

Whereas many species of birds in the course of their annual migrations traverse certain parts of the Dominion of Canada and the United States; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both Canada and the United States, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India, and the United States of America, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects, and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries:

His Britannic Majesty, the Right Honourable Sir Cecil Arthur Spring-Rice, G.C.V.O., K.C.M.G., etc., His Majesty's ambassador extraordinary and plenipotentiary at Washington; and

The President of the United States of America, Robert Lansing, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and adopted the following articles:—

R.S.C. 1970, c. M-12, cont'd.

*Article II*

The High Contracting Parties agree that, as an effective means of preserving migratory birds, there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

1. The close season on migratory game birds shall be between 10th March and 1st September, except that the close of the season on the limicolae or shorebirds in the Maritime Provinces of Canada and in those states of the United States bordering on the Atlantic ocean which are situated wholly or in part north of Chesapeake bay shall be between 1st February and 15th August, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the High Contracting Powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres and puffins, and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

(Indians not referred to in body of the Act, but only in the Convention Articles.)

The Pelagic Sealing (Provisional Agreement) Act. S.C. 1948, c. 21.

## SCHEDULE A

### PROVISIONAL FUR SEAL AGREEMENT

BETWEEN

CANADA AND UNITED STATES

BY

EXCHANGE OF NOTES DATED DECEMBER 8, 1942,  
DECEMBER 19, 1942 AND DECEMBER 26, 1947.

#### ARTICLE I.

The provisions of this Agreement shall apply to all waters of the Bering Sea and the Pacific Ocean, north of the thirtieth parallel of north latitude and east of the one hundred and eightieth meridian.

#### ARTICLE V.

The provisions of this Agreement shall not apply to Indians, Aleuts, or other aborigines dwelling on the coasts of the waters defined in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practised, and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

Pelagic Sealing (Provisional Agreement) Act. R.S.C. 1952, c. 205.

## SCHEDULE A

### PROVISIONAL FUR SEAL AGREEMENT

BETWEEN

CANADA AND UNITED STATES

BY

EXCHANGE OF NOTES DATED DECEMBER 8, 1942,  
DECEMBER 19, 1942 AND DECEMBER 26, 1947.

#### ARTICLE I.

The provisions of this Agreement shall apply to all waters of the Bering Sea and the Pacific Ocean, north of the thirtieth parallel of north latitude and east of the one hundred and eightieth meridian.

#### ARTICLE V.

The provisions of this Agreement shall not apply to Indians, Aleuts, or other aborigines dwelling on the coasts of the waters defined in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practised, and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.



## CHAP. 31

An Act to implement the Interim Convention on  
Conservation of North Pacific Fur Seals.

[Assented to 12th April, 1957.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## SHORT TITLE.

1. This Act may be cited as the *Pacific Fur Seals Convention Act*. Short title.

Pelagic  
sealing.

5. Every person is guilty of an offence who, being a citizen or resident of Canada or a member of the crew of a vessel subject to the jurisdiction of Canada, engages in pelagic sealing in convention waters.

Equipping  
vessels for  
pelagic  
sealing.

6. Every person is guilty of an offence who uses any port or harbour or territory within Canada for the purpose of equipping any vessel intended to be used in pelagic sealing.

7. Sections 5 and 6 do not apply to

- (a) an Indian or an Eskimo dwelling on the coast of Canada contiguous to the convention waters, while engaging in pelagic sealing in convention waters in the manner provided for in Article VII of the Convention, or
- (b) vessels owned or chartered by the Government of Canada or members of the crew thereof or other personnel engaged in pelagic sealing for research purposes in accordance with the provisions of the Convention.

Dealing in  
skins.

8. Every person is guilty of an offence who imports, buys, sells, ships or otherwise deals in any skins of fur seals of North Pacific origin except skins officially marked and certified as being skins

- (a) taken by the United States of America or the Union of Soviet Socialist Republics on rookeries,
- (b) taken at sea for research purposes in accordance with the provisions of the Convention,
- (c) taken by Indians, Ainos, Aleuts or Eskimos dwelling on the coasts of the convention waters, in accordance with the provisions of Article VII of the Convention, or
- (d) confiscated under the provisions of this Act.

S.C. 1957, c. 31, cont'd.

## SCHEDULE.

### INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America,

Desiring to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area,

Recognizing that in order to determine such measures it is necessary to conduct adequate scientific research on the said resources, and

Desiring to provide for international co-operation in achieving these objectives,

Agree as follows:

#### ARTICLE I.

1. The term "pelagic sealing" is hereby defined for the purposes of this Convention as meaning the killing, taking, or hunting in any manner whatsoever of fur seals at sea.

2. The words "each year", "annual" and "annually" as used hereinafter refer to Convention year, that is, the year beginning on the date of entry into force of the Convention.

3. Nothing in this Convention shall be deemed to affect in any way the position of the Parties in regard to the limits of territorial waters or to the jurisdiction over fisheries.

#### ARTICLE VII.

The provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or Eskimos dwelling on the coast of the waters mentioned in Article III, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

**CHAPTER F-33****An Act to implement the Interim Convention  
on Conservation of North Pacific Fur  
Seals****SHORT TITLE**

**Short title**      **1. This Act may be cited as the *Pacific Fur Seals Convention Act*. 1957, c. 31, s. 1.**

**Pelagic sealing**      **5. Every person is guilty of an offence who, being a citizen or resident of Canada or a member of the crew of a vessel subject to the jurisdiction of Canada, engages in pelagic sealing in convention waters. 1957, c. 31, s. 5.**

**Equipping vessels for pelagic sealing**      **6. Every person is guilty of an offence who uses any port or harbour or territory within Canada for the purpose of equipping any vessel intended to be used in pelagic sealing. 1957, c. 31, s. 6.**

**Exceptions**      **7. Sections 5 and 6 do not apply to**  
                          (a) an Indian or an Eskimo dwelling on the coast of Canada contiguous to the convention waters, while engaging in pelagic sealing in convention waters in the manner provided for in Article VII of the Convention, or  
                          (b) vessels owned or chartered by the Government of Canada or members of the crew thereof or other personnel engaged in pelagic sealing for research purposes in accordance with the provisions of the Convention. 1957, c. 31, s. 7.

**Dealing in skins**      **8. Every person is guilty of an offence who imports, buys, sells, ships or otherwise deals in any skins of fur seals of North Pacific origin except skins officially marked and certified as being skins**

                         (a) taken by the United States of America or the Union of Soviet Socialist Republics on rookeries,

                         (b) taken at sea for research purposes in accordance with the Convention,

                         (c) taken by Indians, Ainos, Aleuts or Eskimos dwelling on the coasts of the convention waters, in accordance with the provisions of Article VII of the Convention, or

                         (d) confiscated under the provisions of this Act. 1957, c. 31, s. 8.



## SCHEDULE

### Interim Convention on Conservation of North Pacific Fur Seals

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America,

Desiring to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area,

Recognizing that in order to determine such measures it is necessary to conduct adequate scientific research on the said resources, and

Desiring to provide for international cooperation in achieving these objectives,

Agree as follows:

#### *Article I*

1. The term "pelagic sealing" is hereby defined for the purposes of this Convention as meaning the killing, taking, or hunting in any manner whatsoever of fur seals at sea.

2. The words "each year", "annual" and "annually" as used hereinafter refer to Convention year, that is, the year beginning on the date of entry into force of the Convention.

3. Nothing in this Convention shall be deemed to affect in any way the position of the Parties in regard to the limits of territorial waters or to the jurisdiction over fisheries.

#### *Article VII*

The provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or Eskimos dwelling on the coast of the waters mentioned in Article III, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

The Whaling Convention Act. S.C. 1951 (2nd sess.), c. 29.

## CHAP. 29.

An Act to implement the International Convention for  
the Regulation of Whaling.

[Assented to 21st December, 1951.]

HIS Majesty, by and with the advice and consent of  
the Senate and House of Commons of Canada, enacts  
as follows:

1. This Act may be cited as *The Whaling Convention Act*. Short title.

Regulations.

6. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and any regulations and recommendations of the International Whaling Commission, and without restricting the generality of the foregoing, may make regulations

(g) permitting Indians and Eskimos to engage in whaling or whale treating notwithstanding anything in this Act or the regulations, under such conditions and at such times and places as the regulations may prescribe;

Whaling Convention Act. R.S.C. 1952, c. 293.

## CHAPTER 293.

An Act to implement the International Convention for  
the Regulation of Whaling.

SHORT TITLE.

1. This Act may be cited as the *Whaling Convention Act*. 1951 (2nd Sess.), c. 29, s. 1. Short title.

Regulations.

6. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and any regulations and recommendations of the International Whaling Commission, and without restricting the generality of the foregoing, may make regulations

(g) permitting Indians and Eskimos to engage in whaling or whale treating notwithstanding anything in this Act or the regulations, under such conditions and at such times and places as the regulations may prescribe;

**CHAPTER W-8**

An Act to implement the International  
Convention for the regulation of whaling

Short title

1. This Act may be cited as the *Whaling Convention Act*. R.S., c. 293, s. 1.

Regulations

6. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and any regulations and recommendations of the International Whaling Commission, and without restricting the generality of the foregoing, may make regulations

(a) providing for the issue, suspension and cancellation of licences, prescribing their terms, conditions and forms and the fees for the issue of licences;

(b) respecting the operation of whale catchers, factory ships and land stations;

(c) for the seizure, forfeiture and disposition of any whales or whale products by means of or in relation to which any of the provisions of this Act or the regulations have been contravened;

(d) prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this Act;

(e) for the conservation and protection of whale resources;

(f) exempting any whales or species of whales from the application of the whole or any part of this Act;

(g) permitting Indians and Eskimos to engage in whaling or whale treating notwithstanding anything in this Act or the regulations, under such conditions and at such times and places as the regulations may prescribe; and

(h) prescribing the penalties that may be imposed, either on summary conviction or on conviction on indictment, not exceeding a fine of ten thousand dollars or imprisonment for a term of two years, or both, for violation of any regulation by any person in Canada or on, from or by means of any ship. R.S., c. 293, s. 6.



The Canada Lands Surveys Act. S.C. 1951 (2nd sess.), c. 4.

**31.** In this Part, "public lands" means any lands, belonging to His Majesty in right of Canada or of which the Government of Canada has power to dispose, that are situated in the Yukon Territory, the Northwest Territories or in any National Park of Canada and any lands that are surrendered lands or reserves as defined in *The Indian Act*.

Meaning of  
"public  
lands".

1951 (1st  
Sess.), c. 29.

**32.** The Minister shall cause surveys to be made of public lands upon the request of a Minister of any department of the Government of Canada administering such lands and may do so in any other case in which he deems it to be expedient.

When surveys  
undertaken.

**33.** (1) No person, other than a Dominion Land Surveyor, shall survey public lands that are situated in the Northwest Territories or in the Yukon Territory.

Who may  
survey public  
lands in  
Territories.

(2) A Dominion Land Surveyor or any other surveyor authorized by the Surveyor General may survey public lands that are situated in a National Park of Canada or lands that are surrendered lands or reserves as defined in *The Indian Act*, but, where surveys of such public lands affect or are likely to affect the rights of landowners of adjoining lands that are not public lands, the surveys shall be made by a surveyor who holds a valid and subsisting certificate, diploma, commission or other document entitling him to survey lands in the province in which such surveys are made.

Who may  
survey Park  
lands and  
Indian  
reserves.

1951 (1st  
Sess.), c. 29.

Canada Lands Surveys Act. R.S.C. 1952, c. 26.

**31.** In this Part, "public lands" means any lands, belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose, that are situated in the Yukon Territory, the Northwest Territories or in any National Park of Canada and any lands that are surrendered lands or reserves as defined in the *Indian Act*. 1951 (2nd Sess.), c. 4, s. 31.

Meaning of  
"public  
lands".

When  
surveys  
undertaken.

**32.** The Minister shall cause surveys to be made of public lands upon the request of a Minister of any department of the Government of Canada administering such lands and may do so in any other case in which he deems it to be expedient. 1951 (2nd Sess.), c. 4, s. 32.

Who may  
survey public  
lands in  
Territories.

**33.** (1) No person, other than a Dominion Land Surveyor shall survey public lands that are situated in the Northwest Territories or in the Yukon Territory.

Who may  
survey Park  
lands and  
Indian  
reserves.

(2) A Dominion Land Surveyor or any other surveyor authorized by the Surveyor General may survey public lands that are situated in a National Park of Canada or lands that are surrendered lands or reserves as defined in the *Indian Act*, but, where surveys of such public lands affect or are likely to affect the rights of landowners of adjoining lands that are not public lands, the surveys shall be made by a surveyor who holds a valid and subsisting certificate, diploma, commission or other document entitling him to survey lands in the province in which such surveys are made. 1951 (2nd Sess.), c. 4, s. 33.

"Public lands"

30. In this Part "public lands" means any

lands, belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose, that are situated in the Yukon Territory, the Northwest Territories or in any National Park of Canada and any lands that are surrendered lands or reserves as defined in the *Indian Act*. R.S., c. 26, s. 31.

When surveys  
undertaken

31. The Minister shall cause surveys to be made of public lands upon the request of a minister of any department of the Government of Canada administering such lands and may do so in any other case in which he deems it to be expedient. R.S., c. 26, s. 32.

Who may survey  
Territories

32. (1) No person, other than a Dominion land surveyor, shall survey public lands that are situated in the Northwest Territories or in the Yukon Territory.

Who may survey  
Park lands and  
Indian reserves

(2) A Dominion land surveyor or any other surveyor authorized by the Surveyor General may survey public lands that are situated in a National Park of Canada or lands that are surrendered lands or reserves as defined in the *Indian Act*, but, where surveys of such public lands affect or are likely to affect the rights of landowners of adjoining lands that are not public lands, the surveys shall be made by a surveyor who holds a valid and subsisting certificate, diploma, commission or other document entitling him to survey lands in the province in which such surveys are made. R.S., c. 26, s. 33.

An Act to amend The Dominion Forest Reserves and Parks Act.  
 S.C. 1919, c. 17.

3. Section eighteen of the said Act, as enacted by chapter eighteen of the statutes of 1913, is hereby amended by adding thereto the following subsection:—

Power given  
to  
expropriate  
lands for park  
purposes.

"(4) When, in the judgment of the Minister, any lands or any interest therein, should be acquired for the purpose of a Dominion Park, such lands, or interest therein, including the lands of Indians, or of any other person, may be expropriated under the provisions of the *Expropriation Act*."

Dominion Forest Reserves and Parks Act. R.S.C. 1927, c. 78.

21. The Governor in Council may, by proclamation, <sup>Dominion Parks.</sup> designate such reserves or areas within forest reserves or such other areas as he sees fit, the title to which is vested in the Crown in the right of Canada, to be and to be known as Dominion Parks, and they shall be maintained and made use of as public parks and pleasure grounds for the benefit, advantage and enjoyment of the people of Canada, and the provisions of this Act governing forest reserves, excepting such as relate to control and management, shall also apply to the Dominion Parks.

Power given  
to  
expropriate  
lands for  
park  
purposes.

4. When, in the judgment of the Minister, any lands or any interest therein, should be acquired for the purpose of a Dominion Park, such lands, or interest therein, including the lands of Indians, or of any other person, may be expropriated under the provisions of the *Expropriation Act*. 1911, c. 10, s. 19; 1913, c. 18, s. 5; 1919, c. 17, s. 3.



The National Parks Act. S.C. 1930, c. 33.

**6. (1)** Lands within the Parks shall not be disposed of or be located or settled upon, and no person shall use or occupy any part of such lands, except under the authority of this Act or of regulations made hereunder. Restrictions.

(2) The Governor in Council may sell or lease land within a Park when such land is required for the right of way or station grounds of any railway, but such land, subject to the use for which it is sold or leased, shall still be part of the Park within which it is situate; and if any such land ceases to be used for the purpose for which it was so sold or leased it shall forthwith revert to the Crown. Lands not available for entry.

(3) The Governor in Council may authorize the Minister to purchase, expropriate or otherwise acquire any lands or interests therein, including the lands of Indians or of any other persons, for the purposes of a Park. Acquisition of lands for Parks.

(4) The *Expropriation Act* shall apply to any expropriation proceedings taken under this section. Expropriation Act to apply.

National Parks Act. R.S.C. 1952, c. 189.

**Restrictions. 6. (1)** Public lands within the Parks shall not be disposed of or located or settled upon, and no person shall use or occupy any part of such lands, except under the authority of this Act or the regulations.

**Sale or lease of public lands.** (2) The Governor in Council may authorize the sale, lease or other disposition of public lands within a Park when such lands are required for

(a) the right of way or station grounds of any railway;  
or

(b) the right of way of an oil or gas pipe line or any tanks, reservoirs, pumps, racks, loading facilities or other facilities connected with an oil or gas pipe line, but such lands, subject to the use for which they are sold, leased or otherwise disposed of, shall still be part of the Park within which they are situate and if any such lands cease to be used for the purpose for which they were so sold, leased or otherwise disposed of they thereupon revert to the Crown.

(3) The Governor in Council may authorize the Minister to purchase, expropriate or otherwise acquire any lands or interests therein, including the lands of Indians or of any other persons, for the purposes of a Park. Acquisition of lands for Parks.

(4) The *Expropriation Act* applies to any expropriation proceedings taken under this section. 1930, c. 33, s. 6; 1950, c. 45, s. 2. Expropriation Act to apply.

*Park Lands**Restrictions*

6. (1) Public lands within the parks shall not be disposed of or located or settled upon, and no person shall use or occupy any part of such lands, except under the authority of this Act or the regulations.

*Sale or lease of public lands*

(2) The Governor in Council may authorize the sale, lease or other disposition of public lands within a park when such lands are required for

(a) the right-of-way or station grounds of any railway;

(b) the right-of-way of an oil or gas pipeline or any tanks, reservoirs, pumps, racks, loading facilities or other facilities connected with an oil or gas pipeline; or

(c) the right-of-way of telephone, telegraph or electrical transmission lines and any exchange, office, substation or other appurtenance connected therewith;

but such lands, subject to the use for which they are sold, leased or otherwise disposed of, shall still be part of the park within which they are situated and if any such lands cease to be used for the purpose for which they were so sold, leased or otherwise disposed of, they thereupon revert to the Crown.

*Acquisition of lands for parks*

(3) The Governor in Council may authorize the Minister to purchase, expropriate or otherwise acquire any lands or interests therein, including the lands of Indians or of any other persons, for the purposes of a park.

*Expropriation Act*

(4) The *Expropriation Act* applies to any expropriation proceedings taken under this section. R.S., c. 189, s. 6; 1953-54, c. 6, s. 2.

## CAP. XXIII.

## An Act respecting the Public Lands of the Dominion.

[Assented to 14th April, 1872.]

Preamble.

WHEREAS it is expedient with a view to the proper and efficient administration and management of certain of the public lands of the Dominion that the same should be regulated by statute: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

## PRELIMINARY—INTERPRETATION.

Interpretation.

1. This Act shall apply exclusively to the Lands included in Manitoba and the North-West Territories, which lands shall be styled and known as *Dominion Lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act*," and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context;

Proviso:  
as to the lay-  
ing out and  
description of  
lands in cer-  
tain localities.

16. Provided that nothing in this Act shall be construed to prevent the lands upon the Red and Assineboine Rivers surrendered by the Indians to the late Earl of Selkirk from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three or to prevent fractional sections or lands bordering on any river, lake, or other water course or public road, from being divided; or such lands from being laid out in lots of any certain frontage and depth, in such manner as may appear desirable; or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided; or from describing the said lands upon the Red and Assineboine Rivers, or such subdivisions of fractional sections, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient.

## INDIAN TITLE.

42. None of the provisions of this Act respecting the settlement of Agricultural lands, or the lease of Timber lands, or the purchase and sale of Mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been extinguished.

As to lands  
still under  
Indian title.

Governor in  
Council may  
withdraw  
Indian  
Reserves and  
half-breed  
lands from the  
operation of  
this Act, and  
may alter price  
of lands and  
terms of sale  
and settle-  
ment thereof.

105. The Governor in Council shall, at any time hereafter, subject to then existing rights, as defined or created under this Act, withdraw from the operation of this Act, such lands as have been reserved for Indians or may be required to satisfy the Half Breeds claims created under section 31 of the Act 33 Victoria, chapter 3, and also land to such extent as may be required for Railway purposes, and further, may, from time to time, make such Orders as he may deem necessary to carry out the provisions of this Act according to their true intent, or to meet any cases which may arise and for which no provision is made by this Act, and may, from time to time, alter or revoke the same and make others in their stead, and such Orders shall be published in the *Canada Gazette*, and in such newspapers as the Secretary of State may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof.



## CHAP. 31.

An Act to amend and consolidate the several Acts  
respecting the Public Lands of the Dominion.

[Assented to 15th May, 1879.]

NOTE.—The date in the margin opposite any provision, is the year in which it was made, by this Act (1879), or by an Act amending that of 1872 and repealed by section 129 of this Act, when there is no date mentioned, the provision is part of the Act 35 V., c. 23, (1872.)

WHEREAS it is expedient with a view to the proper and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers Acts have been passed for that purpose which it is expedient to amend and consolidate: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows —

Preamble.

## PRELIMINARY—INTERPRETATION.

1. This Act shall apply exclusively to the Lands included in Manitoba and the several Territories of the Dominion, which lands shall be styled and known as *Dominion Lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act 1879*," and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context;

Interpretation.

Proviso: as to the laying out and description of lands in certain localities.

16. Provided that nothing in this Act shall be construed to prevent the lands upon the Red and Assineboine Rivers surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three, or to prevent fractional sections or lands bordering on any river, lake, or other water course or public road, from being divided; or such lands from being laid out in lots of any certain frontage and depth, in such manner as may appear desirable; or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided; or from describing the said lands upon the Red and Assineboine Rivers, or such subdivisions of fractional sections, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient.

## INDIAN TITLE.

43. None of the provisions of this Act respecting the settlement of agricultural lands, or the lease of timber lands, or the purchase and sale of mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been extinguished.

As to lands still under Indian title.

S.C. 1879, c. 31, cont'd.

125. The following powers are hereby delegated to the Governor in Council:—

Governor in  
Council may  
withdraw In-  
dian Reserves  
and half-  
breed lands  
from the

operation of  
this Act, and  
may alter  
price of lands  
and terms of  
sale and  
settlement  
thereof.  
(1879.)

a. To withdraw from the operation of the said Act, subject to their existing rights as defined or created under the same, such lands as have been reserved for Indians, or such as may be required to satisfy the half-breed claims created under section thirty-one of the Act thirty-three Victoria, chapter three :

e. To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba, on the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions, as may be deemed expedient ;

## CHAP. 17

An Act further to amend and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned.

[Assented to 25th May, 1883.]

WHEREAS it is expedient, with a view to the proper Preamble.  
and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers Acts have been passed for that purpose which it is expedient further to amend and to consolidate as so amended: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

## PRELIMINARY—INTERPRETATION.

1. This Act applies exclusively to the public lands included Extent of Act.  
in Manitoba and the several Territories of the Dominion, which lands shall be styled and known as *Dominion Lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act, 1883*"; and the following terms and expressions Short title.  
therein shall be held to have the meaning hereinafter Interpretation of terms.  
assigned them, unless such meaning be repugnant to the subject or inconsistent with the context:

## INDIAN TITLE.

3. None of the provisions of this Act shall be held to As to lands still under Indian title.  
apply to territory the Indian title to which shall not, at the time, have been extinguished.

Proviso: as to laying out and describing lands in certain sections.

17. Provided, that nothing in this Act shall be construed to prevent the lands upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three, or to prevent fractional sections or lands bordering on any river, or lake, or other water course, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as may appear desirable, or to prevent the sub-division of sections or other legal sub-divisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such sub-divisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient.



S.C. 1883, c. 17, cont'd.

# GENERAL PROVISIONS.

**S1.** The following powers are hereby delegated to the Governor in Council :—

Powers dele-  
gated to Gov-  
ernor in  
Council  
as to—

Lands re-  
served for In-  
dians.

a. To withdraw from the operation of this Act, subject to existing rights as defined or created under the same, such lands as have been or may be reserved for Indians, or such as may be required to satisfy the half-breed claims created under clause thirty-one of the Act thirty-third Victoria, chapter three;

e. To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba, previous to the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions as may be deemed expedient ;

Claims  
arising out of  
Indian title.

# REPEAL.

Acts 42 V., c.  
31,

43 V., c. 26,  
and  
44 V., c. 16  
repealed.

**126.** Subject to the provisions hereinafter made, the Act passed in the forty-second year of Her Majesty's reign and intituled "*An Act to amend and consolidate the several Acts respecting the Public Lands of the Dominion*," and the Act passed in the forty-third year of Her Majesty's reign, and intituled "*An Act to amend the Dominion Lands Act, 1879*," and the Act passed in the forty-fourth year of Her Majesty's reign, and intituled, "*An Act to amend the Dominion Lands Acts*," are hereby repealed, and this Act is substituted for them,—the Acts repealed by the Act first mentioned, and for which it was substituted, remaining so repealed: Provided always, that all enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under this Act, which shall not be construed as a new law, but as a consolidation and continuation of the Acts hereby repealed, subject to the amendments hereby made and incorporated with them; and any thing heretofore done under any provision in any of the said repealed Acts which is repeated without alteration in this Act, may be alleged or referred to as having been done under the Act in which such provision was made, or under this Act.

Proviso: as  
to effect of  
such repeal.

How this Act  
shall be con-  
strued.

The Dominion Lands Act. R.S.C. 1886, c. 54.

## CHAPTER 54.

### An Act respecting Public Lands.

A.D. 1886.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

#### SHORT TITLE.

1. This Act may be cited as "*The Dominion Lands Act.*" Short title. 46 V., c. 17, s. 1, *part.*

#### APPLICATION OF ACT.

Application of Act.

3. Except as provided by any other Act of the Parliament of Canada, this Act applies exclusively to the public lands included in Manitoba and the several territories of Canada. 46 V., c. 17, s. 1, *part.*

As to lands still under Indian title.

4. None of the provisions of this Act shall apply to territory the Indian title to which is not extinguished. 46 V., c. 17, s. 3.

As to laying out and describing lands in certain sections

21. Nothing in this Act shall be construed to prevent the lands upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the "*Act respecting certain claims to lands in the Province of Manitoba,*" or to prevent fractional sections or lands bordering on any river, or lake, or other water course, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the sub-division of sections or other legal sub-divisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such sub-divisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient. 46 V., c. 17, s. 17.

#### POWERS OF THE GOVERNOR IN COUNCIL.

Power of Governor as to Indian reserves.

90. The Governor in Council may—

(a.) Withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or are reserved for Indians;

(f.) Grant lands, in satisfaction of any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories, outside of the limits of Manitoba, previous to the fifteenth day of July, one thousand eight hundred and seventy, to such persons, to such extent, and on such terms and conditions as are deemed expedient;

Claims arising out of Indian title.

## 55-56 VICTORIA.

## CHAP. 15.

## An Act further to amend the Dominion Lands Act.

[Assented to 9th July, 1892.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

R.S.C., c. 54,  
clause 17 re-  
pealed.

1. Clause seventeen of *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, is hereby repealed.

Clause 21 re-  
pealed.

2. Clause twenty-one of the said Act is hereby repealed and the following substituted therefor :—

As to laying  
out and de-  
scribing cer-  
tain lands.

“21. Nothing in this Act shall be construed to prevent the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the *Act respecting certain Claims to Lands in the Province of Manitoba*, or to prevent fractional sections or lands bordering on any river, or lake, or other watercourse, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such subdivisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent any Dominion lands in the mountainous regions of Manitoba, the North-west Territories and British Columbia, where the ordinary mode of survey is impracticable, from being laid out into townships, sections, quarter sections or legal subdivisions by fixing the corners of such townships, sections, quarter sections, or legal subdivisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister directs, and the describing of such townships, sections, quarter sections or legal subdivisions for patent by metes and bounds according to a plan of record.”

R.S.C., c. 48.



An Act further to amend the Dominion Lands Act. S.C. 1899, c. 16.

Clause 90  
amended.

4. Clause 90 of the said Act is hereby amended by striking out paragraph (f) thereof, and by substituting the following paragraphs therefor:—

Claims arising  
out of Indian  
title.

“(f.) grant lands in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title ;

“(f2.) upon the extinguishment of the Indian title in any territory or tract of land, make to persons satisfactorily establishing undisturbed occupation of any lands within such territory or tract on the first day of January, one thousand eight hundred and ninety-nine, and who are at that time, by their own residence or that of their servants, tenants or agents, in actual peaceable possession thereof, free grants of such lands, provided that not more than one hundred and sixty acres shall be so granted to any one person.”

CHAPTER 55.

An Act respecting Public Lands.

SHORT TITLE.

1. This Act may be cited as the Dominion Lands Act. Short title.  
R.S., c. 54, s. 1.

APPLICATION OF ACT.

Manitoba, Saskatchewan, Alberta, and Territories. 3. Except as provided by this or any other Act of the Parliament of Canada, this Act applies exclusively to the public lands in the provinces of Manitoba, Saskatchewan and Alberta, and the Territories of Canada.

British Columbia. 2. The three and one-half million acres of lands in that portion of the Peace River district of British Columbia, lying east of the Rocky Mountains, granted to the Crown, as represented by the Government of Canada, by the Act of the Legislature of British Columbia, number fourteen, passed in the session held in the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, intituled *An Act relating to the Island Railway, the Graving Dock and Railway Lands of the Province*, and to be located by the said Government in one rectangular block, shall also be held to be Dominion lands within the meaning of this Act. R.S., c. 54, s. 3; c. 56, s. 2.

Indian title. 4. None of the provisions of this Act shall apply to territory the Indian title to which is not extinguished. R.S., c. 54, s. 4.

POWERS OF THE GOVERNOR IN COUNCIL.

Indian reserves.

6. The Governor in Council may,—  
(a) withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or are reserved for Indians;  
(f) grant lands in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title;  
(g) upon the extinguishment of the Indian title in any territory or tract of land, make to persons satisfactorily establishing undisturbed occupation of any lands within such territory or tract on the first day of January, one thousand eight hundred and ninety-nine, and who were at that time, by their own residence or that of their servants, tenants or agents, in actual peaceable possession thereof, free grants of such lands, provided that not more than one hundred and sixty acres shall be so granted to any one person;

Half-breeds' claims.  
Claims based upon peaceable possession before treaty.

## CHAP. 20.

An Act to consolidate and amend the Acts respecting  
the Public Lands of the Dominion.

[Assented to 20th July, 1908.]

HIS Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as  
follows:—

## SHORT TITLE.

1. This Act may be cited as *The Dominion Lands Act*.

Short title.

## APPLICATION OF ACT.

Application  
of Act.

3. Except as provided by this or any other Act of the Parliament of Canada, this Act applies,—

(a) to the lands of the Dominion of Canada in the provinces of Manitoba, Saskatchewan and Alberta, and in the Northwest Territories of Canada;

(b) to the three and one-half million acres of land to be located by the Government of Canada in that portion of the Peace River district of British Columbia, lying east of the Rocky Mountains and adjoining the province of Alberta, granted to the Crown, as represented by the Government of Canada, by section 7, chapter 14 of the British Columbia statutes of 1884.

*School Lands.*

39. Sections eleven and twenty-nine in every surveyed township in Manitoba, Saskatchewan and Alberta are hereby set apart as an endowment for purposes of education, and shall be designated school lands; and they are hereby withdrawn from the operation of the provisions of this Act which relate to entry for homestead, purchased homestead, pre-emption or sale; and no right to obtain entry for homestead or purchased homestead or pre-emption or to purchase shall be recognized in connection with the said sections, or any part of them: Provided that any person who is proved to the satisfaction of the Minister to have bona fide settled and made improvements upon any such section before the commencement of the survey thereof, may be granted an entry for a homestead for the land so occupied by him, not in excess of a quarter-section, and may be allowed to pre-empt an additional quarter-section of ordinary Dominion lands, other than school lands, if there is any such land available adjoining the quarter-section of school land for which he enters, under the provisions of section 27 of this Act: but an area of available land equal to that which may be entered for as a homestead shall be set apart as school lands, and notice thereof shall be published in *The Canada Gazette*.

Sections 11  
and 29 in  
each  
township  
set apart.



S.C. 1908, c. 20, cont'd.

Exchange  
of school  
lands.

2. Notwithstanding anything in this Act, the Governor in Council may authorize the Minister to include in any block of land sold or to be sold to any person for the purpose of irrigation, or in any lands which have been or which may be set aside for the purpose of an Indian or other public reserve, or have been or may be reserved for any other purpose which the Minister considers to be in the public interest, lands which under the provisions of this Act are school lands, or lands which upon survey will become school lands; but no such block of lands so sold or to be sold for the purpose of irrigation, or lands so set aside and reserved or to be set aside and reserved for any of the purposes aforesaid, shall include school lands, or lands which upon survey shall become school lands, until other Dominion lands of equal area and value, as nearly as may be, have been selected in lieu thereof; and when other Dominion lands have been so selected and have been designated by the Minister as "school lands" they shall thereafter be and become school lands and be dealt with in the same manner as ordinary school lands are dealt with under the provisions of this Act.

Provided that if it is established to the satisfaction of the Minister, either by report or order of the Lieutenant Governor in Council for the province in which any section, half-section or quarter-section of school lands is situate, or by the request in writing over the signature of the Minister or Deputy Minister of the Department which has charge of education in such province, that it is desirable to take or reserve out of such section, half-section or quarter-section of school lands a small portion thereof as a site for a school and for purposes properly connected therewith, the Minister may, forthwith, sell to the board of school trustees for the district for which the same is required, at a minimum price of ten dollars per acre, such portion of school lands, in no case to exceed an area of four acres, which must front on a road allowance, at such price as he may consider fair and reasonable, and may forthwith, upon payment of such price, cause letters patent to be issued for the portion of school lands so required as a site for a school and for purposes properly connected therewith.

#### POWERS OF THE GOVERNOR IN COUNCIL.

Powers of  
Governor in  
Council.

76. The Governor in Council may—

(a) withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or may be reserved for Indians;

(b) grant lands in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title;

(c) upon the extinguishment of the Indian title in any territory or tract of land, make to persons satisfactorily establishing undisturbed occupation of any lands within the said territory or tract at the date of such extinguishment, by their own residence or that of their servants, tenants or agents, in actual peaceable possession thereof, free grants of the said lands, provided that an area not more than equal to a quarter-section shall be so granted to any one person unless there has been cultivation of more than that area;

#### REPEAL.

103. Chapter 55 of the Revised Statutes, 1906, is repealed. Repeal.

An Act to amend the Dominion Lands Act. S.C. 1923, c. 44.

Powers of  
Governor in  
Council.

8. Paragraph (b) of section seventy-six of the said Act is repealed and the following is substituted therefor:—

“(b) make grants not exceeding in any case the sum of two hundred and forty dollars in cash in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title”.

Dominion Lands Act. R.S.C. 1927, c. 113.

### *School Lands.*

37. Sections eleven and twenty-nine in every surveyed township in Manitoba, Saskatchewan and Alberta, together with the gold and silver as well as other minerals contained therein, are hereby set apart as an endowment for purposes of education, and shall be designated school lands; and they are hereby withdrawn from the operation of the provisions of this Act, which relate to entry for homestead, or sale; and no right to obtain entry for homestead or to purchase shall be recognized in connection with the said sections, or any part of them: Provided that any person who is proved to the satisfaction of the Minister to have *bona fide* settled and made improvements upon any such sections before the commencement of the survey thereof, may be granted an entry for a homestead for the land so occupied by him, not in excess of a quarter-section; but an area of available land equal to that which may be entered for as a homestead shall be set apart as school lands, and notice thereof shall be published in the *Canada Gazette*.

Sections 11  
and 29 in  
each town-  
ship to-  
gether  
with gold  
and silver  
and other  
minerals,  
set apart  
as school  
lands.

2. Notwithstanding anything in this Act, the Governor in Council may authorize the Minister to include in any block of land sold or to be sold to any person for the purpose of irrigation, or in any lands which have been or which may be set aside for the purpose of an Indian or other public reserve, or have been or may be reserved for any other purpose which the Minister considers to be in the public interest, lands which under the provisions of this Act are school lands, or lands which upon survey will become school lands; but no such block of lands so sold or to be sold for the purpose of irrigation, or lands so set aside and reserved or to be set aside and reserved for any of the purposes aforesaid, shall include school lands, or lands which upon survey shall become school lands, until other Dominion lands of equal value, as nearly as may be, have been selected in lieu thereof; and when other Dominion lands have been so selected and have been designated by the Minister as “school lands” they shall thereafter be and become school lands and be dealt with in the same manner as ordinary school lands under the provisions of this Act:

Exchange  
of school  
lands.

Provided that if it be established to the satisfaction of the Minister, either by report or order of the Lieutenant Governor in Council for the province in which any section, half-section or quarter-section of school lands is situate, or

R.S.C. 1927, c. 113, cont'd.

by the request in writing over the signature of the Minister or Deputy Minister of the Department which has charge of education in such province, that it is desirable to take or reserve out of such section, half-section or quarter-section of school lands a small portion thereof as a site for a school and for purposes properly connected therewith, the Minister may, forthwith, sell to the board of school trustees for the district for which the same is required, at a minimum price of ten dollars per acre, such portion of school lands, in no case to exceed an area of four acres, which must front on a road allowance, at such price as he may consider fair and reasonable, and may forthwith, upon payment of such price, cause letters patent to be issued for the portion of school lands so required as a site for a school and for purposes properly connected therewith:

Sale of surface rights in certain cases to lessee of mining rights.

Provided that notwithstanding anything contained in this Act where a lease has been granted for mining rights on or under school lands, as provided by sections eight and thirty-five of this Act, and in the opinion of the Minister the proper carrying on of mining operations will destroy the surface of the land for agricultural purposes, the Minister may sell the surface rights of the said land to the lessee of the said mining rights at a price to be fixed by an Inspector of Dominion Lands at the actual market value of the land at the time of such sale, irrespective of its mining value. The sum realized from such sale shall become part of the school fund, as provided by section forty of this Act. 1908, c. 20, s. 39; 1914, c. 27, s. 10; 1919, c. 50, s. 3; 1923, c. 44, s. 5.

#### POWERS OF THE GOVERNOR IN COUNCIL.

74. The Governor in Council may

- (a) withdraw from the operation of this Act, subject to existing rights as defined or created hereunder, such lands as have been or may be reserved for Indians;
- (b) make grants not exceeding in any case the sum of two hundred and forty dollars in cash in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title;
- (c) upon the extinguishment of the Indian title in any territory or tract of land, make, to persons satisfactorily establishing undisturbed occupation of any lands within the said territory or tract at the date of such extinguishment, by their own residence or that of their servants, tenants or agents, in actual peaceable possession thereof, free grants of the said lands, provided that an area not more than equal to a quarter-section shall be so granted to any one person unless there has been cultivation of more than that area;

Powers of Governor in Council.



## CHAP. 6.

## An Act respecting Grants of Public Lands.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

[Assented to 16th May, 1890.]

- |  |  |
|--|--|
| <p>Crown grant to convey fee simple.</p>   | <p>1. Hereafter every grant of public lands in the Province of Ontario, the Province of Manitoba, or the North-West Territories shall, if the Crown has power to convey such an estate in the lands thereby affected, and if no contrary or different intention is expressed in the grant, operate as a conveyance of an estate in fee simple or an equivalent estate in such lands, although no words of limitation are used in such grant.</p>   |
| <p>Crown grants to personal representatives of a deceased person in Ontario, Manitoba and N.-W. Territories.</p> | <p>2. Every grant made to the personal representatives of a deceased person of public lands in the Province of Ontario upon or since the first day of July in the year one thousand eight hundred and eighty-six, of such lands in the Province of Manitoba upon or since the first day of July in the year one thousand eight hundred and eighty-five, or of such lands in the North-West Territories upon or since the first day of January in the year one thousand eight hundred and eighty-seven, shall, if the Crown had, at the date of such grant, power to convey such an estate in the lands thereby affected, and if no contrary or different intention is expressed in the grant, be taken and held to have operated as a conveyance to such personal representative of an estate in fee simple or an equivalent estate in such lands, although no words of limitation are used in such grant.</p> |
| <p>Fee-simple conveyed.</p>  |  |
| <p>Interpretation.<br/>"Grant."<br/>"Public lands."</p>  | <p>3. In this Act the word "grant" extends to and includes letters patent under the great seal of Canada, and any other instrument by which public lands may be granted in fee simple or for an equivalent estate, and the words "public lands" extend to and include Dominion lands, Ordnance or Admiralty lands, Indian lands and all other lands of whatever description which are the property of Canada, or of which the Government of Canada has power to dispose.</p>   |

An Act further to amend the Land Titles Act, 1894. S.C. 1899, c. 17.

2. Section 21 of chapter 32 of the statutes of 1898 is hereby amended by adding thereto the following subsection :—

1898, c. 32,  
s. 21 amended.

"2. Any map or plan attested by the signature of the Superintendent General of Indian Affairs or his deputy, and certified by a Dominion land surveyor to be a true copy of a plan of survey lodged or filed in the Department of Indian Affairs, of lands described as 'Indian lands' in *The Indian Act*, shall be dealt with and recognized in accordance with the provisions of this section by the registrar of the district in which the said lands are situated when the said map or plan has been lodged or filed with him, notwithstanding that *The Indian Act* does not expressly authorize the said map or plan to be so lodged or filed."

Registration  
of Indian  
lands.

Land Titles Act. R.S.C. 1906, c. 110.

85. Any map or plan attested by the signature of the Superintendent General of Indian Affairs or his deputy, and certified by a Dominion land surveyor to be a true copy of a plan of survey lodged or filed in the Department of Indian Affairs, of lands described as Indian lands in the Indian Act, shall be dealt with and recognized in accordance with the provisions of this Act by the registrar of the district in which the said lands are situated when the said map or plan has been lodged or filed with him, notwithstanding that the Indian Act does not expressly authorize the said map or plan to be so lodged or filed. 62-63 V., c. 17, s. 2.

Plans of  
Indian lands.

Land Titles Act. R.S.C. 1927, c. 118.

Plans of  
Indian  
lands.

84. Any map or plan attested by the signature of the Superintendent General of Indian Affairs or his deputy, and certified by a Dominion land surveyor to be a true copy of a plan of survey lodged or filed in the Department of Indian Affairs, of lands described as Indian lands in the Indian Act, shall be dealt with and recognized in accordance with the provisions of this Act by the registrar of the district in which the said lands are situated when the said map or plan has been lodged or filed with him, notwithstanding that the Indian Act does not expressly authorize the said map or plan to be so lodged or filed. R.S., c. 110, s. 85.

Land Titles Act. R.S.C. 1952, c. 162.

Plans of  
surrendered  
Indian  
reserves.

**85.** Any map or plan attested by the signature of the Minister of Citizenship and Immigration or his deputy, and certified by a Dominion land surveyor to be a true copy of a plan of survey lodged or filed in the Department of Mines and Technical Surveys, of lands described as surrendered lands in the *Indian Act*, shall be dealt with and recognized in accordance with the provisions of this Act by the registrar of the district in which the said lands are situated when the said map or plan has been lodged or filed with him, notwithstanding that the *Indian Act* does not expressly authorize the said map or plan to be so lodged or filed. R.S., c. 118, s. 84; 1949 (2nd Sess.), c. 16, s. 6.

Land Titles Act. R.S.C. 1970, c. L-4.

Plans of  
surrendered  
Indian reserves

**85.** Any map or plan attested by the signature of the Minister or his deputy, and certified by a Dominion land surveyor to be a true copy of a plan of survey lodged or filed in the Department, of lands described as surrendered lands in the *Indian Act*, shall be dealt with and recognized in accordance with this Act by the registrar of the district in which the said lands are situated when the said map or plan has been lodged or filed with him, notwithstanding that the *Indian Act* does not expressly authorize the map or plan to be so lodged or filed. R.S., c. 162, s. 85; 1966-67, c. 25, s. 40.



National Energy Board Act. S.C. 1959, c. 46.

**67.** (1) No company shall take possession of or occupy Indian lands lands in an Indian reserve without the consent of the Governor in Council.

(2) Where, with the consent of the Governor in Council, Com- lands in an Indian reserve are taken possession of, used or pensation. occupied by a company, or where they are injuriously affected by the construction of a pipe line, compensation shall be made therefor as in the case of lands taken without the consent of the owner.

National Energy Board Act. R.S.C. c. N-6.

Indian lands **67.** (1) No company shall take possession of or occupy lands in an Indian reserve without the consent of the Governor in Council.

Compensation (2) Where, with the consent of the Governor in Council, lands in an Indian reserve are taken possession of, used or occupied by a company, or where they are injuriously affected by the construction of a pipeline, compensation shall be made therefor as in the case of lands taken without the consent of the owner. 1959, c. 46, s. 67.

The Soldier Settlement Act, 1919. S.C. 1919, c. 71.

## CHAP. 71.

An Act to assist Returned Soldiers in settling upon the Land.

[Assented to 7th July, 1919.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

### PART I.

#### THE SOLDIER SETTLEMENT BOARD—ACQUIREMENT OF LANDS.

##### SHORT TITLE.

1. This Act may be cited as *The Soldier Settlement Act*, Short title. 1919.

##### INTERPRETATION.

2. In this Act, and in any regulations made under it, unless the context otherwise requires, the expression,—

"Dominion Lands."

(f) "Dominion Lands" means any lands owned or held by the Dominion of Canada, excepting Indian or School Lands;

10. The Board may acquire from His Majesty by purchase, upon terms not inconsistent with those of the release or surrender, any Indian lands which, under the *Indian Act*, have been validly released or surrendered. Indian lands.

Dominion, Indian and school lands to be dealt with as if they were private lands.

20. Subject to the provisions of section fifteen of this Act as to soldier grants of Dominion lands, the Board shall deal with and dispose of all Dominion lands, Indian lands or school lands granted or otherwise conveyed or transferred to it pursuant to sections six, ten and eleven of this Act as nearly as may be as if such lands were private lands acquired by it by way of purchase, but the sale price of such lands shall be such as is approved by the Governor in Council.

All agreements between Board and settler under twenty-one years are valid.

30. (1) All deeds of land, all mortgages and charges upon land or goods and all contracts and agreements whatever, including bills of exchange and promissory notes, made or entered into by any settler to or with, or for the benefit or security of, the Board, purporting to act with respect thereto or to accept any thereof in execution of any of its powers under this Act or under the former Act, shall be valid and enforceable notwithstanding that such settler is not of the full age of twenty-one years, or is an Indian or is under any civil disability.

Commencement of section.

(2) This section shall be deemed to have been operative as from the passing of *The Soldier Settlement Act, 1917*.

Soldier Settlement Act. R.S.C. 1927, c. 188.

## CHAPTER 188.

### An Act to assist Returned Soldiers in Settling upon the Land.

#### SHORT TITLE.

1. This Act may be cited as the Soldier Settlement Act. Short title. 1919, c. 71, s. 1.

#### INTERPRETATION.

2. In this Act, and in any regulations made under it, Definitions. unless the context otherwise requires, the expression

(f) "Dominion lands" means any lands owned or held "Dominion by the Dominion of Canada, excepting Indian or lands." School Lands;

Indian lands.

10. The Board may acquire from His Majesty by purchase, upon terms not inconsistent with those of the release or surrender, any Indian lands which, under the Indian Act, have been validly released or surrendered. 1919, c. 71, s. 10.

Dominion, Indian and school lands to be dealt with as if they were private lands.

20. Subject to the provisions of section fifteen of this Act as to soldier grants of Dominion lands, the Board shall deal with and dispose of all Dominion lands, Indian lands or school lands granted or otherwise conveyed or transferred to it pursuant to sections six, ten and eleven of this Act as nearly as may be as if such lands were private lands acquired by it by way of purchase, but the sale price of such lands shall be such as is approved by the Governor in Council. 1919, c. 71, s. 20.

30. All deeds of land, all mortgages and charges upon land or goods and all contracts and agreements whatever, including bills of exchange and promissory notes, made or entered into by any settler to or with, or for the benefit or security of, the Board, purporting to act with respect thereto or to accept any thereof in execution of any of its powers under this Act or under the former Act, shall be valid and enforceable notwithstanding that such settler is not of the full age of twenty-one years, or is an Indian or is under any civil disability.

All agreements between Board and settler under twenty-one years are valid.

2. This section shall be deemed to have been operative as from the passing of the former Act. 1919, c. 71, s. 30.

Commencement of section.



An Act to amend The Surplus Crown Assets Act. S.C. 1949, c. 38.

## CHAP. 38.

An Act to amend The Surplus Crown Assets Act.

[Assented to 10th December, 1949.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

2. Section three of the said Act is repealed and the following substituted therefor:

Reports by  
departments.

"3. (1) Except as provided in subsection two of this section, whenever a government department determines that property of His Majesty in right of Canada in its custody or under its control or administration is surplus to its requirements, it shall make a report of such property to the Minister.

Exceptions

(2) The following property need not be included in a report made under subsection one, except to such extent as may be specified by order of the Governor in Council:

(a) agricultural or dairy products or livestock or livestock products, other than those in the custody or under the control or administration of the Department of National Defence;

(b) personal property acquired or produced by a board, commission, corporation or other body for disposal pursuant to an Act of Parliament or order of the Governor in Council;

(c) lands situated in the Yukon Territory or the Northwest Territories and under the control, management or administration of the Minister of Mines and Resources;

(d) lands under the control, management or administration of the Minister of Mines and Resources on the thirty-first day of December, nineteen hundred and forty-nine, or by virtue of the *Indian Act*, *The National Parks Act* or *The Canada Forestry Act*;

R.S., c. 93.  
1930 (1st  
Sess.) c. 33.

(e) lands under the control, management or administration of the Minister of Transport, other than those acquired pursuant to the Acts mentioned in section two of *The War Appropriation Act, No. 2, 1944*;

1944-45, c. 16.

(f) lands authorized to be disposed of under *The Veterans' Land Act, 1942*, *the Soldier Settlement Act*, *The Central Mortgage and Housing Corporation Act* or the *Housing Acts* as defined in *The Central Mortgage and Housing Corporation Act*.

1942-43, c. 33  
R.S., c. 183.  
1945, (2nd  
Sess.) c. 15.

No disposa  
except under  
this Act.

(3) Notwithstanding any Act or Order in Council enacted or passed before this Act comes into force, no government department shall dispose of any surplus Crown assets except in accordance with this Act."

## CHAPTER 260.

## An Act respecting Surplus Crown Assets.

## SHORT TITLE.

1. This Act may be cited as the *Surplus Crown Assets Act*. Short title.  
*Act. 1944-45, c. 21, s. 1.*

3. (1) Except as provided in subsection (2), whenever a government department determines that property of Her Majesty in right of Canada in its custody or under its control or administration is surplus to its requirements, it shall make a report of such property to the Minister. Reports by departments.

## Exceptions.

(2) The following property need not be included in a report made under subsection (1), except to such extent as may be specified by order of the Governor in Council:

- (a) agricultural or dairy products or live stock or live stock products, other than those in the custody or under the control or administration of the Department of National Defence;
- (b) personal property acquired or produced by a board, commission, corporation or other body for disposal pursuant to an Act of Parliament or order of the Governor in Council;
- (c) lands situated in the Yukon Territory or the Northwest Territories and under the control, management or administration of the Minister of Resources and Development;
- (d) lands under the control, management or administration of the Minister of Mines and Resources on the 31st day of December, 1949, or by virtue of the *Indian Act*, the *National Parks Act* or the *Canada Forestry Act*;
- (e) lands under the control, management or administration of the Minister of Transport, other than those acquired pursuant to the Acts mentioned in section 2 of *The War Appropriation Act, No. 2, 1944*;
- (f) lands authorized to be disposed of under the *Veterans' Land Act*, the *Soldier Settlement Act*, the *Central Mortgage and Housing Corporation Act* or the *Housing Acts* as defined in the *Central Mortgage and Housing Corporation Act*.

## No disposal except under this Act.

(3) Notwithstanding any Act or order in council enacted or passed before the 11th day of July, 1944, no government department shall dispose of any surplus Crown assets except in accordance with this Act. 1949 (2nd Sess.), c. 18, s. 6; 1949 (2nd Sess.), c. 38, s. 2.

Government Organization Act, 1966. S.C. 1966, c. 25.

**45.** The Acts and portions of Acts set out in Schedule B are repealed or amended in the manner and to the extent indicated in that Schedule. Amendments  
and repeals.

Act Affected	Repeal or Amendments.
Surplus Crown Assets Act R.S., c. 260	Paragraph (c) of subsection (2) of section 3 is amended by substituting the Minister of Indian Affairs and Northern Development for the Minister therein mentioned.

Surplus Crown Assets Act. R.S.C. 1970, c. S-20.

## CHAPTER S-20

An Act respecting surplus Crown assets

Short title	1. This Act may be cited as the <i>Surplus Crown Assets Act</i> . R.S., c. 260, s. 1.
Reports by departments	3. (1) Except as provided in subsection (2), whenever a government department determines that property of Her Majesty in right of Canada in its custody or under its control or administration is surplus to its requirements, it shall make a report of such property to the Minister.
Exceptions	(2) The following property need not be included in a report made under subsection (1), except to such extent as may be specified by order of the Governor in Council: <ul style="list-style-type: none"> <li>(a) agricultural or dairy products or livestock or livestock products, other than those in the custody or under the control or administration of the Department of National Defence;</li> <li>(b) personal property acquired or produced by a board, commission, corporation or other body for disposal pursuant to an Act of Parliament or order of the Governor in Council;</li> <li>(c) lands situated in the Yukon Territory or the Northwest Territories and under the control, management or administration of the Minister of Indian Affairs and Northern Development;</li> <li>(d) lands under the control, management or administration of the Minister of Mines and Resources on the 31st day of December 1949, or under the control, management or administration of a Minister by virtue of the <i>Indian Act</i>, the <i>National Parks Act</i> or the <i>Forestry Development and Research Act</i>;</li> </ul>



R.S.C. 1970, c. S-20, cont'd.

(e) lands under the control, management or administration of the Minister of Transport, other than those acquired pursuant to the Acts mentioned in section 2 of *The War Appropriation Act, No. 2, 1944*;

(f) lands authorized to be disposed of under the *Veterans' Land Act*, the *Soldier Settlement Act*, the *Central Mortgage and Housing Corporation Act* or the Housing Acts as defined in the *Central Mortgage and Housing Corporation Act*.

No disposal  
except under  
this Act

(3) Notwithstanding any Act or order in council enacted or passed before the 11th day of July 1944, no government department shall dispose of any surplus Crown assets except in accordance with this Act. R.S., c. 260, s. 3; 1953-54, c. 4, s. 12; 1966-67, c. 25, s. 45.

An Act respecting Railways. S.C. 1868, c. 68, s. 9(37).

37. If the Railway passes through any land belonging to or in possession of any Tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals ; and whenever it is necessary that Arbitrators should be chosen by the parties, the Secretary of State is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Secretary of State, for the use of such Tribe or Body.

The case of  
Railway  
passing  
through  
Indian lands  
provided for.

The Consolidated Railway Act, 1879. S.C. 1879, c. 9, s. 9(37).

37. If the railway passes through any land belonging to or in possession of any tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall

The case of  
Railway pass-  
ing through  
Indian lands  
provided for.

be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals ; and whenever it is necessary that arbitrators should be chosen by the parties, the Minister of the Interior is hereby authorized and required to name an arbitrator on behalf of the Indians ; and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Minister of the Interior, for the use of such tribe or body :

The Railway Act. S.C. 1888, c. 29.

**101.** No company shall take possession of or occupy <sup>As to Indian</sup> any portion of any Indian reserve or lands without the <sup>lands.</sup> consent of the Governor in Council; and when, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor, as in other cases.

The Railway Act. S.C. 1903, c. 58.

**Indian lands.** **136.** No company shall take possession of, or occupy, any portion of any Indian reserve or lands, without the consent of the Governor in Council; and when, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. 51 V., c. 29, s. 101, Am.

Railway Act. R.S.C. 1906, c. 37.

**175.** No company shall take possession of or occupy any <sup>Indian lands.</sup> portion of any Indian reserve or lands, without the consent of the Governor in Council.

2. When, with such consent, any portion of any such reserve <sup>Consent.</sup> or lands is taken possession of, used or occupied by any company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. 3 E. VII., c. 58, s. 136.



The Railway Act, 1919. S.C. 1919, c. 68.

*Indian Lands.*

Indian lands. **192.** (1) No company shall take possession of or occupy any portion of any Indian reserve or lands, without the consent of the Governor in Council.

(2) When, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any railway company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. R.S., c. 37, s. 175.

Railway Act. R.S.C. 1927, c. 170.

*Indian Lands.*

Indian lands. **192.** No company shall take possession of or occupy any portion of any Indian reserve or lands, without the consent of the Governor in Council.

Consent. 2. When, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any railway company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. 1919, c. 68, s. 192.

Railway Act. R.S.C. 1952, c. 234.

*Indian Lands.*

Indian lands. **195.** (1) No company shall take possession of or occupy any portion of any Indian reserve or surrendered lands, without the consent of the Governor in Council.

(2) When, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any railway company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. R.S., c. 170, s. 192.

Railway Act. R.S.C. 1970, c. R-2.

*Indian Lands*

Indian lands

**133.** (1) No company shall take possession of or occupy any portion of any Indian reserve or surrendered lands, without the consent of the Governor in Council.

Consent

(2) When, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any railway company, or when such reserve or lands are injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. R.S., c. 234, s. 195.

An Act respecting the transfer of the Railway Belt and the Peace River Block.  
S.C. 1930, c. 37.

### CHAP. 37.

An Act respecting the transfer of the Railway Belt and the  
Peace River Block.

[Assented to 30th May, 1930.]

HIS Majesty by, and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as  
follows:—

1. This Act may be cited as *The Railway Belt and Peace River Block Act*. Short title.

2. The agreement set out in the schedule hereto is hereby Agreement confirmed.  
approved.

#### INDIAN RESERVES.

13. Nothing in this agreement shall extend to the lands included within Indian reserves in the Railway Belt and the Peace River Block, but the said reserves shall continue to be vested in Canada in trust for the Indians on the terms and conditions set out in a certain order of the Governor General of Canada in Council approved on the 3rd day of February, 1930 (P.C. 208).



An Act to amend the St. Lawrence Seaway Authority Act. S.C. 1955, c. 58.

CHAP. 58.

An Act to amend the St. Lawrence Seaway Authority Act.

[Assented to 28th July, 1955.]

HER Majesty, by and with the advice and consent of the R.S., c. 242;  
Senate and House of Commons of Canada, enacts 1953-54, c. 44.  
as follows:

1. Section 18 of the *St. Lawrence Seaway Authority Act*, chapter 242 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following subsection:

“(5) For greater certainty it is hereby declared that the Authority, acting under this section, is a corporation empowered to take or to use lands or any interest therein without the consent of the owner, within the meaning of section 35 of the *Indian Act*.” Indian lands.

St. Lawrence Seaway Authority Act. R.S.C. 1970, c. S-1.

EXPROPRIATION

Taking or  
acquiring lands

19. (1) With the prior approval of the Governor in Council, the Authority may, without the consent of the owner, take or acquire lands for the purposes of this Act and, except as otherwise provided in this section, all the provisions of the *Expropriation Act* are, *mutatis mutandis*, applicable to the taking, acquisition, sale or abandonment of lands by the Authority under this section.

Signed by the  
President

(2) For the purposes of section 9 of the *Expropriation Act* the plan and description may be signed by the President of the Authority.

Compensation

(3) The Authority shall pay compensation for lands taken or acquired under this section or for damage to lands injuriously affected by the construction of works erected by it and all claims against the Authority for such compensation may be heard and determined in the Exchequer Court of Canada in accordance with sections 46 to 49 of the *Exchequer Court Act*.

Payment

(4) The Authority shall pay out of the funds administered by it the compensation agreed upon or adjudged by the Court to be payable.

Indian lands

(5) For greater certainty it is hereby declared that the Authority, acting under this section, is a corporation empowered to take or to use lands or any interest therein without the consent of the owner, within the meaning of section 35 of the *Indian Act*. R.S., c. 242, s. 18; 1955, c. 58, s. 1.

Expropriation Act. R.S.C. 1970 (1st Supp.), c. 16.

Repeal      42. (1) The *Expropriation Act*, chapter E-19 of the Revised Statutes of Canada, 1970, and sections 46 and 49 of the *Exchequer Court Act*, chapter E-11 of the Revised Statutes of Canada, 1970, are repealed.

Acts amended      (2) The Acts mentioned in Column I of Schedule II to this Act are amended to the extent specified in Column II of that Schedule.

## SCHEDULE II

### Column I

St. Lawrence Seaway Authority Act  
R.S., c. S-1

### Column II

Section 19 is repealed and the following substituted therefor:

"19. (1) Where in the opinion of the Authority the taking or acquisition of any land or interest therein by the Authority without the consent of the owner is required for the purposes of this Act, the Authority shall so advise the appropriate Minister in relation to Part I of the *Expropriation Act*.

(2) For the purposes of the *Expropriation Act*, any land or interest therein that, in the opinion of the Minister mentioned in subsection (1), is required for the purposes of this Act shall be deemed to be land or an interest therein that, in his opinion, is required for a public work or other public purpose, and, in relation thereto, a reference to the Crown in that Act shall be construed as a reference to the Authority."

An Act to amend and continue the Act 32 and 33 Victoria, chapter 3;  
and to establish and provide for the Government of the Province of  
Manitoba. S.C. 1870, c. 3.

### CAP. III.

An Act to amend and continue the Act 32 and 33 Victoria,  
chapter 3; and to establish and provide for the Govern-  
ment of the Province of Manitoba.

[Assented to 12th May, 1870.]

Preamble.

**W**HEREAS it is probable that Her Majesty The Queen may,  
pursuant to the British North America Act, 1867, be  
pleased to admit Rupert's Land and the North-Western Territory  
into the Union or Dominion of Canada, before the next Session of  
the Parliament of Canada:

*And Whereas* it is expedient to prepare for the transfer of the  
said Territories to the Government of Canada at the time ap-  
pointed by the Queen for such admission:

*And Whereas* it is expedient also to provide for the organiza-  
tion of part of the said Territories as a Province, and for the  
establishment of a Government therefor, and to make provision  
for the Civil Government of the remaining part of the said  
Territories, not included within the limits of the Province:

Therefore Her Majesty, by and with the advice and consent of  
the Senate and House of Commons of Canada, enacts as follows:

Province to  
be formed  
out of N. W.  
territory  
when united  
to Canada.

Its name and  
boundaries.

1. On, from and after the day upon which the Queen, by and  
with the advice and consent of Her Majesty's Most Honorable  
Privy Council, under the authority of the 146th Section of the  
British North America Act, 1867, shall, by Order in Council in  
that behalf, admit Rupert's Land and the North-Western Territory  
into the Union or Dominion of Canada, there shall be formed out  
of the same a Province, which shall be one of the Provinces of the  
Dominion of Canada, and which shall be called the Province of  
Manitoba, and be bounded as follows: that is to say, commencing  
at the point where the meridian of ninety-six degrees west longi-  
tude from Greenwich intersects the parallel of forty-nine degrees  
north latitude,—thence due west along the said parallel of forty-nine  
degrees north latitude (which forms a portion of the boundary line  
between the United States of America and the said North-Western  
Territory) to the meridian of ninety-nine degrees of west longitude,  
—thence due north along the said meridian of ninety-nine degrees  
west longitude, to the intersection of the same with the parallel  
of fifty degrees and thirty minutes north latitude,—thence due  
east along the said parallel of fifty degrees and thirty minutes  
north latitude to its intersection with the before-mentioned  
meridian of ninety-six degrees west longitude,—thence due south  
along the said meridian of ninety-six degrees west longitude to  
the place of beginning.



S.C. 1870, c. 3, cont'd.

31. And whereas, it is expedient, towards the extinguishment <sup>Provisions as to Indian of title.</sup>

Grant for half-breeds. of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor General in Council may from time to time determine.

Quieting titles. 32. For the quieting of titles, and assuring to the settlers in the Province the peaceable possession of the lands now held by them, it is enacted as follows:—

Grants by H. B. Company. 1. All grants of land in freehold made by the Hudson's Bay Company up to the eighth day of March, in the year 1869, shall, if required by the owner, be confirmed by grant from the Crown.

The same. 2. All grants of estates less than freehold in land made by the Hudson's Bay Company up to the eighth day of March aforesaid, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.

Titles being occupancy with permission; 3. All titles by occupancy with the sanction and under the license and authority of the Hudson's Bay Company up to the eighth day of March aforesaid, of land in that part of the Province in which the Indian Title has been extinguished, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.

By peaceable possession. 4. All persons in peaceable possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian Title has not been extinguished, shall have the right of pre-emption of the same, on such terms and conditions as may be determined by the Governor in Council.

Lieut.-Governor to make provisions under Order in Council. 5. The Lieutenant-Governor is hereby authorized, under regulations to be made from time to time by the Governor General in Council, to make all such provisions for ascertaining and adjusting, on fair and equitable terms, the rights of Common, and rights of cutting Hay held and enjoyed by the settlers in the Province, and for the commutation of the same by grants of land from the Crown.

Governor in Council to appoint form, &c., of grants. 33. The Governor General in Council shall from time to time settle and appoint the mode and form of Grants of Land from the Crown, and any Order in Council for that purpose when published in the *Canada Gazette*, shall have the same force and effect as if it were a portion of this Act.

An Act to remove doubts as to the construction of section 31 of the Act 33 Victoria, chapter 3, and to amend section 108 of the Dominion Lands Act. S.C. 1873, c. 38.

## CHAP. 38.

An Act to remove doubts as to the construction of section 31 of the Act 33 Victoria, chapter 3, and to amend section 108 of the Dominion Lands Act.

[Assented to 3rd May, 1873.]

Preamble.

**W**HEREAS doubts have arisen as to the children intended by the thirty-first section of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, and it is expedient to remove such doubts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 31 of 33 V., c. 3, explained.

1. The children meant and intended by the said thirty-first section of the said Act shall be held to include all those of mixed blood, partly white and partly Indian, and who are not heads of families.

2. Such proceedings only under the Orders in Council mentioned and referred to in section one hundred and eight of the Act thirty-five Victoria, chapter twenty-three, as are sanctioned by the provisions of the said section thirty-one of the Act thirty-three Victoria, chapter three as explained by this Act, shall be held and deemed to have been properly taken and to have been confirmed by the said section one hundred and eight of the said Act thirty-five Victoria, chapter twenty-three; and the said respective orders (except such of the provisions thereof as may be inconsistent with the provisions of the said section thirty-one of the said Act thirty-three Victoria, chapter three, as explained by this Act, or of the said Act thirty-five Victoria, chapter twenty-three, and which are hereby revoked) shall be and remain in force, subject to the provisions of the following section of this Act,—the said section one hundred and eight of the said Act thirty-five Victoria, chapter twenty-three, being hereby amended to that effect.

Section 108 of 35 Vict., c. 23, amended.

3. In amendment of so much of the said Order in Council of the twenty-fifth day of April, one thousand eight hundred and seventy-one, as provides that the Lieutenant-Governor of Manitoba shall draw and initial tickets for the allotment of lands, it is hereby enacted that such drawing and initialing may be done by any person appointed by the Lieutenant-Governor for that purpose; and the Lieutenant-Governor is hereby authorized from time to time to appoint a person to draw and initial such tickets.

Order in Council amended as to drawing tickets.

An Act respecting the appropriation of certain Dominion Lands in Manitoba.  
S.C. 1874, c. 20.

## CHAP. 20.

### An Act respecting the appropriation of certain Dominion Lands in Manitoba.

[Assented to 26th May, 1874.]

Preamble.  
33 V., c. 3.

WHEREAS by the thirty-first section of the Act thirty-third Victoria, chapter three, it was enacted as expedient towards the extinguishment of the Indian title to the lands in the Province of Manitoba to appropriate one million four hundred thousand acres of such lands for the benefit of the children of the half-breed heads of families residing in the Province at the time of the transfer thereof to Canada;

And whereas no provision has been made for extinguishing the Indian title to such lands as respects the said half-breed heads of families residing in the Province at the period named;

And whereas it is expedient to make such provision, and it is deemed advisable to effect the same by grants of land or by an issue of scrip redeemable in Dominion Lands;

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Grant to half-breed heads of families.

1. To effect the purpose above mentioned, each half-breed head of a family resident in the Province on the fifteenth day of July, one thousand eight hundred and seventy, shall be entitled, in the discretion of and under regulations to be made by the Governor General in Council, to receive a grant of one hundred and sixty acres of land or to receive scrip for one hundred and sixty dollars, the latter to be receivable in payment for the purchase of Dominion Lands.

Who shall be deemed such heads of families.

2. For the purpose of this Act the term "half-breed heads of families" shall be held to include half-breed mothers as well as half-breed fathers, or both, as the case may be:

Proviso.

But the land or scrip to which any half-breed mother shall be entitled under this Act shall be granted or allotted and given to such half-breed mother on such conditions as the Governor in Council may, from time to time, determine;

Case of death of such head after 15th July, 1870.

And in the event of the death of any half-breed father or half-breed mother, or both, between the fifteenth day of July, one thousand eight hundred and seventy, and the granting of the land or the issuing of the scrip, the land or scrip to which such half-breed head of a family is entitled shall be granted or distributed to such members of the family and on such conditions as the Governor in Council may, from time to time, determine.

3. Whereas it is expedient to afford facilities to parties claiming lands under the third and fourth sub-sections of the thirty-second section of the Act thirty-third Victoria, chapter three, to obtain letters patent for the same,—

Who shall be entitled to patents under 33 V., c. 3, s. 32, sub-secs. 3 and 4.

Be it enacted, that persons satisfactorily establishing undisturbed occupancy of any lands within the Province prior to, and being by themselves or their servants, tenants or agents, or those through whom they claim, in actual and peaceable possession thereof on the eighth day of March, One thousand eight hundred and sixty-nine, shall be entitled to receive letters patent therefor, granting the same absolutely to them respectively in fee simple.



S.C. 1874, c. 20, cont'd.

4. And whereas by the Act thirty-sixth Victoria, chapter thirty-seven it was provided that forty-nine thousand acres should be set apart from the ungranted lands of the Crown in Manitoba, to be divided as Free Grants to persons resident in the Province, being original white settlers who came into the country under the auspices of Lord Selkirk, between the years one thousand eight hundred and thirteen and one thousand eight hundred and thirty-five, both inclusive, or the children, not being half-breeds, of such original settlers: Case under 36 V., c. 37, repealed.

And whereas it was thereby intended to give each of such settlers and their children one hundred and forty acres of land, and, in the absence of an exact census, the number of claimants was assumed as not to exceed three hundred and fifty, and the grant of land, forty-nine thousand acres, was estimated accordingly:

And whereas an accurate census of such persons and their children shews that they number five hundred and thirty or thereabouts, and an equal division of the land so set apart, as above, would only give to each claimant ninety-two acres and four-tenths of an acre: Census of persons entitled, and their request

And whereas it is expedient to recognize the right of each of such claimants to a grant of one hundred and sixty acres:

And whereas the said persons and their children have requested that such grant may be by an issue of scrip, and it is considered expedient to concede such request:

And whereas it is also expedient to recognize the claims to free grants of land on the part of certain original white settlers in the said Province, who settled in the country at an early date, but not under the auspices of Lord Selkirk, and to provide for the same by an issue of scrip, therefore— Case of others not provided for by that Act.

Each and every person now resident in the said Province, being original white settlers who came into the Red River country, whether under the auspices of Lord Selkirk or otherwise, between the years one thousand eight hundred and thirteen and one thousand eight hundred and thirty-five, both inclusive, or the Grant of scrip in the cases above mentioned.

children, not being half-breeds, of such original white settlers, shall be entitled under regulations to be made by the Governor General in Council to receive scrip for one hundred and sixty dollars, the same to be receivable in payment for the purchase of Dominion Lands.

36 V., c. 37  
repealed.

5. The said Act, thirty-sixth Victoria, chapter thirty-seven, is hereby repealed.

An Act respecting Roads and Road Allowances in Manitoba.  
S.C. 1876, c. 20.

## CHAP. 20.

An Act respecting Roads and Road Allowances in  
Manitoba.

[Assented to 12th April, 1876.]

**W**HEREAS in the surveys of townships under the Preamble.  
"Dominion Lands Act," it is provided that Road Allowances, one chain and fifty links in width, shall be laid out between all sections; and whereas it is expedient to place the road allowances, now existing in Manitoba, and those which may hereafter be laid out in the said Province, under the control of the Provincial Legislature: And whereas there existed in the said Province upon, and antecedent to the transfer of the North West Territories to Canada, on the fifteenth day of July, 1870, and before any township surveys were effected, certain thoroughfares or public travelled roads or trails leading from Fort Garry or Winnipeg to the North West Territories, and to the United States, and also others connecting certain settlements within the Province; and whereas application has been made by the Provincial Government to have the said thoroughfares and public travelled roads or trails transferred to the Province, and to have allowances laid out for roads at convenient distances to connect the township road allowances with the public travelled roads through the settlements on the Red and Assiniboine rivers, commonly known as the "Great Highways of the Settlement Belt"; and it is expedient to grant the said application to the extent and on the terms respectively hereinafter set forth: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:---

1. The road allowances in townships surveyed and subdivided, and all road allowances set out on block lines surveyed, in the Province of Manitoba, before the passing of this Act, shall be the property of the said Province. Certain road allowances to be the property of the Province.

2. On the survey and subdivision of any township within the Province, after the passing of this Act, and the approval of such survey and subdivision of any township, the fact shall be notified to the Lieutenant-Governor by the Minister of the Interior, and by virtue of such notification all section road allowances in such township, shall become the property of the said Province. And all others after survey and subdivision are approved.

3. On the Government of Canada receiving notice from the Provincial Government of the particular thoroughfares or public travelled roads or trails in the Province which And public travelled roads and trails, on filing of plan

S.C. 1876, c. 20, cont'd.

and description, and Order in Council: subject to certain acquired rights

existed as such on the fifteenth day of July, one thousand eight hundred and seventy, and which the said Provincial Government desires to have transferred to the Province, the Governor in Council may pass an Order directing the same to be forthwith surveyed by a Dominion land surveyor and thereafter may transfer each such thoroughfare, public travelled road or trail according to the plan and description thereof to the Province, subject, nevertheless, to any rights acquired under patents for any lands crossed thereby, issued previously to the receipt of such notice: Provided, that excepting those public thoroughfares in the Province designated by the Provincial Act thirty-four Victoria, chapter thirteen, section one, as "Great Highways" the width of which shall be two chains, no such thoroughfare, public travelled road or trail as abovementioned transferred to the Province, shall be held to have a greater width than one and a half chains or ninety-nine feet.

Proviso as to width of such roads.

Roads to be laid out in the "outer two miles."

4. The Minister of the Interior is hereby authorized and required to cause roads to be laid out, in the survey of the "Outer Two Miles" known as the "Hay Privilege" proposed to be granted to the owners of the front lots in the old parishes, as follows:—

In rear of and between certain farms.

1. A road one chain and fifty links wide in rear of the farms fronting on the Red and Assiniboine Rivers and between the said farms and the corresponding lots in the "Outer Two Miles" or "Hay Privilege" before-mentioned:

Between "outer two miles" and sections, &c., bounding thereon.

2. A road one chain and fifty links wide in rear of the lots contained in the "Outer Two Miles" or "Hay Privilege," beforementioned, and between them and the sections, or legal subdivisions thereof, bounding the same, except in cases where the said rear boundary of the said lots may prove to be a regular section line in the township survey;

Between lots in "outer two miles."

3. Roads, each one chain in width, at convenient distances, say every two miles or thereabouts, between lots in the said "Outer Two Miles," and running from the front to the rear thereof:

Where to be laid out.

4. The roads provided for in the next preceding subsection shall be laid out between such lots as the Minister of the Interior shall indicate with that view, and shall be taken half off each of such lots or the whole width off one of such lots in the discretion of the said Minister; and the persons to whom it is proposed to grant such lots may be compensated by the said Minister for the quantity of land respectively contributed by them to any such road, by the issue of land scrip to them at the rate of one dollar and fifty cents for each acre of land so contributed.

Compensation for land taken.



S.C. 1876, c. 20, cont'd.

5. On the final completion of the survey and marking off of the lots and roads as above provided in the said "Outer Two Miles," and of the maps thereof, and the approval of the same, the Governor in Council may, on the report of the Minister of the Interior, transfer the said several roads provided for by the next preceding section, to the Province.

Transfer of  
such roads to  
the Province.

6. The unpatented land forming part of any road transferred under this Act to the said Province shall be the property thereof,—the legal title thereto remaining in the Crown for the public use of the Province; but no such road shall be closed up, or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor General in Council.

Land how  
vested, and  
on what  
conditions.

An Act respecting Roads and Road Allowances in the Province of Manitoba.  
R.S.C. 1886, c. 49.

## CHAPTER 49.

An Act respecting Roads and Road Allowances in the Province of Manitoba. A. D. 1886.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The road allowances in townships surveyed and subdivided, and all road allowances set out on block lines, surveyed in the Province of Manitoba before the passing of this Act, shall be the property of the said Province. 39 V., c. 20, s. 1. Certain road allowances to be the property of the Province.

2. On the survey and sub-division of any township within the Province, and the approval of such survey and sub-division of any township, the fact shall be notified to the Lieutenant Governor by the Minister of the Interior, and by virtue of such notification all section road allowances in such township shall become the property of the Province. 39 V., c. 20, s. 2. Other road allowances after survey.

3. On the Government of Canada receiving notice from the Government of the Province of the particular thoroughfares or public travelled roads or trails in the Province which existed as such on the fifteenth day of July, one thousand eight hundred and seventy, and which the Government of the Province desires to have transferred to the Province, the Governor in Council may pass an order directing the same to be forthwith surveyed by a Dominion land surveyor, and thereafter may transfer each such thoroughfare, public travelled road or trail, according to the plan and description thereof, to the Province, subject to any rights acquired under patents for any lands crossed thereby, issued previously to the receipt of such notice: Provided, that excepting those public thoroughfares in the Province which are designated as "Great Highways" by the first section of the Act of the Legislature of the Province of Manitoba, passed in the thirty-fourth year of Her Majesty's reign and chaptered thirteen,—the width of which shall be two chains,—no such thoroughfare, public travelled road or trail as above mentioned, transferred to the Province, shall be held to have a greater width than one and one-half chains or ninety-nine feet. 39 V., c. 20, s. 3. Certain roads and tracts may be transferred to the Province. Proviso: as to width.

R.S.C. 1886, c. 49, cont'd.

Roads in the  
"outer two  
miles."

4. The Minister of the Interior shall cause roads to be laid out in the survey of the "Outer Two Miles" known as the "Hay Privilege" proposed to be granted to the owners of the front lots in the old parishes, as follows:—

In rear of  
and between  
certain  
farms.

(a.) A road one chain and fifty links wide in rear of the farms fronting on the Red and Assiniboine Rivers and between the said farms and the corresponding lots in the "Outer Two Miles" or "Hay Privilege" before mentioned;

Between  
"outer two  
miles" and  
sections  
bounding  
thereon.

(b.) A road one chain and fifty links wide in rear of the lots contained in the "Outer Two Miles" or "Hay Privilege" before mentioned, and between them and the sections, or legal sub-divisions thereof, bounding the same, except in cases where the said rear boundary of the said lots proves to be a regular section line in the township survey;

Between lots  
in "outer two  
miles."

(c.) Roads, each one chain in width, at convenient distances, say every two miles or thereabouts, between lots in the said "Outer Two Miles," and running from the front to the rear thereof:

Where to be  
laid out.

2. The roads provided for in the last paragraph of the next preceding sub-section shall be laid out between such lots as the Minister of the Interior indicates with that view, and shall be taken half off each of such lots or the whole width off one of such lots, in the discretion of the Minister; and the persons to whom it is proposed to grant such lots may be compensated by the Minister for the quantity of land respectively contributed by them to any such road, by the issue of land scrip to them at the rate of one dollar and fifty cents for each acre of land so contributed. 39 V., c. 20, s. 4.

Compensa-  
tion for land  
taken.

Transfer of  
such roads to  
the Pro-  
vince.

5. On the final completion of the survey and marking off of the lots and roads, as above provided, in the said "Outer Two Miles," and of the maps thereof, and the approval of the same, the Governor in Council may, on the report of the Minister of the Interior, transfer the said several roads provided for by the next preceding section to the Province. 39 V., c. 20, s. 5.

Land, how  
vested, and  
on what con-  
ditions.

6. The unpatented land forming part of any road transferred under this Act to the Province shall be the property thereof,—the legal title thereto remaining in the Crown for the public uses of the Province; but no such road shall be closed up, or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor in Council. 39 V., c. 20, s. 6.



An Act to amend the Act respecting Roads and Road Allowances in Manitoba. S.C. 1895, c. 30.

## CHAP. 30.

### An Act to amend the Act respecting Roads and Road Allowances in the Province of Manitoba.

[Assented to 22nd July, 1895.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. Section one of chapter forty-nine of the Revised Statutes, R.S.C., c. 49, intituled *An Act respecting Roads and Road Allowances in the province of Manitoba*, is hereby repealed and the following substituted therefor:—

"1. All road allowances in townships surveyed and subdivided, and all road allowances set out on block lines surveyed, in the province of Manitoba, shall be vested in the Crown in the right of the said province; and it is hereby declared that all road allowances in townships heretofore surveyed and subdivided, and all road allowances set out on block lines heretofore surveyed in the said province, were the property of the Crown in the right of the said province upon the confirmation of the survey."

Certain road allowances, the property of the province.

2. Section five of the said Act is hereby repealed and the following substituted therefor:—

"5. The Governor in Council may, on the report of the Minister of the Interior, transfer to the Crown in the right of the province of Manitoba—

Section 5 repealed.

Transfer of certain lands to the province.

(a.) The several roads provided for by the next preceding section;

(b.) All road allowances around, adjoining, or leading to park lots or portions of sections within the outer two miles of any parish in the said province, as such road allowances are shown on the plan of the Dominion Government survey of such outer two miles;

"(c.) All road allowances between lots in the inner two miles of any parish in the said province, as such road allowances are shown on the plan of the Dominion Government survey of such inner two miles."

3. Section six of the said Act is hereby repealed and the following substituted therefor:—

"6. The unpatented land forming part of any road transferred to the Crown in the right of the province by or under this Act or declared by this Act to be the property of the Crown in the right of the province shall be vested in the Crown as aforesaid; but no such road shall be closed up or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor in Council: Provided always, that in the case of any such road situate within the limits of an organized municipality within the province the consent of the Lieutenant Governor in Council shall alone be necessary."

Section 6 repealed.

Land, how vested, and on what conditions.

Proviso.

S.C. 1895, c. 30, cont'd.

Certain lands  
in Winnipeg  
transferred to  
the province.

Declaratory as  
to boundaries  
of such lands.

Certain lands  
in Winnipeg  
may be trans-  
ferred to the  
province.

Declaratory  
as to bound-  
aries.

Closing of  
roads on lands  
transferred.

4. All roads, trails, road allowances, highways, or great highways of any of the classes referred to in the said Act, as hereby amended, which are shown on any sectional plan of the city of Winnipeg which has been prepared and confirmed by the Lieutenant-Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba, are hereby transferred to and vested in the Crown in the right of the province of Manitoba; and the boundaries and lines of all such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof.

5. The Governor in Council may, on the report of the Minister of the Interior, transfer to the Crown in the right of the province of Manitoba all such roads, trails, road allowances, highways and great highways as are referred to in the next preceding section, and which are shown on any sectional plan of the city of Winnipeg hereafter prepared and confirmed by the Lieutenant-Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba; and the Governor in Council may declare the boundaries and lines of any such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, to be the true boundaries and lines, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof.

6. Upon the transfer to the Crown in the right of the province of Manitoba taking place under either of the last two preceding sections, all roads, trails, road allowances, highways and great highways provided for by the said Act, as hereby amended, within the limits covered by any such sectional plan, except such roads, trails, road allowances, highways and great highways as are shown on such sectional plans, shall be and remain closed.

7. The Lieutenant-Governor of Manitoba in Council may at any time, with the consent of the Governor in Council, where it is deemed advisable to do so for the purposes of settlement and colonization, direct roads to be opened through any unpatented lands, whether occupied or not, and whether such lands have been homesteaded, pre-empted, set apart or reserved for the benefit or use of any person; and such roads may thereafter be transferred to the Crown in the right of the province of Manitoba in the same manner as other roads are transferred under section five of the said Act, as hereby amended.

Opening of  
colonization  
roads.

Such roads  
may be trans-  
ferred to pro-  
vince.

8. Until the survey and transfer to the Crown in the right of the province of Manitoba of any road, road allowance, trail, highway or great highway, the Attorney General of Manitoba may take such proceedings as are necessary to keep open any road, trail, road allowance, highway or great highway heretofore used or opened.

Maintenance  
of roads here-  
before opened.

S.C. 1895, c. 30, cont'd.

9. Upon the transfer to the Crown in the right of the province of any road, trail, road allowance, highway or great highway, under the said Act, as hereby amended, the boundaries and lines thereof as shown on the plan of the Dominion Government survey thereof shall thereafter be the true boundaries and lines until varied under the provisions of the said Act: Provided, this section shall not apply to any of the several classes of roads or highways referred to in sections four or five of this Act. Boundaries of roads transferred. Proviso.

10. Nothing in this Act shall affect any right claimed or set up in any action or proceeding now pending in a court of competent jurisdiction, or any right heretofore adjudicated upon in an action or proceeding in any such court, or shall affect sectional plan number seven of the city of Winnipeg, or any road, trail, road allowance, highway or great highway shown on that plan, or any original road, trail, road allowance, highway or great highway within the area shown thereon. Saving.



An Act further to Amend the Act respecting roads and road allowances in the Province of Manitoba. S.C. 1899, c. 19.

## CHAP. 19.

An Act further to amend the Act respecting roads and road allowances in the province of Manitoba.

[Assented to 11th August, 1899.]

**I**N amendment of the *Act respecting roads and road allowances* R.S.C., c. 49. *in the province of Manitoba*, chapter 49 of the Revised Statutes: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. The sectional plan numbered 7a, filed in the Land Titles <sup>Plan</sup> Office for the city of Winnipeg, on the twenty-seventh day of <sup>approved.</sup> June, one thousand eight hundred and ninety-nine, as number 559, is hereby approved, and the boundaries and lines of all roads, trails, road allowances, highways and great highways, <sup>Declaratory as to boundaries.</sup> as such boundaries and lines are shown on the said plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof.

2. Those portions of the land shown as streets on the said sectional plan numbered 7a, are hereby transferred to the <sup>Land transferred to the province of Manitoba.</sup> Crown in the right of the province of Manitoba.

ROADS AND ROAD ALLOWANCES.

Certain road allowances the property of the province.

7. All road allowances in townships surveyed and subdivided, and all road allowances set out on block lines surveyed, in the Province shall be vested in the Crown in the right of the Province; and it is hereby declared that all road allowances in townships heretofore surveyed and subdivided, and all road allowances set out on block lines heretofore surveyed in the Province, shall be deemed to have become the property of the Crown in the right of the Province upon the confirmation of the survey. 58-59 V., c. 30, s. 1.

Section road allowances in townships belong to the Province.

8. On the survey and subdivision of any township within the Province, and the approval of such survey and subdivision of any township, the fact shall be notified to the Lieutenant Governor by the Minister, and by virtue of such notification all section road allowances in such township shall become the property of the Province. R.S., c. 49, s. 2.

Roads existing on 15th July, 1870, may be transferred to the Province.

9. On the Government of Canada receiving notice from the Government of the Province of the particular thoroughfares or public travelled roads or trails in the Province which existed as such on the fifteenth day of July, one thousand eight hundred and seventy, and which the Government of the Province desires to have transferred to the Province, the Governor in Council may pass an order directing the same to be forthwith surveyed by a Dominion land surveyor, and thereafter may transfer each such thoroughfare, public travelled road or trail, according to the plan and description thereof, to the Province, subject to any rights acquired under patents for any lands crossed thereby, issued previously to the receipt of such notice: Provided that except those public thoroughfares in the Province which are designated as great highways by the first section of the Act of the legislature of Manitoba, passed in the thirty-fourth year of Her late Majesty's reign, chapter thirteen, (the width of which shall be two chains), no such thoroughfare, public travelled road or trail as hereinbefore mentioned, transferred to the Province, shall be held to have a greater width than one and one-half chains, or ninety-nine feet. R.S., c. 49, s. 3.

10. The Minister shall cause roads to be laid out, in the survey of the outer two miles, known as the hay privilege, granted or proposed to be granted to the owners of the front lots in the old parishes, as follows:—

Roads in the outer two miles.

- (a) a road one chain and fifty links wide in rear of the farms fronting on the Red and Assiniboine rivers, and between the said farms and the corresponding lots in the outer two miles or hay privilege before mentioned;
- (b) a road one chain and fifty links wide in rear of the lots contained in the outer two miles or hay privilege before mentioned, and between them and the sections, or legal subdivisions thereof, bounding the same, except in cases where the said rear boundary of the said lots proves to be a regular section line in the township survey;
- (c) roads, each one chain in width, at convenient distances, say every two miles or thereabouts, between lots in the said outer two miles, and running from the front to the rear thereof.

In rear and between certain farms.

Between the outer two miles and sections bounding thereon.

Between lots in outer two miles.

R.S.C. 1906, c. 99, cont'd.

2. The roads provided for in the last foregoing paragraph shall be laid out between such lots as the Minister indicates with that view; and shall be taken half off each of such lots, or the whole width off one of such lots, in the discretion of the Minister. Where to be laid out.

3. The persons to whom such lots have been granted, or to whom it is proposed to grant such lots, may be compensated by the Minister for the quantity of land respectively contributed by them to any such road, by the issue of land scrip to them at the rate of one dollar and fifty cents for each acre of land so contributed. R.S., c. 49, s. 4. Compensation for lands.

11. The Governor in Council, may, on the report of the Minister, transfer to the Crown in the right of the Province,— Transfer by Governor in Council.

- (a) the several roads provided for by the last preceding section;
- (b) all road allowances around, adjoining, or leading to park lots or portions of sections within the outer two miles of any parish in the Province, as such road allowances are shown on the plan of the Dominion Government survey of such outer two miles;
- (c) all road allowances between lots in the inner two miles of any parish in the Province, as such road allowances are shown on the plan of the Dominion Government survey of such inner two miles. 58-59 V., c. 30, s. 2.

12. The unpatented land forming part of any road transferred to the Crown in the right of the Province by or under this Part, or declared by this Part to be the property of the Crown in the right of the Province shall be vested in the Crown as aforesaid. Land vested in Province.

Road not to be closed or altered without consent of Governor in Council.

2. No such road shall be closed up or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor in Council: Provided that in the case of any such road situate within the limits of an organized municipality within the Province the consent of the Lieutenant Governor in Council shall alone be necessary. 58-59 V. c. 30, s. 3.

Opening of colonization roads.

13. The Lieutenant Governor of Manitoba in Council may at any time, with the consent of the Governor in Council, where it is deemed advisable to do so for the purposes of settlement and colonization, direct roads to be opened through any unpatented lands, whether occupied or not, and whether such lands have been homesteaded, pre-empted, set apart or reserved for the benefit or use of any person; and the Governor in Council may thereafter, on the report of the Minister, transfer such roads to the Crown in the right of the Province. 58-59 V., c. 30, s. 7.

Keeping open roads heretofore opened.

14. Until the survey and transfer to the Crown in the right of the Province of any road, road allowance, trail, highway or great highway, the Attorney General of Manitoba may take such proceedings as are necessary to keep open any road, trail, road allowance, highway or great highway heretofore used or opened. 58-59 V., c. 30, s. 8.



R.S.C. 1906, c. 99, cont'd.

Boundaries  
of roads  
transferred.

15. Except as hereinafter provided, upon the transfer to the Crown in the right of the Province of any road, trail, road allowance, highway or great highway, under this Part, the boundaries and lines thereof, as shown on the plan of the Dominion Government survey thereof, shall thereafter be the true boundaries and lines, until varied under the provisions of this Part. 58-59 V., c. 30, s. 9.

Certain  
roads in  
Winnipeg  
transferred  
to the  
Province.

16. All roads, trails, road allowances, highways or great highways of any of the classes referred to in this Part, which are shown on any sectional plan of the city of Winnipeg which has been prepared and confirmed by the Lieutenant Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba, are hereby transferred to and vested in the Crown in the right of the Province.

Boundaries  
of such  
roads.

2. The boundaries and lines of all such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof. 58-59 V., c. 30, s. 4.

17. The Governor in Council may, on the report of the Minister transfer to the Crown in the right of the Province all such roads, trails, road allowances, highways and great highways as are referred to in the last preceding section, and which are shown on any sectional plan of the city of Winnipeg hereafter prepared and confirmed by the Lieutenant Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba.

Certain  
other roads  
in Winnipeg  
may be  
transferred  
to the  
Province.

2. The Governor in Council may declare the boundaries and lines of any such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, to be the true boundaries and lines, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof. 58-59 V., c. 30, s. 5.

Declaration  
as to bound-  
aries.

18. Upon the transfer to the Crown in the right of the Province taking place under either of the last two preceding sections, all roads, trails, road allowances, highways and great highways provided for by this Part, within the limits covered by any sectional plan, except such roads, trails, road allowances, highways and great highways as are shown on such sectional plans, shall be and remain closed. 58-59 V., c. 30, s. 6.

Certain  
roads to be  
closed.

19. The sectional plan numbered 7a, filed in the Land Titles Office of the district of Winnipeg, on the twenty-seventh day of June, one thousand eight hundred and ninety-nine, as number five hundred and fifty-nine, is approved, and the boundaries and lines of all roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on the said plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof. 62-63 V., c. 19, s. 1.

Plan marked  
7a in the  
Land Titles  
Office ap-  
proved.

Boundaries  
confirmed.

R.S.C. 1906, c. 99, cont'd.

**20.** Nothing in this Part shall affect,—

Saving.

- (a) any right claimed or set up in any action or proceeding pending in any court of competent jurisdiction on the twenty-second day of July, one thousand eight hundred and ninety-five, or any right theretofore adjudicated upon in an action or proceeding in any such court; or,
- (b) sectional plan number seven of the City of Winnipeg, or any road, trail, road allowance, highway, or great highway shown on that plan, or any original trail, road allowance, highway or great highway within the area shown thereon. 58-59 V., c. 30, s. 10.

Manitoba Supplementary Provisions Act. R.S.C. 1927, c. 124.

Certain road allowances the property of the Province.

5. All road allowances in townships surveyed and subdivided, and all road allowances set out on base and meridian lines surveyed, in the Province shall be vested in the Crown in the right of the Province; and it is hereby declared that all road allowances in townships heretofore surveyed and subdivided, and all road allowances set out on base and meridian lines heretofore surveyed in the Province, shall be deemed to have become the property of the Crown in the right of the Province upon the confirmation of the survey. R.S., c. 99, s. 7.

Section road allowances in townships belong to the Province.

6. On the survey and subdivision of any township within the Province, and the approval of such survey and subdivision of any township, the fact shall be notified to the Lieutenant-Governor by the Minister, and by virtue of such notification all section road allowances in such township shall become the property of the Province. R.S., c. 99, s. 8.

Roads existing on 15th July, 1870, may be transferred to the Province.

7. On the Government of Canada receiving notice from the Government of the Province of the particular thoroughfares or public travelled roads or trails in the Province which existed as such on the fifteenth day of July, one thousand eight hundred and seventy, and which the Government of the Province desires to have transferred to the Province, the Governor in Council may pass an order directing the same to be forthwith surveyed by a Dominion land surveyor, and thereafter may transfer each such thoroughfare, public travelled road or trail, according to the plan and description thereof, to the Province, subject to any rights acquired under patents for any lands crossed thereby, issued previously to the receipt of such notice: Provided that except those public thoroughfares in the Province which are designated as great highways by the first section of the Act of the legislature of Manitoba, passed in the year one thousand eight hundred and seventy-one, chapter thirteen, the width of which shall be two chains, no such thoroughfare, public travelled road or trail as hereinbefore mentioned, transferred to the Province, shall be held to have a greater width than one and one-half chains, or ninety-nine feet. R.S., c. 99, s. 9.

Roads in the outer two miles.

8. The Minister shall cause roads to be laid out, in the survey of the outer two miles, known as the hay privilege, granted or proposed to be granted to the owners of the front lots in the old parishes, as follows:—

- (a) A road one chain and fifty links wide in rear of the farms fronting on the Red and Assiniboine rivers, and between the said farms and the corresponding lots in the outer two miles or hay privilege before mentioned; In rear and between certain farms.
- (b) A road one chain and fifty links wide in rear of the lots contained in the outer two miles or hay privilege before mentioned, and between them and the sections, or legal subdivisions thereof, bounding the same, except in cases where the said rear boundary of the said lots proves to be a regular section line in the township survey; Between the outer two miles and sections bounding thereon.



R.S.C. 1927, c. 124, cont'd.

(c) Roads, each one chain in width, at convenient distances, say every two miles or thereabouts, between lots in the said outer two miles, and running from the front to the rear thereof. Between lots in outer two miles.

2. The roads provided for in the last foregoing paragraph shall be laid out between such lots as the Minister indicates with that view, and shall be taken half off each of such lots, or the whole width off one of such lots, in the discretion of the Minister. Where to be laid out.

3. The persons to whom such lots have been granted, or to whom it is proposed to grant such lots, may be compensated by the Minister for the quantity of land respectively contributed by them to any such road, by the issue of land scrip to them at the rate of one dollar and fifty cents for each acre of land so contributed. R.S., c. 99, s. 10. Compensation for lands.

9. The Governor in Council may, on the report of the Minister, transfer to the Crown in the right of the Province Transfer by Governor in Council.

(a) the several roads provided for by the last preceding section;

(b) all road allowances around, adjoining, or leading to park lots or portions of sections within the outer two miles of any parish in the Province, as such road allowances are shown on the plan of the Dominion Government survey of such outer two miles;

(c) all road allowances between lots in the inner two miles of any parish in the Province, as such road allowances are shown on the plan of the Dominion Government survey of such inner two miles. R.S., c. 99, s. 11.

10. The unpatented land forming part of any road transferred to the Crown in the right of the Province by or under this Part, or declared by this Part to be the property of the Crown in the right of the Province shall be vested in the Crown as aforesaid. Land vested in Province.

Road not to be closed or altered without consent of Governor in Council.

2. No such road shall be closed up or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor in Council: Provided that in the case of any such road situate within the limits of an organized municipality within the Province the consent of the Lieutenant-Governor in Council shall alone be necessary. R.S., c. 99, s. 12.

Opening of colonization roads.

11. The Lieutenant-Governor of Manitoba in Council may at any time, with the consent of the Governor in Council, where it is deemed advisable to do so for the purposes of settlement and colonization, direct roads to be opened through any unpatented lands, whether occupied or not, and whether such lands have been homesteaded, pre-empted, set apart or reserved for the benefit or use of any person; and the Governor in Council may thereafter, on the report of the Minister, transfer such roads to the Crown in the right of the Province. R.S., c. 99, s. 13.

R.S.C. 1927, c. 124, cont'd.

Keeping  
open roads  
heretofore  
opened.

**12.** Until the survey and transfer to the Crown in the right of the Province of any road, road allowance, trail, highway or great highway, the Attorney General of Manitoba may take such proceedings as are necessary to keep open any road, trail, road allowance, highway or great highway heretofore used or opened. R.S., c. 99, s. 14.

Boundaries  
of roads  
transferred.

**13.** Except as hereinafter provided, upon the transfer to the Crown in the right of the Province of any road, trail, road allowance, highway or great highway, under this Part, the boundaries and lines thereof, as shown on the plan of the Dominion Government survey thereof, shall thereafter be the true boundaries and lines, until varied under the provisions of this Part. R.S., c. 99, s. 15.

Certain  
roads in  
Winnipeg  
transferred  
to the  
Province.

**14.** All roads, trails, road allowances, highways or great highways of any of the classes referred to in this Part, which are shown on any sectional plan of the city of Winnipeg which has been prepared and confirmed by the Lieutenant-Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba 1891, are hereby transferred to and vested in the Crown in the right of the Province.

Boundaries  
of such  
roads.

2. The boundaries and lines of all such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof. R.S., c. 99, s. 16.

**15.** The Governor in Council may, on the report of the Minister transfer to the Crown in the right of the Province all such roads, trails, road allowances, highways and great highways as are referred to in the last preceding section, and which are shown on any sectional plan of the city of Winnipeg prepared and confirmed by the Lieutenant-Governor of Manitoba in Council under chapter one hundred and forty-two of the Revised Statutes of Manitoba 1891.

Certain  
other roads  
in Winnipeg  
may be  
transferred  
to the  
Province.

2. The Governor in Council may declare the boundaries and lines of any such roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on any such sectional plan, to be the true boundaries and lines, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof. R.S., c. 99, s. 17.

Declaration  
as to  
boundaries.

**16.** Upon the transfer to the Crown in the right of the Province taking place under either of the last two preceding sections, all roads, trails, road allowances, highways and great highways provided for by this Part, within the limits covered by any such sectional plan, except such roads, trails, road allowances, highways and great highways as are shown on such sectional plans, shall be and remain closed. R.S., c. 99, s. 18.

Certain  
roads to be  
closed.

R.S.C. 1927, c. 124, cont'd.

17. The sectional plan numbered 7a, filed in the Land Titles Office of the district of Winnipeg, on the twenty-seventh day of June, one thousand eight hundred and ninety-nine, as number five hundred and fifty-nine, is approved, and the boundaries and lines of all roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on the said plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof. R.S., c. 99, s. 19.

Plan marked  
7a in the  
Land Titles  
Office  
approved.

Boundaries  
confirmed.



The Larceny Act. R.S.C. 1886, c. 164.

98. Every one who steals, or without the sanction of the Lieutenant Governor of the Province, cuts, breaks, destroys, damages or removes any image, bones, article or thing deposited in or near any Indian grave, or induces or incites any other person so to do, or purchases any such article or thing after the same has been so stolen, or cut or broken, destroyed or damaged, knowing the same to have been so acquired or dealt with, shall, on summary conviction, be liable, for a first offence, to a penalty not exceeding one hundred dollars, or to three months' imprisonment, and for a subsequent offence, to the same penalty and to six months' imprisonment with hard labor:

2. In any proceeding under this section it shall be sufficient to state that such grave, image, bones, article or thing is the property of the Crown. R. S. B. C., c. 69, ss. 2, 3 and 4.

Injuring or removing anything from an Indian grave or purchasing such thing.

Property may be stated to be in the Crown.

**98.** Every one is guilty of an indictable offence and liable to two years' imprisonment who induces, incites or stirs up any three or more Indians, non-treaty Indians, or half-breeds, apparently acting in concert—

Inciting  
Indians to  
riotous acts.

(a.) to make any request or demand of any agent or servant of the Government in a riotous, routous, disorderly or threatening manner, or in a manner calculated to cause a breach of the peace ; or

(b.) to do any act calculated to cause a breach of the peace.  
R.S.C., c. 43, s. 111.

**190.** Every one is guilty of an indictable offence and liable to a penalty not exceeding one hundred dollars and not less than ten dollars, or six months' imprisonment—

Prostitution  
of Indian  
woman.

(a.) who, being the keeper of any house, tent or wigwam, allows or suffers any unenfranchised Indian woman to be or remain in such house, tent or wigwam, knowing or having probable cause for believing that such Indian woman is in or remains in such house, tent or wigwam with the intention of prostituting herself therein ; or

(b.) who, being an Indian woman, prostitutes herself therein ; or

(c.) who, being an unenfranchised Indian woman, keeps, frequents or is found in a disorderly house, tent or wigwam used for any such purpose.

2. Every person who appears, acts or behaves as master or mistress, or as the person who has the care or management, of any house, tent or wigwam in which any such Indian woman is or remains for the purpose of prostituting herself therein, is deemed to be the keeper thereof, notwithstanding he or she is not in fact the real keeper thereof.  
R.S.C., c. 43, s. 106 ; 50-51 V., c. 33, s. 11.

**352.** Every one who steals, or unlawfully injures or removes, any image, bones, article or thing deposited in or near any Indian grave is guilty of an offence and liable, on summary conviction, for a first offence to a penalty not exceeding one hundred dollars or to three months' imprisonment, and for a subsequent offence to the same penalty and to six months' imprisonment with hard labour. R.S.C., c. 164, s. 98

Stealing  
things deposi-  
ted in Indian  
graves.

*Inciting Indians.*

Penalty. **109.** Every one is guilty of an indictable offence and liable to two years' imprisonment who induces, incites or stirs up any three or more Indians, non-treaty Indians, or half-breeds, apparently acting in concert,—

Riotous request. (a) to make any request or demand of any agent or servant of the Government in a riotous, routous, disorderly or threatening manner, or in a manner calculated to cause a breach of the peace; or,

Breach of the peace. (b) to do any act calculated to cause a breach of the peace. 55-56 V., c. 29, s. 98.

Indictable offence. **110.** Every one who incites any Indian to commit any indictable offence is guilty of an indictable offence and liable to imprisonment for any term not exceeding five years. R.S., c. 43, s. 112.

**220.** Every one is guilty of an indictable offence and liable to a penalty not exceeding one hundred dollars and not less than ten dollars, or six months' imprisonment,—

(a) who, being the keeper of any house, tent or wigwam, allows or suffers any unenfranchised Indian woman to be or remain in such house, tent or wigwam, knowing or having probable cause for believing that such Indian woman is in or remains in such house, tent or wigwam with the intention of prostituting herself therein; or,

Keeping habitation for prostitution of Indian women.

(b) who, being an Indian woman, prostitutes herself therein; or,

Prostitution therein.

(c) who, being an unenfranchised Indian woman, keeps, frequents or is found in a disorderly house, tent or wigwam used for any such purpose.

Frequencing the same.

2. Every person who appears, acts or behaves as master or mistress, or as the person who has the care or management, of any house, tent or wigwam in which any such Indian woman is or remains for the purpose of prostituting herself therein, is deemed to be the keeper thereof, notwithstanding he or she is not in fact the real keeper thereof. 55-56 V., c. 29, s. 190.

Who deemed keeper.

Things deposited in Indian graves.

**385.** Every one who steals, or unlawfully injures or removes, any image, bones, article or thing deposited in or near any Indian grave, is guilty of an offence and liable, on summary conviction, for a first offence, to a penalty not exceeding one hundred dollars or to three months' imprisonment, and for a subsequent offence to the same penalty and to six months' imprisonment with hard labour. 55-56 V., c. 29, s. 352.



*Inciting Indians.*

**109.** Every one is guilty of an indictable offence and Penalty. liable of two years' imprisonment who induces, incites or stirs up any three or more Indians, non-treaty Indians, or half-breeds, apparently acting in concert,

(a) to make any request or demand of any agent or Riotous request. servant of the Government in a riotous, routous, disorderly or threatening manner, or in a manner calculated to cause a breach of the peace; or

(b) to do any act calculated to cause a breach of the Breach of peace. peace. R.S., c. 146, s. 109.

**110.** Every one who incites any Indian to commit any Indictable offence. indictable offence is guilty of an indictable offence and liable to imprisonment for any term not exceeding five years. R.S., c. 146, s. 110.

Penalty. **220.** Every one is guilty of an indictable offence and liable to a penalty not exceeding one hundred dollars and not less than ten dollars, or six months' imprisonment,

(a) who, being the keeper of any house, tent or wigwam, allows or suffers any unenfranchised Indian woman to be or remain in such house, tent or wigwam, knowing or having probable cause for believing that such Indian woman is in or remains in such house, tent or wigwam with the intention of prostituting herself therein; or Keeping habitation for prostitution of Indian women.

(b) who, being an Indian woman, prostitutes herself Prostitution therein. therein; or

(c) who, being an unenfranchised Indian woman, keeps, Frequenting the same. frequents or is found in a disorderly house, tent or wigwam used for any such purpose.

2. Every person who appears, acts or behaves as master or mistress, or as the person who has the care or management, of any house, tent or wigwam in which any such Indian woman is or remains for the purpose of prostituting herself therein, is deemed to be the keeper thereof, notwithstanding he or she is not in fact the real keeper thereof. Who deemed keeper. R.S., c. 146, s. 220.

**385.** Every one who steals, or unlawfully injures or removes, any image, bones, article or thing deposited in or Things deposited in Indian graves. near any Indian grave, is guilty of an offence and liable, on summary conviction, for a first offence, to a penalty not exceeding one hundred dollars or to three months' imprisonment, and for a subsequent offence to the same penalty and to six months' imprisonment with hard labour. R.S., c. 146, s. 385.

An Act to prolong, for a certain time, the term allowed for the redemption of rents reserved on certain Indian lands in the Township of Dundee.

S.C. 1871, c. 27.

## CAP. XXVII.

An Act to prolong, for a certain time, the term allowed for the redemption of rents reserved on certain Indian lands in the Township of Dundee.

[Assented to 14th April, 1871.]

WHEREAS, it is expedient to prolong, for a limited time, the term allowed by the second section of the Act of the Legislature of the late Province of Canada, passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, intituled, "An Act to change the tenure of the Indian lands in the Township of Dundee, in the County of Huntingdon," for the redemption of the rents therein mentioned; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The term of five years from the passing of the Act cited in the Preamble to this Act, limited by the second section of the said Act for the redemption of the reserved rents therein mentioned, shall be, and is hereby extended to the end of two years from the passing of this Act, up to which period such redemption may be made on the same terms and with the same effect, as if made within the five years limited by the said section.

2. If any lessee or assignee of a lessee of lands in the said Township of Dundee, for a term exceeding thirty years, desires to acquire by Patent a title to such land in fee simple, the Superintendent General of Indian Affairs may make a sale of such lands to such lessee or assignee, for such price as he may deem sufficient, but excepting from the valuation thereof, the increased value arising from the improvements made thereon; and upon payment of the purchase money a Patent in fee simple shall issue.

An Act to expedite the issue of Letters Patent for Indian Lands.  
S.C. 1886, c. 7.

## CHAP. 7.

An Act to expedite the issue of Letters Patent for  
Indian Lands.

[Assented to 2nd June, 1886.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. A Deputy Governor may be appointed by the Governor General, who shall have the power, in the absence of, or under instructions of, the Governor General, to sign letters patent for Indian lands; and the signature of such Deputy Governor to such patents shall have the same force and virtue as if such patents were signed by the Governor General.

Deputy Governor may be appointed who may be authorized to sign letters patent for Indian lands.

2. Every patent for Indian lands shall be prepared in the Department of Indian Affairs, and shall be signed by the Superintendent General of Indian Affairs or his deputy, or by some other person thereunto specially authorized by order of the Governor General in Council, and when so signed, shall be registered by an officer specially appointed for that purpose by the Registrar General, and then transmitted to the Secretary of State of Canada, by whom, or by the Under Secretary of State, the same shall be countersigned, and the Great Seal of Canada thereto caused to be affixed: Provided, that every such patent for land shall be signed by the Governor or Deputy Governor, as hereinbefore provided.

Such patents to be prepared in the Department of Indian Affairs and signed by Superintendent, or deputy, &c. Registration, countersigning and affixing Great Seal. Proviso: for signature by Governor or Deputy.



An Act for the enfranchisement of Jamieson Webster Lewis, an Indian of the Moravian Band of the Thames, in the Province of Ontario. S.C. 1906, c. 25.

CHAP. 25.

An Act for the enfranchisement of Jamieson Webster Lewis, an Indian of the Moravian Band of the Thames, in the province of Ontario.

[Assented to 26th June, 1906.]

WHEREAS Jamieson Webster Lewis, an Indian of the Moravian Band of the Thames, in the province of Ontario, on or about the twenty-first day of July, in the year one thousand eight hundred and ninety-nine, duly made application to the Superintendent General of Indian Affairs to be enfranchised pursuant to the provisions of *The Indian Act*, being chapter 43 of the Revised Statutes; and whereas proceedings were thereupon taken in intended compliance with such provisions, but such proceedings were defective and irregular, and no location ticket was issued under such provisions to the said Jamieson Webster Lewis as a probationary Indian for the land occupied by him or any portion thereof; and whereas the conduct of the said Jamieson Webster Lewis since his said application has been satisfactory, and it is expedient to make provision for his enfranchisement notwithstanding such defects and irregularities: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. There may be granted to the said Jamieson Webster Lewis, in fee simple, in the form and manner provided by section 87 of *The Indian Act*, the land occupied by him on the reserve of the said Moravian Band of the Thames, or such portion thereof as appears to the Superintendent General of Indian Affairs to be fair and proper.

Land on reserve may be granted to J. W. Lewis.

2. The letters patent making such grant may be issued to and received by the grantee in his said name and surname of Jamieson Webster Lewis, and shall have the same effect as if all the proceedings prescribed by the said Act had been regularly taken, and such letters patent had been issued in due course thereunder.

Enfranchisement proceedings made regular.

Payment of share of capital of band.

3. The said Jamieson Webster Lewis may be paid his share of the capital at the credit of the said band, and his share of the principal of the annuities of the said band, at any time after the passing of this Act, upon the order of the Governor in Council made upon a report of the Superintendent General of Indian Affairs, and thereupon subsection 4 of section 88A of *The Indian Act*, as enacted by section 4 of chapter 35 of the statutes of 1895, shall apply to him.

R.S.C., c. 43, s. 88A, s.s. 4 to apply.

## CHAP. 24.

## An Act relating to the St. Peter's Indian Reserve.

[Assented to 18th May, 1916.]

WHEREAS an information on behalf of His Majesty was exhibited in the Exchequer Court of Canada on the seventeenth day of October, 1914, claiming among other things a declaration of the court that a release or surrender of the St. Peter's Indian Reserve, situate in the county of Selkirk in the province of Manitoba, made on the twenty-fourth day of September, 1907, was invalid and void, and that all patents heretofore issued for lands included in the said Reserve and certain alleged sales of land in the said Reserve might be declared void and of no effect; and whereas His Majesty has since consented to confirm and make good certain of the patents and, subject to the terms and conditions hereinafter set out, certain of the sales made: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The St. Peter's Reserve Act*. Short title.

2. The patents of lands included in the said St. Peter's Reserve issued by His Majesty and the sales of such lands made on behalf of His Majesty in the said Reserve are hereby confirmed and made good,— Patents confirmed.

(a) in cases where such lands were unsold and were held by the Indian patentees on the first day of June, 1915; Lands held by Indians.  
and

(b) in cases where the additional sum of one dollar for each acre of such lands included in such patent or sale, together with interest at the rate of five per centum per annum from the first day of June, 1915, until payment, has been or is paid to His Majesty; and Lands on which one dollar per acre has been paid.

Lands where  
lien is given  
for payment  
of one dollar  
per acre.

(c) in cases where the owner gives His Majesty a lien creating a first charge upon the lands, subject only to taxes, for the sum of one dollar for each acre of such lands included in such patent or sale, payable in five equal annual instalments with interest at the rate of five per centum per annum from the first day of June, 1915, the first of such instalments and interest to be due and payable on the first day of June, 1916, such lien to be effected by an endorsement of the lien or a caveat respecting same on the Certificate of Title issued to the owner by the District Registrar of the proper Land Titles Office: Provided that such lien may be paid in full at any time during the said five years with interest as aforesaid to the date of payment.

Discharge of  
lien.

The Certificate of the Deputy Superintendent General of Indian Affairs certifying that a lien has been paid and satisfied shall be a valid discharge of such lien.

Act retro-  
active.

3. This Act shall be deemed to have come into force on the first day of June, A.D., 1915.

## CHAP. 37.

An Act to provide for special control by the Superintendent General of Indian Affairs of certain islands in the St. Lawrence river being part of the St. Regis Indian reservation.

[Assented to 31st March, 1927.]

WHEREAS the St. Regis band of Indians situated at the village of St. Regis, in the township of Dundee, county of Huntingdon, in the province of Quebec, hold certain islands in the river St. Lawrence, between the town of Prescott and the village of Lancaster, as part of their Reserve; and whereas over a century ago the chiefs and headmen of the said band purported to grant leases of a number of the said islands, or portions of islands, in consideration of a nominal rental, for terms of ninety-nine years with covenants for renewals of the said leases for further periods of ninety-nine years; and whereas in the interest of the Indians of the said band, the Crown has taken action in the courts to have these alleged leases declared null and void and has already succeeded in recovering what are known as Lewis island, Snyder island and Thompson or Macmaster island; and whereas actions are still pending in respect of Thomas or Hamilton island, and what is known as the Easterbrook farm on Cornwall island; and whereas it is considered that the revenues to be derived from these islands maintained in their scenic beauty and leased for summer resorts or agricultural purposes, would be of much greater benefit to the band than they would derive from having these islands thrown open to the Indians generally resulting in the groves of timber being cut down and removed for firewood, as has happened with many other islands, rendering them non-productive as summer resorts: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. This Act may be cited as the *St. Regis Islands Act*. Short title.



S.C. 1927, c. 37, cont'd.

Superintendent to have power to deal with certain islands.

2. Notwithstanding the provisions of the *Indian Act* to the contrary, the Superintendent General of Indian Affairs shall have full power to deal with the said Thompson or Macmaster Island, Lewis Island, Snyder Island, also Thomas or Hamilton Island and the Easterbrook farm, in the event of the leases under which they are held being declared by the courts to be null and void, and also any other island or islands belonging to the St. Regis band which are not held under location ticket or under any recognized interest by individual members of the band, in any way that may be deemed to be in the best interests of the band, and may for such purpose grant leases, licenses or other concessions without the necessity of obtaining a surrender of the said islands from the band.

Consent of Superintendent required for occupation, etc.

3. No Indian or other person shall without the consent of the Superintendent General, expressed in writing, use or occupy any part of the said islands or cut, carry away or remove from the said islands any of the trees, saplings, shrubs, underwood or other material whatsoever.

Penalty.

4. Any one violating the provisions of the preceding section shall be liable on summary conviction to a term of imprisonment not exceeding six months nor less than one month, or to a fine not exceeding two hundred dollars with costs of prosecution and in default of immediate payment to a term of imprisonment not exceeding three months.

An Act respecting the Caughnawaga Indian Reserve and to amend the Indian Act.  
S.C. 1934, c. 29.

## CHAP. 29.

An Act respecting the Caughnawaga Indian Reserve and  
to amend the Indian Act.

[Assented to 28th June, 1934.]

WHEREAS by Order in Council of the fifth March, 1889 Preamble.  
(P.C. 466), the provisions of *The Indian Advancement* R.S., 1886,  
*Act*, being chapter forty-four of the Revised Statutes of c. 44;  
Canada, 1886, were applied to the Iroquois Indians of R.S., 1927,  
Caughnawaga in the province of Quebec, and, for the c. 98.  
purpose of giving effect to the application of the said Act,  
the reserve at Caughnawaga was designated the Caughna-  
waga Indian Reserve, and was divided into six sections, as  
therein set out; and whereas by Order in Council of the  
12th July, 1906 (P.C. 1419), in the purported exercise of  
the powers conferred by section four of *The Indian Advance-*  
*ment Act*, as enacted by section one of chapter thirty of the  
statutes of 1890, it was provided that the division of the  
Caughnawaga Indian Reserve into sections be done away  
with, and that the said reserve be comprised in one section;  
and whereas it appears that there was no provision of *The* R.S., 1886,  
*Indian Act* or of any other statute authorizing the making c. 43.  
of the last mentioned Order in Council, and that the same  
was and is, therefore, void and of no effect; and whereas it is  
expedient that anything duly done or suffered pursuant to  
the provisions of the said last mentioned Order in Council  
be validated, and that provision be made for again dividing  
the reserve into six sections: Therefore His Majesty, by and  
with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

1. All acts committed, proceedings taken or things done Acts and  
or suffered under or pursuant to the provisions of the said proceedings  
Order in Council of the 12th July, 1906 (P.C. 1419), are validated.  
hereby declared to have been valid and effective to all  
intents and purposes as if the said Order in Council had  
been lawfully made.

S.C. 1934, c. 29, cont'd.

R.S., 1927,  
c. 98.

2. Subsection one of section one hundred and sixty-seven of the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

Division of  
reserves  
into sections.

"167. (1) Every reserve to which this Part is applicable, may, by Order in Council, be divided into sections, the number of which shall not exceed six, and each section shall have therein, as nearly as is found convenient, an equal number of male Indians of the full age of twenty-one years, or, should the majority of the Indians of the reserve so desire, the Governor in Council may provide that the whole reserve may form one section, the wishes of the Indians in respect thereto being first ascertained in the manner prescribed in Part I in like matters, and certified to the Superintendent General by the Indian agent. The power to divide any such reserve into sections, or to provide that the whole reserve may form one section may, subject to the provisions of this section, be exercised at any time and from time to time, as the Governor in Council may see fit."



## CHAPTER 15

An Act respecting oil and gas in Indian lands

[Assented to 20th December, 1974]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## SHORT TITLE

Short title      1. This Act may be cited as the *Indian Oil and Gas Act*.

## INTERPRETATION

Definitions      2. In this Act,

"gas"      "gas" means natural gas that is or can be produced from a well, both before and after it has been subjected to any processing, and includes marketable gas and all fluid components not defined as oil;

"Indian lands"      "Indian lands" means lands reserved for the Indians, including any interests therein, surrendered in accordance with the *Indian Act* and includes any lands or interests in lands described in any grant, lease, permit, licence or other disposition referred to in section 6;

"Minister"      "Minister" means the Minister of Indian Affairs and Northern Development;

"oil"      "oil" means crude oil and all other hydrocarbons, regardless of gravity, that are or can be produced from a well in liquid form including crude bitumen but excluding condensate.

*Indian Oil and Gas Regulations*      3. For greater certainty, subsections 31(1) to (4), 31(9), 31(11), 43(2) and 43(3) and section 45 of the *Indian Oil and Gas Regulations*, expressed to have been made pursuant to paragraph 57(c) of the *Indian Act* by Order in Council P.C. 1974-732 on March 28, 1974, shall for all purposes have and continue to have, until revoked by the Governor in Council, the same force and effect as if they had been made on that day pursuant to an Act of Parliament that authorized the making of such provisions and any acts by the Minister pursuant to such provisions shall be deemed to have been validly done.

S.C. 1974-75-76, c. 15, cont'd.

Regulations

4. The Governor in Council may make regulations

- (a) respecting the granting of leases, permits and licences for the exploitation of oil and gas in Indian lands and the terms and conditions thereof;
- (b) respecting the disposition of any interest in Indian lands necessarily incidental to the exploitation of oil and gas in such lands and the terms and conditions thereof;
- (c) providing for the seizure and forfeiture of any oil or gas taken in contravention of any regulation made under this section or any lease, licence or permit granted under such regulations;
- (d) prescribing the royalties on oil and gas obtained from Indian lands;
- (e) prescribing the penalty not exceeding five thousand dollars that may be imposed on summary conviction for contravention of any regulation made under this section or failure to comply with any lease, permit or licence granted pursuant to any regulation under this section; and
- (f) generally for carrying out the purposes of this Act and for the exploitation of oil and gas in Indian lands.

Royalties

5. (1) Notwithstanding any term or condition in any grant, lease, permit, licence or other disposition or any provision in any regulation respecting oil or gas or both oil and gas or the terms and conditions of any agreement respecting royalties in relation to oil or gas or both oil and gas, whether granted, issued, made or entered into before or after the coming into force of this Act, but subject to subsection (2), all oil and gas obtained from Indian lands after the coming into force of this section is subject to the payment to Her Majesty in right of Canada, in trust for the Indian bands concerned, of the royalties prescribed from time to time by the regulations.

Special agreements

(2) The Minister may, with the approval of the council of the band concerned, enter into a special agreement with any person for a reduction or an increase, or a variation in the basis of calculation of royalties payable under subsection (1).

S.C. 1974-75-76, c. 15, cont'd.

Existing  
grants, leases,  
etc.

6. Every grant, lease, permit, licence or other disposition respecting the exploitation of oil or gas in Indian lands, whether granted, issued, made or entered into before or after the coming into force of this Act, and, without restricting the generality of the foregoing, any grant, lease, permit, licence or other disposition respecting oil or gas or both oil and gas issued or made or purported to be issued or made pursuant to any regulation or order under the *Indian Act* is deemed to be subject to any regulations made under this Act.

Minister to  
consult

7. (1) The Minister, in administering this Act, shall consult, on a continuing basis, persons representative of the Indian bands most directly affected thereby.

Rights not  
abrogated

(2) Notwithstanding anything herein contained, nothing in this Act shall be deemed to abrogate the rights of Indian people or preclude them from negotiating for oil and gas benefits in those areas in which land claims have not been settled.

Coming into  
force

8. Section 5 shall come into force on a day to be fixed by proclamation.

In force 22 April 1977.



## CHAP. 49.

An Act to amend and consolidate the Laws respecting  
the North-West Territories.

[Assented to 8th April, 1875.]

WHEREAS it is expedient to amend and consolidate the Preamble.  
laws respecting the North-West Territories; There-  
fore, Her Majesty, by and with the advice and consent of  
the Senate and House of Commons of Canada, enacts as  
follows:—

## GOVERNMENT AND LEGISLATION.

1. The Territories formerly known as "Rupert's Land" North-West  
and the North-Western Territory, (with the exception of Territories  
such portion thereof as forms the Province of Manitoba), defined.  
shall continue to be styled and known as the North-West  
Territories; and the word "Territories," in this Act, means  
the said Territories.

## ELECTION OF MEMBERS OF COUNCIL OR ASSEMBLY.

13. When and so soon as the Lieutenant-Governor is Formation of  
satisfied by such proof as he may require, that any district Electoral  
or portion of the North-West Territories, not exceeding an districts.  
area of one thousand square miles, contains a population of  
not less than one thousand inhabitants of adult age, exclusive  
of aliens or unenfranchised Indians, the Lieutenant-Governor  
shall, by proclamation, erect such district or portion into an  
electoral district, by a name and with boundaries to be  
respectively declared in the proclamation, and such electoral  
district shall thenceforth be entitled to elect a member of  
the Council, or of the Legislative Assembly, as the case may  
be.

2. The Lieutenant-Governor shall thereafter cause a writ Powers of  
to be issued by the Clerk of the Council in such form and Lieutenant-  
addressed to such Returning Officer as he thinks fit; and Governor  
until the Lieutenant-Governor and Council of the Province thereupon.  
otherwise provides, he shall by proclamation prescribe and  
declare the mode of providing voters' lists, the oaths to be  
taken by voters, the powers and duties of Returning and  
Deputy Returning Officers, the proceedings to be observed  
at such election, and the period during which such election  
may be continued, and such other provisions in respect to  
such election as he may think fit.

3. The persons qualified to vote at such election shall be Who may  
the *bonâ fide* male residents and householders of adult age, vote.  
not being aliens, or unenfranchised Indians, within the  
electoral district, and shall have respectively resided in  
such electoral district for at least twelve months imme-  
diately preceding the issue of the said writ.

S.C. 1875, c. 49, cont'd.

4. Any person entitled to vote may be elected.

Or be elected.

5. When and so soon as the Lieutenant-Governor is satisfied as aforesaid, that any electoral district contains a population of two thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, he shall issue his writ for the election of a second member for the electoral district.

Additional member for any district.

Legislative Assembly, when to be constituted in lieu of Council.

6. When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease and be determined, and the members so elected shall be constituted and designated as the Legislative Assembly of the North-West Territories, and all the powers by this Act vested in the Council shall be thenceforth vested in and exercisable by the said Legislative Assembly.

Number of members and term of service.

7. The number of members so to be elected, as hereinbefore mentioned, shall not exceed twenty-one, at which number the representation shall remain; the members so elected shall hold their seats for a period not exceeding two years.

75. Nothing in this Act shall affect the provisions of an Act passed in the thirty-seventh year of Her Majesty's reign, entitled "*An Act to amend certain Laws respecting Indians, and to extend certain Laws relating to matters connected with Indians, to the Provinces of Manitoba and British Columbia.*"

Act not to affect 37 V., c. 21.

## CHAP. 25.

An Act to amend and consolidate the several Acts relating to the North-West Territories.

[Assented to 7th May, 1880.]

Preamble.

WHEREAS it is expedient to amend and to consolidate as amended the several Acts relating to the North-West Territories of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

## GOVERNMENT AND LEGISLATION.

North-West Territories defined.

1. The Territories formerly known as "Rupert's Land" and the North-West Territory (with the exception of such portion thereof as forms the Province of Manitoba and the District of Keewatin), shall continue to be styled and known as the North-West Territories, and the word "Territories" in this Act means the said Territories.

## ELECTION OF MEMBERS OF COUNCIL OR ASSEMBLY.

15. When and so soon as the Lieutenant-Governor is satisfied by such proof as he may require, that any district or portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, the Lieutenant-Governor shall, by Proclamation, erect such district or portion into an Electoral District, by a name and with boundaries to be respectively declared in the proclamation, and such electoral district shall thenceforth be entitled to elect a member of the Council, or of the Legislative Assembly, as the case may be.

Erection of electoral districts.

Voting qualification.

17. The persons qualified to vote at such election shall be the *bonâ fide* male residents and householders of adult age, not being aliens or unenfranchised Indians, within the electoral district, and shall have respectively resided in such electoral district for at least twelve months immediately preceding the issue of the said writ.

Additional member for any district.

19. When and so soon as the Lieutenant-Governor is satisfied as aforesaid, that any electoral district contains a population of two thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, he shall issue his writ for the election of a second member for the electoral district.



## CHAPTER 50.

An Act respecting the North-West Territories.

A. D. 1886.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

## SHORT TITLE.

1. This Act may be cited as "*The North-West Territories Short title Act.*" 43 V., c. 25, s. 97.

## GOVERNMENT AND LEGISLATION.

3. The Territories formerly known as "Rupert's Land" and the North-West Territory shall, with the exception of such portions thereof as form the Province of Manitoba and the District of Keewatin, continue to be called and known as the North-West Territories. 43 V., c. 25, s. 1, *part.*

## ELECTION OF MEMBERS OF COUNCIL AND ASSEMBLY.

Erection of  
electoral dis-  
tricts.

18. Whenever the Lieutenant Governor is satisfied, by such proof as he requires, that any district or portion of the Territories, not exceeding an area of one thousand square miles, contains a population of at least one thousand inhabitants of adult age, exclusive of aliens and unenfranchised Indians, he shall, by proclamation, erect such district or portion into an electoral district by a name and with boundaries, which shall be respectively declared in the proclamation; and such electoral district shall thenceforth be entitled to elect a member of the Council, or of the Legislative Assembly, as the case may be. 43 V., c. 25, s. 15.-

20. The persons qualified to vote at such election shall be the *bonâ fide* male residents and householders of adult age, who are not aliens or unenfranchised Indians, within the electoral district, and who have respectively resided in such electoral district for at least twelve months immediately preceding the issue of the said writ. 43 V., c. 25, s. 17.

22. Whenever the Lieutenant Governor is satisfied, as aforesaid, that any electoral district contains a population of two thousand inhabitants of adult age, exclusive of aliens and unenfranchised Indians, he shall issue his writ for the election of a second member for the electoral district, or he may, in the manner aforesaid, erect such electoral district into two electoral districts, each of which shall be entitled to elect a member, or he may, with the advice of his Council or Assembly as the case may be, from time to time, re-arrange such electoral districts or any of them, so as to secure as far as possible in the Council or Assembly of the Territories the representation of each district not exceeding one thousand square miles and containing one thousand inhabitants of adult age. 43 V., c. 25, s. 19;—48-49 V., c. 51, s. 3.

Voting qual-  
fication.

Additional  
member.

Sub-division  
of electoral  
districts.

An Act to amend the Revised Statutes of Canada, chapter fifty, respecting the North-West Territories. S.C. 1888, c. 19, s. 7.

7. The persons qualified to vote at an election for the Legislative Assembly, shall be the male British subjects, by birth or naturalization (other than unenfranchised Indians), who have attained the full age of twenty-one years, who have resided in the North-west Territories for at least the twelve months, and in the electoral district for at least the three months, respectively, immediately preceding the time of voting.

Who may vote.

Northwest Territories Act. R.S.C. 1906, c. 62.

(Does not contain provisions relating directly to Indians.)

Northwest Territories Act. R.S.C. 1927, c. 142.

(Does not contain provisions relating directly to Indians.)

Northwest Territories Act. R.S.C. 1952, c. 195.

(Does not contain provisions relating directly to Indians.)

Northwest Territories Act. S.C. 1952, c. 46.

### *Reindeer.*

Regulations  
respecting  
reindeer.

41. (1) The Governor in Council may make regulations,
- (a) authorizing the Minister to enter into agreements with Eskimos or Indians, or persons with Eskimo or Indian blood living the life of an Eskimo or Indian, for the herding of reindeer that are the property of Her Majesty, such agreements, if deemed advisable by the Minister, to include provisions for the transfer of such portions of the herds as may be therein specified to the herders upon satisfactory completion of the agreements;
  - (b) for the control, management, administration and protection of reindeer in the Territories, whether they are the property of Her Majesty or otherwise;
  - (c) for the sale of reindeer and the slaughter or other disposal of surplus reindeer and the carcasses thereof; and
  - (d) controlling or prohibiting the transfer or shipment by any means of reindeer or their carcasses or parts thereof, whether they are the property of Her Majesty or otherwise, from any place in the Territories to any other place within or without the Territories.

Northwest Territories Act. R.S.C. 1952 (Supp.), c. 331.  
(repeals R.S.C. 1952 c. 195).

## CHAPTER 331.

### An Act respecting the Northwest Territories.

#### SHORT TITLE.

1. This Act may be cited as the *Northwest Territories Short title Act.*

#### INTERPRETATION.

2. In this Act,

- (a) "Commissioner" means the Commissioner of the Territories; Definitions.  
"Com-  
missioner."
- (b) "Commissioner in Council" means the Commissioner acting by and with the advice and consent of the Council; "Com-  
missioner in  
"Council."
- (c) "Council" means the Council of the Territories; "Council."
- (d) "Court" means the Territorial Court for the Territories; "Court."
- (e) "intoxicant" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks, drinkable liquids, preparations or mixtures capable of human consumption that are intoxicating; "Intoxicant."
- (f) "Minister" means the Minister of Resources and Development; "Minister."
- (g) "ordinance" includes an ordinance of the Territories passed before or after the commencement of this Act; "Ordinance."
- (h) "public lands" mean any lands, in the Territories, belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose; "Public  
lands."
- (i) "Territories" means the Northwest Territories, which comprise
  - (i) all that part of Canada north of the Sixtieth Parallel of North Latitude, except the portions thereof that are within the Yukon Territory, the Province of Quebec or the Province of Newfoundland, and
  - (ii) the islands in Hudson Bay, James Bay and Ungava Bay, except those islands that are within the Province of Manitoba, the Province of Ontario or the Province of Quebec.

"Terri-  
tories."



R.S.C. 1952 (Supp.), c. 331, cont'd.

*Reindeer.*

Regulations  
respecting  
reindeer.

- 41.** (1) The Governor in Council may make regulations
- (a) authorizing the Minister to enter into agreements with Eskimos or Indians, or persons with Eskimo or Indian blood living the life of an Eskimo or Indian, for the herding of reindeer that are the property of Her Majesty, such agreements, if deemed advisable by the Minister, to include provisions for the transfer of such portions of the herds as may be therein specified to the herders upon satisfactory completion of the agreements;
  - (b) for the control, management, administration and protection of reindeer in the Territories, whether they are the property of Her Majesty or otherwise;
  - (c) for the sale of reindeer and the slaughter or other disposal of surplus reindeer and the carcasses thereof; and
  - (d) controlling or prohibiting the transfer or shipment by any means of reindeer or their carcasses or parts thereof, whether they are the property of Her Majesty or otherwise, from any place in the Territories to any other place within or without the Territories.

*Repeal.*

**47.** (1) The *Northwest Territories Act*, chapter 195 of the Revised Statutes of Canada, 1952, is repealed.

(2) Sections 5 to 11, inclusive, and sections 14, 15 and 16 of the *Land Titles Act*, chapter 162 of the Revised Statutes of Canada, 1952, do not apply with respect to the North-west Territories. Certain sections of the *Land Titles Act* cease to be effective.

## CHAP. 20

## An Act to amend the Northwest Territories Act.

[Assented to 9th June, 1960.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 331;  
1953-54, c. 8;  
1955, cc. 21,  
48;  
1957-58, c. 30;  
1959, c. 7.

1. (1) Section 14 of the *Northwest Territories Act* is amended by adding thereto the following subsections:

"(2) Notwithstanding subsection (1) but subject to subsection (3), the Commissioner in Council may make Ordinances for the government of the Territories in relation to the preservation of game in the Territories that are applicable to and in respect of Indians and Eskimos, and Ordinances made by the Commissioner in Council in relation to the preservation of game in the Territories, unless the contrary intention appears therein, are applicable to and in respect of Indians and Eskimos.

Game  
Ordinances  
in respect of  
Indians and  
Eskimos.

(3) Nothing in subsection (2) shall be construed as authorizing the Commissioner in Council to make Ordinances restricting or prohibiting Indians or Eskimos from hunting for food, on unoccupied Crown lands, game other than game declared by the Governor in Council to be game in danger of becoming extinct."

(2) From the day on which this Act comes into force, the provisions of the Ordinances entitled

- (a) "An Ordinance respecting the Preservation of Game in the Northwest Territories", being chapter 42 of the Revised Ordinances of the Northwest Territories, 1956;
- (b) "An Ordinance to amend the Game Ordinance", being chapter 2 of the Ordinances of the Northwest Territories, 1956, 2nd Session;
- (c) "An Ordinance to amend the Game Ordinance", being chapter 1 of the Ordinances of the Northwest Territories, 1957, 1st Session;
- (d) "An Ordinance to amend the Game Ordinance", being chapter 1 of the Ordinances of the Northwest Territories, 1958, 1st Session; and
- (e) "An Ordinance to amend the Game Ordinance", being chapter 4 of the Ordinances of the Northwest Territories, 1959, 1st Session,

have the same force and effect in relation to Indians and Eskimos as if on that day they had been re-enacted in the same terms.

2. Section 17 of the said Act is amended by adding thereto the following subsection:

"(2) All laws of general application in force in the Territories are, except where otherwise provided, applicable to and in respect of Eskimos in the Territories."

General  
Territorial  
laws  
applicable to  
Eskimos.

## CHAPTER N-22

## An Act respecting the Northwest Territories

## SHORT TITLE

Short title

1. This Act may be cited as the *Northwest Territories Act*. R.S., c. 331, s. 1.

## INTERPRETATION

Definitions

## 2. In this Act

"Commissioner"  
«commissaire»

"Commissioner" means the Commissioner of the Territories;

"Commissioner in Council"  
«commissaire en...»

"Commissioner in Council" means the Commissioner acting by and with the advice and consent of the Council;

"Council"  
«conseil»

"Council" means the Council of the Territories;

"Court"  
«Cour»

"Court" means the Territorial Court for the Territories;

"intoxicant"  
«spiritueux»

"intoxicant" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks, drinkable liquids, preparations or mixtures capable of human consumption that are intoxicating;

"Minister"  
«Ministre»

"Minister" means the Minister of Indian Affairs and Northern Development;

"ordinance"  
«ordonnance»

"ordinance" includes an ordinance of the Territories passed before, on or after the 1st day of April 1955;

"public lands"  
«terres...»

"public lands" means any lands, in the Territories, belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose;

"Territories"  
«territoires»

"Territories" means the Northwest Territories, which comprise

(a) all that part of Canada north of the

Sixtieth Parallel of North Latitude, except the portions thereof that are within the Yukon Territory, the Province of Quebec or the Province of Newfoundland, and

(b) the islands in Hudson Bay, James Bay and Ungava Bay, except those islands that are within the Province of Manitoba, the Province of Ontario or the Province of Quebec. R.S., c. 331, s. 2; 1953-54, c. 8, s. 7; 1966-67, c. 25, s. 40.



R.S.C. 1970, c. N-22, cont'd.

Restriction on  
powers

14. (1) Nothing in section 13 shall be construed to give the Commissioner in Council greater powers with respect to any class of subjects described therein than are given to legislatures of the Provinces of Canada under sections 92 and 95 of the *British North America Act, 1867*, with respect to similar subjects therein described.

Game  
ordinances in  
respect of  
Indians and  
Eskimos

(2) Notwithstanding subsection (1) but subject to subsection (3), the Commissioner in

Council may make ordinances for the government of the Territories in relation to the preservation of game in the Territories that are applicable to and in respect of Indians and Eskimos, and ordinances made by the Commissioner in Council in relation to the preservation of game in the Territories, unless the contrary intention appears therein, are applicable to and in respect of Indians and Eskimos.

Hunting for  
food

(3) Nothing in subsection (2) shall be construed as authorizing the Commissioner in Council to make ordinances restricting or prohibiting Indians or Eskimos from hunting for food, on unoccupied Crown lands, game other than game declared by the Governor in Council to be game in danger of becoming extinct. R.S., c. 331, s. 14; 1960, c. 20, s. 1.

#### *Laws Applicable to the Territories*

Laws of  
England

18. (1) Subject to this Act, the laws of England relating to civil and criminal matters, as such laws existed on the 15th day of July 1870, are in force in the Territories, in so far as they are applicable to the Territories and in so far as they have not been or are not hereafter repealed, altered, varied, modified or affected in respect of the Territories by any Act of the Parliament of the United Kingdom or of the Parliament of Canada or by any ordinance.

Laws applicable  
to Eskimos

(2) All laws of general application in force in the Territories are, except where otherwise provided, applicable to and in respect of Eskimos in the Territories. R.S., c. 331, s. 17; 1960, c. 20, s. 2.

R.S.C. 1970, c. N-22, cont'd.

*Reindeer*

Regulations  
respecting  
reindeer

47. (1) The Governor in Council may make

regulations

(a) authorizing the Minister to enter into agreements with Eskimos or Indians, or persons with Eskimo or Indian blood living the life of an Eskimo or Indian, for the herding of reindeer that are the property of Her Majesty, such agreements, if deemed advisable by the Minister, to include provisions for the transfer of such portions of the herds as may be therein specified to the herders upon satisfactory completion of the agreements;

(b) for the control, management, administration and protection of reindeer in the Territories, whether they are the property of Her Majesty or otherwise;

(c) for the sale of reindeer and the slaughter or other disposal of surplus reindeer and the carcasses thereof; and

(d) controlling or prohibiting the transfer or shipment by any means of reindeer or their carcasses or parts thereof, whether they are the property of Her Majesty or otherwise, from any place in the Territories to any other place within or outside the Territories.

## CHAP. 31.

An Act for the preservation of game in the unorganized portions of the North-west Territories of Canada.

[Assented to 23rd July, 1894.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Unorganized Territories' Game Preservation Act, 1894.* Short title.

2. This Act applies only to those portions of the North-west Territories of Canada which are not included within the provisional districts of Assiniboia, Alberta and Saskatchewan. Application of Act. It applies to the district of Keewatin.

3. The names by which the beasts and birds mentioned in this Act are therein described include their young and males and females. Interpretation.

2. The expression "game guardian" means a game guardian appointed under the subsequent provisions of this Act. "Game guardian."

3. The time fixed with respect to any beast or bird by sections four and five, or by the Governor in Council under section six of this Act, is called in this Act "the close season" for that beast or bird. "Close season."

4. Except as hereinafter provided, buffalo and bison shall not be hunted, taken, killed, shot at, wounded, injured, or molested in any way, at any time of the year until the first day of January, A.D. 1900. Buffalo not to be killed for five years. *Am. Sec. 2*

5. Except as hereinafter provided, the following beasts and birds shall not be hunted, taken, killed, shot at, wounded, injured or molested in any way during the following times of year respectively:— Protection of certain beasts and birds.

(a.) Musk oxen, between the twentieth day of March and the fifteenth day of October; Musk oxen.

Elk, etc.

(b.) Elk or wapiti, moose, cariboo, deer, mountain sheep and mountain goats between the first day of April and the fifteenth day of July, and between the first day of October and the first day of December;

Fur-bearing animals.

(c.) Minks, fishers and martens between the fifteenth day of March and the first day of November;

(d.) Otters and beavers between the fifteenth day of May and the first day of October;

(e.) Muskrats between the fifteenth day of May and the first day of October;

Birds.

(f.) Grouse, partridges, pheasants and prairie chickens between the first day of January and the first day of September;

(g.) Wild swans, wild ducks and wild geese between the fifteenth day of January and the first day of September.



S.C. 1894, c. 31, cont'd.

Governor in  
Council may  
alter close  
season.

**6.** The Governor in Council may from time to time, when he deems it expedient or necessary so to do, alter any of the times fixed by sections four and five of this Act.

Eggs not to be  
taken.

**7.** Except as hereinafter provided, no eggs in the nest of any of the birds above mentioned, or in the nest of any other species of wild fowl, shall be taken, destroyed, injured or molested at any time of the year.

Exception  
made for cer-  
tain persons.

**8.** Notwithstanding anything in sections four, five, six and seven of this Act, the beasts and birds mentioned in those sections may be lawfully hunted, taken or killed, and eggs of any of the birds or other wild fowl so mentioned may be lawfully taken,—

Indians and  
other inhabi-  
tants.

(a.) By Indians who are inhabitants of the country to which this Act applies, and by other inhabitants of the said country. But this exception does not apply to buffalo, bison, or musk oxen during the close seasons for those beasts ;

Explorers,  
etc.

(b.) By explorers, surveyors or travellers, who are engaged in any exploration, survey or other examination of the country, and are in actual need of the beasts, birds or eggs for food ;

Persons with  
permits.

(c.) By any person who has a permit to do so granted under the subsequent provisions of this Act.

**12.** No one shall enter into any contract or agreement with or employ any Indian or other person, whether such Indian or person is an inhabitant of the country to which this Act applies or not, to hunt, kill or take, contrary to the provisions of this Act, any of the beasts or birds mentioned in this Act, or to take contrary to such provisions, any eggs.

No one em-  
ployed to  
hunt, etc.,  
contrary to  
Act.

Northwest Game Act. R.S.C. 1906, c. 151. (consolidates S.C. 1894, c. 31.)

## CHAPTER 151.

### An Act for the Preservation of Game in the Northwest Territories.

#### SHORT TITLE.

1. This Act may be cited as the Northwest Game Act. 57-58 Short title. V., c. 31, s. 1.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
- (a) 'game guardian' means a game guardian appointed under the provisions of this Act;
  - (b) 'close season,' with respect to any beast or bird, means the time during which under the provisions of this Act it is unlawful to hunt, take, kill, shoot at, wound, injure, or molest in any way that beast or bird;
  - (c) 'bird' means any grouse, partridge, pheasant, prairie chicken, wild swan, wild duck or wild goose, and includes both males and females and their young. 57-58 V., c. 31, s. 3.
3. The names by which the beasts and birds mentioned in this Act are therein described include males and females and their young. 57-58 V., c. 31, s. 3. Young ones included.

#### APPLICATION OF ACT.

4. This Act applies to the Northwest Territories of Canada. 57-58 V., c. 31, s. 2. Application of Act.
5. The ordinance of the Legislature of the Northwest Territories, No. 8 of 1893, intituled *The Game Ordinance*, shall not apply to that part of the country in which this Act is in force. 57-58 V., c. 31, s. 26. N. W. T. Ordinance No. 8. of 1893, not to apply in Territories.

#### CLOSE SEASONS.

6. Except as hereinafter provided, buffalo and bison shall not be hunted, taken, killed, shot at, wounded, injured or molested in any way, at any time of the year until the first day of January, one thousand nine hundred and twelve. 2 E. VII., c. 12, s. 1; 6 E. VII., c. 16, s. 1. Buffalo or bison.

R.S.C. 1906, c. 151, cont'd.

**7.** Except as hereinafter provided, the following beasts and birds shall not be hunted, taken, killed, shot at, wounded, injured or molested in any way during the following times of year respectively:—

- |                      |  |
|----------------------|--|
| Musk oxen.           | (a) Musk oxen, between the twentieth day of March and the fifteenth day of October;  |
| Elk, etc.            | (b) Elk or wapiti, moose, caribou, deer, mountain sheep and mountain goats between the first day of April and the fifteenth day of July, and between the first day of October and the first day of December; |
| Fur-bearing animals. | (c) Minks, fishers and martens between the fifteenth day of March and the first day of November;   |
| Idem.                | (d) Otters and beavers between the fifteenth day of May and the first day of October;  |
| Idem.                | (e) Muskrats between the fifteenth day of May and the first day of October;  |
| Birds.               | (f) Grouse, partridges, pheasants and prairie chickens between the first day of January and the first day of September;  |
| Idem.                | (g) Wild swans, wild ducks and wild geese between the fifteenth day of January and the first day of September.   |
- 57-58 V., c. 31, s. 5.

**8.** The Governor in Council may, from time to time, when he deems it expedient or necessary so to do, alter any of the times fixed by the two last preceding sections of this Act. 57-58 V., c. 31, s. 6.

**9.** Except as hereinafter provided, no eggs in the nest of any of the said birds or in the nest of any other species of wild fowl, shall be taken, destroyed, injured or molested at any time of the year. 57-58 V., c. 31, s. 7.

**10.** Notwithstanding anything in the four last preceding sections of this Act, the beasts and birds hereinbefore mentioned may be lawfully hunted, taken, or killed, and eggs of any of such birds or wild fowl may be lawfully taken;

- |                                 |  |
|---------------------------------|--|
| Exceptions for certain persons. | (a) except as hereinafter provided, by Indians who are inhabitants of the country to which this Act applies, and by other inhabitants of the said country;                               |
| Indians and other inhabitants.  | (b) by explorers, surveyors or travellers, who are engaged in any exploration, survey or other examination of the country, and are in actual need of the beasts, birds or eggs for food; |
| Explorers, etc.                 | (c) by any person who has a permit to do so granted under the provisions of this Act.  |
| Holders of permit.              |  |

**2.** Indians or other inhabitants of the country to which this Act applies shall not hunt, take or kill, buffalo, bison or musk oxen during the close seasons for those beasts. 57-58 V., c. 31, s. 8.

Indians, etc., not to hunt buffalo, bison or musk oxen in close season.



R.S.C. 1906, c. 151, cont'd.

**14.** No one shall enter into any contract or agreement with Indians, etc., or employ any Indian or other person, whether such Indian or person is an inhabitant of the country to which this Act applies or not, to hunt, kill or take, contrary to the provisions of this Act, any of the beasts or birds hereinbefore mentioned, or to take any eggs contrary to such provisions. 57-58 V., c. 31, s. 12.

**25.** Except as herein provided, every person who,—

- (a) hunts, takes, kills, shoots at, wounds, injures or molests, during the close season, any beast or bird hereinbefore mentioned; or, Hunting in close season.
- (b) during the close season uses dogs for the hunting, taking, running, killing, injuring, or molesting of any beast or bird hereinbefore mentioned; or, Using dogs.
- (c) at any time of the year uses any battery, swivel gun or sunken punt to take, destroy, or kill any bird or any other species of wild fowl; or, Using prohibited contrivances.
- (d) at any time of the year takes or kills by the use of poison or poisonous substance any beast hereinbefore mentioned, or any bird; or, Using poison.
- (e) at any time of the year uses dogs for the hunting, taking, running, killing, injuring, or molesting of any musk-ox, buffalo or bison; or, Hunting, etc., musk-ox, buffalo or bison with dogs.
- (f) enters into any contract or agreement with, or employs any Indian or other person, whether an inhabitant of the country to which this Act applies or not, to hunt, kill, or take contrary to the provisions of this Act, any beast or bird hereinbefore mentioned, or to take any eggs contrary to the provisions of this Act; Contracting with Indians to hunt, etc.

shall be guilty of an offence and shall be liable on summary conviction to a penalty of not more than one hundred dollars and not less than twenty dollars. 57-58 V., c. 31, s. 13. Penalty.

The Northwest Game Act. S.C. 1917, c. 36. (Repeals R.S.C. 1906, c. 151).

## CHAP. 36.

### An Act respecting Game in the Northwest Territories of Canada.

[Assented to 20th September, 1917.]

HIS Majesty, by and with the advice and consent of R.S. c. 151.  
the Senate and House of Commons of Canada, enacts  
as follows:—

1. This Act may be cited as *The Northwest Game Act.* Short title.

Close  
seasons.

4. (1) Except as hereinafter provided, the following shall not be hunted, trapped, taken, killed, shot at, wounded, injured or molested in any way during the following times of year respectively:—

- (a) Moose, deer and mountain goat, between the first day of April and the first day of September;
- (b) Caribou and mountain sheep, between the first day of April and the first day of August, and between the first day of October and the first day of December;
- (c) Mink, fisher and marten, between the fifteenth day of March and the first day of November;
- (d) Otter and beaver, between the fifteenth day of May and the first day of October;
- (e) Muskrat, between the fifteenth day of May and the first day of October;
- (f) White fox, between the first day of April and the fifteenth day of November;
- (g) Partridge, prairie chicken, ptarmigan and other species of grouse, between the first day of January and the first day of September;
- (h) Wild geese and wild duck, with the exception of eider duck, between the fifteenth day of December and the first day of September.

Eggs not to  
be taken.

(2) Except as hereinafter provided, no eggs in the nest of any of the said birds or in the nest of any other species of wild fowl, shall be taken, destroyed, injured or molested at any time of the year.

Exceptions  
for Indians,  
Eskimos,  
explorers, etc.

(3) Notwithstanding anything contained in subsections one and two, the game therein mentioned may be lawfully hunted, taken or killed, and the eggs of birds therein mentioned may be lawfully taken, by Indians or Eskimos who are *bona fide* inhabitants of the Northwest Territories, or by other *bona fide* inhabitants of the said territories, and by explorers or surveyors who are engaged in any exploration, survey or other examination of the country, but only when such persons are actually in need of such game or eggs to prevent starvation.

S.C. 1917, c. 36, cont'd.

(4) Except as hereinafter provided, buffalo or bison shall not be hunted, trapped, taken, killed, shot at, wounded, injured or molested at any time of the year. Buffalo-

(5) Except as hereinafter provided, musk-ox and wapiti or elk shall not be hunted, trapped, taken, killed, shot at, wounded, injured or molested at any time of the year, except in such zones and during such period as the Governor in Council may prescribe. Musk-ox,  
wapiti or elk.

(6) Except as hereinafter provided, white pelicans shall not be hunted, trapped, taken, killed, shot at, wounded, injured or molested at any time of the year. White  
pelicans.

(7) Except as hereinafter provided, the following shall not be hunted, trapped, taken, killed, shot at, wounded, injured or molested in any way:— Wild swan,  
and eider  
duck.

(a) Wild swan, until the first day of January, one thousand nine hundred and twenty-eight.

(b) Eider duck, until the first day of January, one thousand nine hundred and twenty-three.

(8) Notwithstanding the provisions of subsections one, two, four, five and six, the Minister or any officer or person authorized by him, may issue a permit to any person to take or kill at any time such mammals and birds, or take the eggs or nests of birds, for scientific or propagation purposes. Permit to  
take or kill  
for scientific  
purposes.

(9) Excepting a native-born Indian, Eskimo or halfbreed, who is a *bona fide* resident of the Northwest Territories, no person shall engage in hunting, trapping, or trading or trafficking in game, without first securing a license so to do. Game  
license.

Contracts  
with Indians  
and others.

5. No one shall enter into any contract or agreement with or employ any Indian, Eskimo, or other person, whether such Indian, Eskimo, or other person is an inhabitant of the country to which this Act applies or not, to hunt, trap, kill or take game contrary to the provisions of this Act or a regulation; or to take, contrary to the provisions of this Act or a regulation, any egg, nest or part thereof.



## CHAPTER 141.

An Act respecting Game in the Northwest Territories  
of Canada.

## SHORT TITLE.

1. This Act may be cited as the Northwest Game Act. Short title.  
1917, c. 36, s. 1.

Close  
seasons.

4. Except as hereinafter provided, the following shall not be hunted, trapped, taken, killed, shot at, wounded, injured or molested in any way during the following times of year respectively:—

- (a) Caribou and mountain sheep, between the first day of April and the first day of August, and between the first day of October and the first day of December;
- (b) Mink, fisher and marten, between the fifteenth day of March and the first day of November;
- (c) Moose, deer and mountain goat, between the first day of April and the first day of September;
- (d) Muskrat, between the fifteenth day of May and the first day of October, in the district to the south of latitude sixty-four, and between the fifteenth day of June and the first day of October in the district to the north of latitude sixty-four;
- (e) Otter and beaver, between the fifteenth day of May and the first day of October;
- (f) Partridge, prairie chicken, ptarmigan and other species of grouse, between the first day of January and the first day of September;
- (g) White-fox, between the first day of April and the fifteenth day of November;
- (h) Wild geese and wild duck, with the exception of eider duck, between the fifteenth day of December and the first day of September.

Governor in  
Council to  
have power  
to change  
close season.  
Eggs not to  
be taken.

2. The Governor in Council may from time to time alter any of the times fixed by subsection one of this section.

3. Except as hereinafter provided, no eggs in the nest of any of the said birds or in the nest of any other species of wild fowl, shall be taken, destroyed, injured or molested at any time of the year.

Exceptions  
for Indians,  
Eskimos,  
explorers,  
etc.

4. Notwithstanding anything contained in subsections one and three, the game therein mentioned may be lawfully hunted, taken or killed, and the eggs of birds therein mentioned may be lawfully taken, by Indians or Eskimos who are *bona fide* inhabitants of the Northwest Territories,

R.S.C. 1927, c. 141, cont'd.

or by other *bona fide* inhabitants of the said territories, and by explorers or surveyors who are engaged in any exploration, survey or other examination of the country, but only when such persons are actually in need of such game or eggs to prevent starvation.

5. Except as hereinafter provided, buffalo or bison shall <sup>Buffalo.</sup> not be hunted, trapped, taken, killed, shot at, wounded, injured or molested at any time of the year.

6. Except as hereinafter provided, musk-ox and wapiti <sup>Musk-ox, wapiti or elk.</sup> or elk shall not be hunted, trapped, taken, killed, shot at, wounded, injured or molested at any time of the year, except in such zones and during such period as the Governor in Council may prescribe.

7. Except as hereinafter provided, white pelicans shall <sup>White pelicans.</sup> not be hunted, trapped, taken, killed, shot at, wounded, injured or molested at any time of the year.

8. Except as hereinafter provided, wild swan shall not <sup>Wild swan.</sup> be hunted, trapped, taken, killed, shot at, wounded, injured or molested in any way until the first day of January, one thousand nine hundred and twenty-eight.

9. Notwithstanding the provisions of subsections one, <sup>Permit to take or kill for scientific purposes.</sup> three, five, six and seven, the Minister or any officer or person authorized by him, may issue a permit to any person to take or kill at any time such mammals and birds, or take the eggs or nests of birds, for scientific or propagation purposes.

10. Excepting a native-born Indian, Eskimo or half <sup>Game license.</sup> breed, who is a *bona fide* resident of the Northwest Territories, no person shall engage in hunting, trapping, or trading or trafficking in game, without first securing a license so to do.

Contracts  
with  
Indians  
and others.

5. No one shall enter into any contract or agreement with or employ any Indian, Eskimo, or other person, whether or not such Indian, Eskimo, or other person is an inhabitant of the country to which this Act applies, to hunt, trap, kill or take game contrary to the provisions of this Act or a regulation; or to take, contrary to the provisions of this Act or a regulation, any egg, nest or part thereof. 1917, c. 36, s. 5.

An Act to amend the Northwest Territories Act. S.C. 1948, c. 20, s. 3(1).

Repeal.

3. (1) The *Northwest Game Act*, chapter one hundred and forty-one of the Revised Statutes of Canada, 1927, is repealed.

## CHAPTER 7.

An Act respecting the representation of the North-West Territories in the Parliament of Canada. A.D. 1886.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as "*The North-West Territories' Representation Act.*" 49 V., c. 24, s. 1. Short title.

4. Every person qualified to vote at the election of a member under this Act shall be a *bona fide* male resident and householder, of adult age, who is not an alien or an Indian, within the electoral district, and who has resided in such electoral district for at least twelve months immediately preceding the issue of the writ of election. 49 V., c. 24, s. 4. Who shall be qualified to vote.

An Act further to amend the North-West Territories' Representation Act. S.C. 1895, c. 11.

## CHAP. II.

An Act further to amend the North-west Territories' Representation Act.

[Assented to 22nd July, 1895.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection one of section four of *The North-west Territories' Representation Act*, chapter seven of the Revised Statutes, as amended by section one of chapter fifteen of the Statutes of 1894, is hereby repealed and the following substituted therefor:— R.S.C., c. 7, s. 4 amended

"4. Every male person shall be qualified to vote at the election of a member under this Act who, not being an Indian, is a British subject and of the full age of twenty-one years, and has resided in the North-west Territories for at least twelve months, and in the electoral district for at least three months, immediately preceding the issue of the writ of election." Qualification of electors.



3. Form P in the schedule to the said Act is hereby New form P. repealed, and the following substituted therefor:—

“P.

“*Oaths to be taken by electors.*

“No. 1.

“You do swear that you are of the male sex and a British subject, that you are not an Indian, that you are of the full age of twenty-one years, and that you have resided in the Northwest Territories for at least twelve months, and in this electoral district for at least three months, immediately preceding the issue of the writ of election: So help you God.

An Act respecting the preservation of Game in the Yukon Territory.  
S.C. 1900, c. 34.

## CHAP. 34.

An Act respecting the preservation of Game in the  
Yukon Territory.

[Assented to 18th July, 1900.]

HER Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as  
follows:—

1. Notwithstanding anything contained in *The Yukon Ter-* <sup>Power to</sup>  
*ritory Act* or any Act in amendment thereof, or in any other <sup>make</sup>  
Act of the Parliament of Canada, the Commissioner of the <sup>ordinances for</sup>  
Yukon Territory in Council may make ordinances for the <sup>preservation</sup>  
preservation of game in the Yukon Territory, and to that end <sup>of game.</sup>  
may repeal or amend the provisions of *The Unorganized Terri-* <sup>1898, c. 6;</sup>  
*tories' Game Preservation Act, 1894*, so far as they apply to the <sup>1894, c. 31.</sup>  
Yukon Territory.

The Yukon Placer Mining Act. S.C. 1906, c. 39.

### III.—RIGHT TO ACQUIRE MINES.

**Lands which may be prospected and mined.** **3.** Any person over, but not under, eighteen years of age may enter, locate, prospect and mine for gold and other minerals upon any lands in the Yukon Territory, whether vested in the Crown or otherwise, except land within the boundaries of a city, town or village as defined by any ordinance of the Yukon Council, or land which is occupied by a building, or which falls within the curtilage of a dwelling house, or land lawfully occupied for placer mining purposes, or lands which are Indian reservations.

**Restrictions.**

Yukon Placer Mining Act. R.S.C. 1906, c. 64.

### RIGHT TO ACQUIRE CLAIMS.

**Lands which may be prospected and mined.** **17.** Any person over, but not under, eighteen years of age may enter for mining purposes, locate, prospect and mine for gold and other precious minerals or stones upon any lands in the Territory, whether vested in the Crown or otherwise, except lands within the boundaries of a city, town or village as defined by any ordinance of the Commissioner in Council, or lands occupied by a building, or within the curtilage of a dwelling house, or lawfully occupied for placer mining purposes, or which form part of an Indian reserve. 6 E. VII., c. 39, s. 3.

**Restrictions.**

An Act to amend the Yukon Placer Mining Act. S.C. 1908, c. 77.

**Sec. 17 amended.** **6.** Section 17 of the said Act is amended by inserting, after the word "Council" in the sixth line, the words "unless under regulations approved by the Governor in Council."

Yukon Placer Mining Act. R.S.C. 1927, c. 216, s. 17.  
(Provisions identical to R.S.C. 1952, c. 300, s. 17, below.)

Yukon Placer Mining Act. R.S.C. 1952, c. 300, s. 17.

### RIGHT TO ACQUIRE CLAIMS.

**17.** Any person over, but not under, eighteen years of age may enter for mining purposes, locate, prospect and mine for gold and other precious minerals or stones upon any lands in the Territory, whether vested in the Crown or otherwise, except lands within the boundaries of a city, town or village as defined by any ordinance of the Commissioner in Council, unless under regulations approved by the Governor in Council, or lands occupied by a building, or within the curtilage of a dwelling house, or lawfully occupied for placer mining purposes, or which form part of an Indian reserve. R.S., c. 216, s. 17.

**Lands which may be prospected and mined.**

**Restrictions.**



## CHAPTER 38

An Act to amend the Yukon Placer  
Mining Act

[Assented to 13th May, 1970]

R.S., c. 300;  
1966-67,  
cc. 25, 96

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 17 of the *Yukon Placer Mining Act* is repealed and the following substituted therefor:

Who may  
locate  
claims

"17. (1) Subject to this Act, any individual eighteen years of age or over, on his own behalf, on behalf of any corporation authorized to carry on business in the Territory, or on behalf of any other individual eighteen years of age or over, may enter for mining purposes, locate, prospect and mine for gold and other precious minerals or stones upon any lands in the Territory.

Restrictions  
on locating  
claims

(2) Subsection (1) does not apply to lands

(a) to which the *National Parks Act* applies;

(b) used as a cemetery or burial ground;

(c) lawfully occupied for placer mining purposes;

(d) set apart and appropriated by the Governor in Council for any purpose described in paragraph (d) of section 18 of the *Territorial Lands Act*;

(e) entry on which for the purpose of prospecting for minerals and locating a claim is prohibited by order of the Governor in Council under section 93 of this Act except on the terms and conditions set out in the order;

(f) under the administration and control of the Minister of National Defence, unless the consent of that Minister has been obtained in writing;

(g) within the boundaries of a city, town or village as defined by any ordinance of the Commissioner in Council, unless under regulations approved by the Governor in Council; or

(h) occupied by a building or within the curtilage of a dwelling house."

Yukon Placer Mining Act. R.S.C. 1970, c. Y-3.

RIGHT TO ACQUIRE CLAIMS

lands that may  
prospected  
mined

17. Any person over eighteen years of age may enter for mining purposes, locate, prospect and mine for gold and other precious minerals or stones upon any lands in the Territory, whether vested in the Crown or otherwise, except lands within the boundaries of a city, town or village as defined by any ordinance of the Commissioner in Council, unless under regulations approved by the Governor in Council, or lands occupied by a building, or within the curtilage of a dwelling-house, or lawfully occupied for placer mining purposes, or that form part of an Indian reserve. R.S., c. 300, s. 17.

## CHAPTER 49 (1st Supp.)

An Act to amend the Yukon Placer  
Mining Act

[1969-70, c. 38]

1. Section 17 of the *Yukon Placer Mining Act*, chapter Y-3 of the Revised Statutes of Canada, 1970, is repealed and the following substituted therefor:

Who may  
locate  
claims

"17. (1) Subject to this Act, any individual eighteen years of age or over, on his own behalf, on behalf of any corporation authorized to carry on business in the Territory, or on behalf of any other individual eighteen years of age or over, may enter for mining purposes, locate, prospect and mine for gold and other precious minerals or stones upon any lands in the Territory.

Restrictions  
on locating  
claims

(2) Subsection (1) does not apply to lands

(a) to which the *National Parks Act* applies;

(b) used as a cemetery or burial ground;

(c) lawfully occupied for placer mining purposes;

(d) set apart and appropriated by the Governor in Council for any purpose described in paragraph 19(d) of the *Territorial Lands Act*;

(e) entry on which for the purpose of prospecting for minerals and locating a claim is prohibited by order of the Governor in Council under section 93

of this Act except on the terms and conditions set out in the order;

(f) under the administration and control of the Minister of National Defence, unless the consent of that Minister has been obtained in writing;

(g) within the boundaries of a city, town or village as defined by any ordinance of the Commissioner in Council, unless under regulations approved by the Governor in Council; or

(h) occupied by a building or within the curtilage of a dwelling house."



The Yukon Quartz Mining Act. S.C. 1924, c. 74.

WHERE AND BY WHOM CLAIMS MAY BE ACQUIRED.

Where and by  
whom claims  
may be  
acquired.

**12.** Every person eighteen years of age, or over, but not under, shall have the right personally, but not through another except as provided in section forty-seven of this Act, to enter, locate, prospect, and mine upon any vacant Dominion lands in Yukon Territory, for the minerals defined in this Act, and upon all lands the right whereon so to enter, prospect and mine such minerals has been, or hereafter shall be reserved to the Crown.

Exceptions.

**13.** Excepting, however, any land occupied by any building, and any land falling within the curtilage of any dwelling house, and any land valuable for water-power purposes, or for the time being actually under cultivation, unless with the written consent of the owner, lessee or locatee or of the person in whom the legal estate therein is vested, and any land on which is situated any church or

cemetery, and any land lawfully occupied for mining purposes, and excepting also Indian Reserves, Dominion Forest Parks and military, naval, quarantine, or other like reservation made by the Government of Canada, except as provided by section fourteen hereof.

The Yukon Quartz Mining Act. R.S.C. 1927, c. 217.

WHERE AND BY WHOM CLAIMS MAY BE ACQUIRED.

**12.** Every person eighteen years of age, or over, shall have the right personally, but not through another except as provided in section forty-seven of this Act, to enter, locate, prospect, and mine upon any vacant Dominion lands in Yukon Territory, for the minerals defined in this Act, and upon all lands the right whereon so to enter, prospect and mine such minerals has been, or hereafter shall be reserved to the Crown. 1924, c. 74, s. 12.

Where  
and by  
whom  
claims  
may be  
acquired.

**13.** There shall be excepted from the provisions of the last preceding section, any land occupied by any building, and any land falling within the curtilage of any dwelling house, and any land valuable for water-power purposes, or for the time being actually under cultivation, unless with the written consent of the owner, lessee or locatee or of the person in whom the legal estate therein is vested, and any land on which is situated any church or cemetery, and any land lawfully occupied for mining purposes, and also Indian reserves, Dominion forest parks and military, naval, quarantine, or other like reservations made by the Government of Canada, except as provided by the next following section. 1924, c. 74, s. 13.

Exceptions.

Government Organization Act. S.C. 1966-67, c. 25.

Acts to be administered by Minister of Indian Affairs and Northern Development.

**40.** (1) Without restricting the generality of sections 17 and 18, the Acts or portions of Acts to be administered by the Minister of Indian Affairs and Northern Development shall include the Acts or portions of Acts set out in Part IV of Schedule A, and whenever the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration, the Deputy Minister of Citizenship and Immigration, the Department of Northern Affairs and National Resources, the Minister of Northern Affairs and National Resources, the Deputy Minister of Northern Affairs and National Resources, the Department of Mines and Technical Surveys, the Minister of Mines and Technical Surveys or the Deputy Minister of Mines and Technical Surveys is mentioned or referred to in any of those Acts or portions of Acts, or in any order, rule or regulation thereunder, or any contract, lease or other document made thereunder, there shall in each and every such case unless the context otherwise requires be substituted the Department of Indian Affairs and Northern Development, the Minister of Indian Affairs and Northern Development or the Deputy Minister of Indian Affairs and Northern Development, as the case may be.

(2) Whenever under any order, rule or regulation, or any contract, lease or other document, any power, duty or function is vested in or exercisable by the Minister of Northern Affairs and National Resources, the Deputy Minister of Northern Affairs and National Resources or any other officer of the Department of Northern Affairs and National Resources, the Minister of Citizenship and Immigration or the Deputy Minister of Citizenship and Immigration, in relation to any matter not provided for under subsection (1) to which the powers, duties or functions of the Minister of Indian Affairs and Northern Development extend under this Act, the power, duty or function is vested in and shall or may be exercised by the Minister of Indian Affairs and Northern Development, the Deputy Minister of Indian Affairs and Northern Development or the appropriate officer of the Department of Indian Affairs and Northern Development, as the case may be, unless the Governor in Council by order designates another Minister, Deputy Minister or other officer of a department of the public service of Canada to exercise such power, duty or function.

References elsewhere.

**PART IV: Minister of Indian Affairs and Northern Development: (Section 40)**

Indian Act (R.S., c. 149)  
 Northern Canada Power Commission Act (R.S., c. 196)  
 Dominion Water Power Act (R.S., c. 90)  
 National Parks Act (R.S., c. 189)  
 Territorial Lands Act (R.S., c. 263)  
 Yukon Placer Mining Act (R.S., c. 300)  
 Yukon Quartz Mining Act (R.S., c. 301)  
 Land Titles Act (R.S., c. 162)  
 Northwest Territories Act (R.S., c. 331)  
 Yukon Act (1952-53, c. 53)  
 Part III of Canada Lands Surveys Act (R.S., c. 26)  
 Historic Sites and Monuments Act (1952-53, c. 39)  
 Game Export Act (R.S., c. 128)  
 Migratory Birds Convention Act (R.S., c. 179)

WHERE AND BY WHOM CLAIMS MAY BE  
ACQUIRED

Entry and  
location

12. (1) Subject to subsection (2), a person eighteen years of age, or over, may personally or by attorney enter, locate, prospect and mine upon any vacant territorial lands in the Yukon Territory, for the minerals defined in this Act, and upon all lands in respect of which the right to so enter, prospect and mine such minerals has been, or is after the 19th day of July 1924 reserved to the Crown.

Limitation on  
number of  
claims

(2) Subject to section 46, during any period of twelve months no person is entitled to locate, whether personally, as attorney for another or by an attorney, more than seven mineral claims in the aggregate within a distance of ten miles from any other mineral claim (making a total of eight mineral claims) located by him personally, as attorney or by attorney, during that period.

Power of  
attorney

(3) Every power of attorney authorizing a person to enter, locate, prospect or mine pursuant to subsection (1) shall be filed with the mining recorder before the entering, locating, prospecting or mining is undertaken. R.S., c. 301, s. 12.

Exceptions

13. (1) There shall be excepted from the provisions of section 12 any land occupied by any building, and any land falling within the curtilage of any dwelling-house, and any land valuable for water-power purposes, or for the time being actually under cultivation, unless with the written consent of the owner, lessee or locatee or of the person in whom the legal estate therein is vested, and any land on which any church or cemetery is situated, and any land lawfully occupied for mining purposes, and also Indian reserves, national parks and defence, quarantine, or other like reservations made by the Government of Canada, except as provided by section 14.



Yukon Territory Representation Act, 1902. S.C. 1902, c. 37.

CHAP. 37.

An Act respecting the representation of the Yukon Territory in the House of Commons.

[Assented to 15th May, 1902.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. This Act may be cited as *The Yukon Territory Representation Act, 1902.* Short title.

4. Every male person shall be qualified to vote at the election of a member under this Act who, not being an Indian, is a British subject and of the full age of twenty-one years, and who has resided in the Yukon Territory for at least twelve months, immediately preceding the issue of the writ of election. Qualification  
of electors.

An Act to amend the Yukon Act. S.C. 1960, c. 24.

Game  
Ordinances  
in respect of  
Indians and  
Eskimos.

4. (1) Section 17 of the said Act is amended by adding thereto the following subsections:

"(2) Notwithstanding subsection (1) but subject to subsection (3), the Commissioner in Council may make Ordinances for the government of the Territory, in relation to the preservation of game in the Territory, that are applicable to and in respect of Indians and Eskimos, and Ordinances made by the Commissioner in Council in relation to the preservation of game in the Territory, unless the contrary intention appears therein, are applicable to and in respect of Indians and Eskimos.

(3) Nothing in subsection (2) shall be construed as authorizing the Commissioner in Council to make Ordinances restricting or prohibiting Indians or Eskimos from hunting for food, on unoccupied Crown lands, game other than game declared by the Governor in Council to be game in danger of becoming extinct."

(2) From the day on which this Act comes into force, the provisions of the Ordinance entitled "An Ordinance respecting the Conservation of Game in the Yukon Territory", being chapter 50 of the Revised Ordinances of the Yukon Territory, 1958, and "An Ordinance to amend the Game Ordinance", being chapter 3 of the Ordinances of the Yukon Territory, 1959, First Session have the same force and effect in relation to Indians and Eskimos as if on that day they had been re-enacted in the same terms.

General  
Territorial  
laws  
applicable to  
Eskimos.

5. Section 22 of the said Act is amended by adding thereto the following subsection:

"(2) All laws of general application in force in the Territory are, except where otherwise provided, applicable to and in respect of Eskimos in the Territory."

Restriction on  
powers

17. (1) Nothing in section 16 shall be construed to give the Commissioner in Council greater powers with respect to any class of subjects described therein than are given to legislatures of the provinces of Canada under sections 92 and 95 of the *British North America Act, 1867*, with respect to similar subjects therein described.

Game  
ordinances in  
respect of  
Indians and  
Eskimos

(2) Notwithstanding subsection (1) but subject to subsection (3), the Commissioner in Council may make ordinances for the government of the Territory, in relation to the preservation of game in the Territory, that are applicable to and in respect of Indians and Eskimos, and ordinances made by the Commissioner in Council in relation to the preservation of game in the Territory, unless the contrary intention appears therein, are applicable to and in respect of Indians and Eskimos.

Hunting for  
food

(3) Nothing in subsection (2) shall be construed as authorizing the Commissioner in Council to make ordinances restricting or prohibiting Indians or Eskimos from hunting for food, on unoccupied Crown lands, game other than game declared by the Governor in Council to be game in danger of becoming extinct. 1952-53, c. 53, s. 17; 1960, c. 24, s. 4.

#### *Laws Applicable to Territory*

Existing laws  
continued

22. (1) Subject to this Act, the laws relating to civil and criminal matters and the ordinances in force in the Northwest Territories on the 13th day of June 1898 are and remain in force in the Territory, in so far as they are applicable thereto, and in so far as they have not been or are not hereafter repealed, abolished or altered by the Parliament of Canada, or by any ordinance.

Laws applicable  
to Eskimos

(2) All laws of general application in force in the Territory are, except where otherwise provided, applicable to and in respect of Eskimos in the Territory. 1952-53, c. 53, s. 22; 1960, c. 24, s. 5.



*Reindeer*

Regulations  
respecting  
reindeer

47. (1) The Governor in Council may make regulations

(a) authorizing the Minister to enter into agreements with Eskimos or Indians, or persons with Eskimo or Indian blood living the life of an Eskimo or Indian, for the herding of reindeer that are the property of Her Majesty, such agreements, if deemed advisable by the Minister, to include provisions for the transfer of such portions of the herds as may be therein specified to

the herders upon satisfactory completion of the agreements;

(b) for the control, management, administration and protection of reindeer in the Territory, whether they are the property of Her Majesty or otherwise;

(c) for the sale of reindeer and the slaughter or other disposal of surplus reindeer and the carcasses thereof; and

(d) controlling or prohibiting the transfer or shipment by any means of reindeer or their carcasses or parts thereof, whether they are the property of Her Majesty or otherwise, from any place in the Territory to any other place within or outside the Territory.

The Territorial Lands Act. S.C. 1950, c. 22.

POWERS OF THE GOVERNOR IN COUNCIL.

18. The Governor in Council may

(d) set apart and appropriate such areas or lands as may be necessary to enable the Government of Canada to fulfil its obligations under treaties with the Indians and to make free grants or leases for such purposes, and for any other purpose that he may consider to be conducive to the welfare of the Indians;

Powers of  
Governor in  
Council.

REPEAL.

Repeal  
R.S.C. cc.  
104, 175 and  
113.

26. *The Irrigation Act, the Reclamation Act, and the Dominion Lands Act* are repealed.

Territorial Lands Act. R.S.C. 1952, c. 263.

POWERS OF THE GOVERNOR IN COUNCIL.

18. The Governor in Council may

(d) set apart and appropriate such areas or lands as may be necessary to enable the Government of Canada to fulfil its obligations under treaties with the Indians and to make free grants or leases for such purposes, and for any other purpose that he may consider to be conducive to the welfare of the Indians;

Powers of  
Governor in  
Council.

Territorial Lands Act. R.S.C. 1970, c. T-6.

## CHAPTER T-6

An Act respecting Crown lands in the Yukon  
Territory and the Northwest Territories

### SHORT TITLE

Short title

1. This Act may be cited as the *Territorial  
Lands Act*. R.S., c. 263, s. 1.

### INTERPRETATION

Definitions

2. In this Act

"Minister"  
«Ministre»

"Minister" means the Minister of Indian  
Affairs and Northern Development;

### POWERS OF THE GOVERNOR IN COUNCIL

Powers of  
Governor in  
Council

19. The Governor in Council may

(d) set apart and appropriate such areas or  
lands as may be necessary to enable the  
Government of Canada to fulfil its obliga-  
tions under treaties with the Indians and to  
make free grants or leases for such purposes,  
and for any other purpose that he may  
consider to be conducive to the welfare of  
the Indians;



**CHAPTER 0-4**

An Act respecting the production and conservation of oil and gas in the Yukon Territory and the Northwest Territories

**SHORT TITLE**

Short title      1. This Act may be cited as the *Oil and Gas Production and Conservation Act*. 1968-69, c. 48, s. 1.

**INTERPRETATION**

Definitions	2. In this Act
"Chief Conservation Officer" «Directeur...»	"Chief Conservation Officer" means the Chief, Oil and Mineral Division, Northern Economic Development Branch, Department of Indian Affairs and Northern Development or such other officer of that Department as the Minister may designate;
"Committee" «Comité»	"Committee" means the Oil and Gas Committee established by section 4;
"field" «champ»	"field" (a) means a general surface area underlain or appearing to be underlain by one or more pools, and (b) includes the subsurface regions vertically beneath the general surface area referred to in paragraph (a);
"gas" «gas»	"gas" means natural gas;
"lease" «bail»	"lease" means an oil and gas lease issued pursuant to regulations made in accordance with the <i>Territorial Lands Act</i> and the <i>Public Lands Grants Act</i> ;
"Minister" «Ministre»	"Minister" means the Minister of Indian Affairs and Northern Development;
"oil" «pétrole»	"oil" means any hydrocarbons except coal and gas;
"permit" «permis»	"permit" means an exploratory oil and gas permit issued pursuant to regulations made in accordance with the <i>Territorial Lands Act</i> and the <i>Public Lands Grants Act</i> ;

R.S.C. 1970, c. 0-4, cont'd.

"pipeline"  
«pipe-line»

"pipeline" means any pipe or any system or arrangement of pipes wholly within the Territories referred to in section 3, by which oil, gas or water incidental to the drilling for or production of oil or gas is conveyed from any wellhead or other place at which it is produced to any other place, or from any place where it is stored, processed or treated to any other place, and includes all property of any kind used for the purpose of, or in connection with or incidental to, the operation of a pipeline in the gathering, transporting, handling and delivery of oil or gas, and without restricting the generality of the foregoing, includes tanks, surface reservoirs, pumps, racks, storage and loading facilities, compressors, compressor stations, pressure measuring and controlling equipment and fixtures, flow controlling and measuring equipment and fixtures, metering equipment and fixtures, and heating, cooling and dehydrating equipment and fixtures, but does not include any pipe or any system or arrangement of pipes that constitutes a distribution system for the distribution of gas to ultimate consumers;

"pool"  
«gisement»

"pool" means a natural underground reservoir containing or appearing to contain an accumulation of oil or gas or both oil and gas and being separated or appearing to be separated from any other such accumulation;

"well"  
«puits»

"well" means any opening in the ground (not being a seismic shot hole) that is made, to be made or is in the process of being made, by drilling, boring or other method,

(a) for the production of oil or gas,

(b) for the purpose of searching for or obtaining oil or gas,

(c) for the purpose of obtaining water to inject into an underground formation,

(d) for the purpose of injecting gas, air, water or other substance into an underground formation, or

(e) for any purpose, if made through sedimentary rocks to a depth of at least five hundred feet. 1968-69, c. 48, s. 2.

#### APPLICATION

Application of  
Act

3. This Act applies to oil and gas in the Yukon Territory and the Northwest Territories. 1968-69, c. 48, s. 3.

R.S.C. 1970, c. 0-4, cont'd.

# OIL AND GAS COMMITTEE

## *Constitution*

### Establishment of Oil and Gas Committee

4. (1) The Governor in Council may establish a committee under the direction of the Minister to be known as the Oil and Gas Committee, which shall consist of five members, not more than three of whom shall be employees in the public service of Canada.

### Appointment of members and chairman

(2) The members of the Committee shall be appointed by the Governor in Council to hold office for a term of three years, and one member shall be designated as chairman for such term as may be fixed by the Governor in Council.

### Re-appointment permitted

(3) A retiring chairman or retiring member may be re-appointed to the Committee in the same or other capacity. 1968-69, c. 48, s. 4.

### Qualification of members

5. (1) The Governor in Council shall appoint as members of the Committee at least two persons who appear to the Governor in Council to have specialized, expert or technical knowledge of oil and gas.

### Departmental personnel and assistance

(2) A person employed in the Oil and Mineral Division of the Department of Indian Affairs and Northern Development is not eligible to be a member of the Committee, but the Minister may designate an officer of that Division to act as secretary to the Committee.

### Staff of Committee

(3) The Minister shall provide the Committee with such officers, clerks and employees as may be necessary for the proper conduct of the affairs of the Committee, and may provide the Committee with such professional or technical assistance for temporary periods or for specific work as the Committee may

request, but no such assistance shall be provided otherwise than from the public service of Canada except with the approval of the Treasury Board.

### Remuneration

(4) The members of the Committee who are not employees in the public service of Canada shall be paid such remuneration as may be authorized by the Governor in Council.

### Expenses

(5) The members of the Committee are entitled to be paid reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties. 1968-69, c. 48, s. 5.



R.S.C. 1970, c. 0-4, cont'd.

Interest in oil  
and gas  
properties

6. No member of the Committee shall have a pecuniary interest of any description, directly or indirectly, in any property in oil or gas to which this Act applies or own shares in any company engaged in any phase of the oil or gas industry in Canada in an amount in excess of five per cent of the issued shares thereof, provided further that no member who owns any shares of any company engaged in any phase of the oil or gas industry in Canada shall vote when a question affecting such a company is before the Committee. 1968-69, c. 48, s. 6.

Quorum

7. (1) A majority of the members, including one member who is not an employee in the public service, constitutes a quorum of the Committee.

Powers of  
Committee

(2) The Committee may make general rules not inconsistent with this Act regulating its practice and procedure and the places and times of its sittings. 1968-69, c. 48, s. 7.

#### *Jurisdiction and Powers*

Jurisdiction

8. (1) Where under this Act the Committee is charged with a duty to hold an inquiry or to hear an appeal, the Committee has full jurisdiction to inquire into, hear and determine the matter of any such inquiry or appeal and to make any order, or give any direction that pursuant to this Act the Committee is authorized to make or give or with respect to any matter, act or thing that by this Act may be prohibited or approved by the Committee or required by the Committee to be done.

Powers of  
Committee

(2) For the purpose of any inquiry, hearing or appeal, or the making of any order pursuant to this Act the Committee has, regarding the attendance, swearing and examination of witnesses, the production and inspection of documents, the entry upon and inspection of property, the enforcement of its orders and regarding other matters necessary or proper for the due exercise of its jurisdiction pursuant to this Act, all such powers, rights and privileges as are vested in a superior court of record.

Finding of fact  
conclusive

(3) The finding or determination of the Committee upon any question of fact within its jurisdiction is binding and conclusive. 1968-69, c. 48, s. 8.

R.S.C. 1970, c. 0-4, cont'd.

Deputing  
member to hold  
inquiry

9. (1) The Committee may authorize and depute any member thereof to inquire into such matter before the Committee as may be directed by the Committee and to report the evidence and findings, if any, thereon to the Committee, and when such report is made to the Committee, it may be adopted as a finding of the Committee or otherwise dealt with as the Committee considers advisable.

Powers of  
deputed member

(2) Upon any inquiry by a member under subsection (1) the member has all the powers of the Committee for the purpose of taking evidence or acquiring information for the purposes of the report to the Committee. 1968-69, c. 48, s. 9.

Advisory  
functions

10. The Minister may at any time refer to the Committee for a report or recommendation any question, matter or thing arising under this Act or relating to the conservation, production, storage, processing or transportation of oil or gas. 1968-69, c. 48, s. 10.

#### *Enforcement*

Enforcement of  
Committee  
orders

11. (1) Any order made by the Committee may, for the purpose of enforcement thereof, be made an order of the Exchequer Court of Canada and shall be enforced in like manner as any order of that Court.

Procedure for  
enforcement

(2) To make an order of the Committee an

order of the Exchequer Court of Canada, the usual practice and procedure of that Court in such matters may be followed or in lieu thereof the secretary or another officer of the Committee may file with the Registrar of the Exchequer Court a certified copy of the order and thereupon the order becomes an order of the Exchequer Court.

When order  
rescinded or  
replaced

(3) When an order of the Committee has been made an order of the Exchequer Court, any order of the Committee, or of the Governor in Council under section 40, rescinding or replacing the first mentioned order of the Committee, shall be deemed to cancel the order of the Court and may in like manner be made an order of the Court. 1968-69, c. 48, s. 11.

## PART I

## PRODUCTION AND CONSERVATION

Regulatory  
power of  
Governor in  
Council

12. The Governor in Council may make regulations respecting the exploration and drilling for and the production and conservation, processing and transportation of oil and gas and, in particular, but without restricting the generality of the foregoing, may make regulations

- (a) respecting the licensing, drilling, spacing, locating, completing, producing, equipping, suspending and abandoning of wells;
- (b) respecting the regulating and controlling of the rate at which oil, gas or water may be produced from any well, pool or field;
- (c) respecting the reporting of information and data obtained in the course of the exploration for, the drilling for and the production of oil and gas and the keeping of records and measurements of all oil, gas and water produced;
- (d) concerning the safety and the inspection of all operations conducted in connection with the exploration for, the drilling for and the production of oil and gas and prescribing the measures to be taken to ensure the safety of such operations;
- (e) requiring and prescribing the making of tests, logs, analyses and surveys, and the taking of samples;
- (f) respecting the designation of fields and pools;
- (g) prescribing the methods to be used for the measurement of oil, gas, water, and other substances obtained from wells;
- (h) respecting the repressurizing, cycling and pressure maintenance in any field or pool;
- (i) authorizing the Minister, or such other person as the Governor in Council deems suitable, to exercise such powers and perform such duties as may be necessary for the management and control of oil or gas production, and authorizing the making of such orders as may be specified;
- (j) authorizing the Minister, or such other person as the Governor in Council deems suitable, to exercise such powers and perform such duties as may be necessary for the removal of gas and oil from the Territories referred to in section 3, and authorizing the making of such orders as may be specified;
- (k) authorizing the Minister, or such other person as the Governor in Council deems suitable, to exercise such powers and perform such duties as may be necessary for the construction of pipeline within the Territories referred to in section 3, and authorizing the making of such orders as may be specified;



R.S.C. 1970, c. 0-4, cont'd.

(l) for the prevention of waste within the meaning of this Act;

(m) prescribing the conditions under which drilling operations may be carried out in water-covered areas and any special measures to be taken for such operations;

(n) prescribing the measures to be adopted to confine any oil, gas or water encountered during drilling operations to the original stratum and to protect the contents of the stratum from infiltration, inundation and migration;

(o) prescribing the minimum acceptable standards for the methods, tools, equipment and materials to be used in drilling, completing, operating, suspending and abandoning any well;

(p) prescribing minimum acceptable standards for the construction, alteration or use of any works, fittings, machinery, plant and appliances used for the development, production, transmission, distribution, measurement, storage or handling of any oil or gas;

(q) prescribing the measures necessary to prevent pollution of air, land or water as a result of the exploration and drilling for or the production, storage, transportation, distribution, measurement, processing or handling of any oil or gas or any substance obtained from or associated with oil or gas; and

(r) prescribing measures necessary for the disposal or gathering, and injection into an underground formation, of water, gas, oil or other substances produced from a pool or oil deposit. 1968-69, c. 48, s. 12.

#### *Waste*

Waste  
prohibited

**13. (1)** Subject to subsection 48(5), any person who commits waste is guilty of an offence under this Act, but a prosecution may be instituted for such an offence only with the consent of the Minister.

"Waste"

(2) In this Act "waste", in addition to its ordinary meaning, means waste as understood in the oil and gas industry and in particular, but without limiting the generality of the foregoing, includes

(a) the inefficient or excessive use or dissipation of reservoir energy;

(b) the locating, spacing or drilling of a well within a field or pool or within part of a field or pool or the operating of any well that, having regard to sound engineering and economic principles, results or tends to result in a reduction in the quantity of oil or gas ultimately recoverable from a pool;

R.S.C. 1970, c. 0-4, cont'd.

(c) the drilling, equipping, completing, operating or producing of any well in a manner that causes or is likely to cause the unnecessary or excessive loss or destruction of oil or gas after removal from the reservoir;

(d) the inefficient storage of oil or gas above ground or underground;

(e) the production of oil or gas in excess of available storage, transportation or marketing facilities;

(f) the escape or flaring of gas that could be economically recovered and processed or economically injected into an underground reservoir; or

(g) the failure to use suitable artificial, secondary or supplementary recovery methods in a pool when it appears that such methods would result in increasing the quantity of oil or gas, or both, ultimately recoverable under sound engineering and economic principles. 1968-69, c. 48, s. 13.

Prevention of  
waste

14. (1) Where the Chief Conservation Officer on reasonable and probable grounds is of the opinion that waste, other than waste as defined in paragraph 13(2)(f) or (g), is being committed, the Chief Conservation Officer may, subject to subsection (2) of this section, order that all operations giving rise to such waste cease until he is satisfied that the waste has stopped.

Investigation

(2) Before making any order under subsection (1), the Chief Conservation Officer shall hold an investigation at which interested persons shall be given an opportunity to be heard.

Peremptory  
order

(3) Notwithstanding subsection (2), the Chief Conservation Officer may, without an investigation, make an order under this section requiring all operations to be shut down if in his opinion it is necessary to do so to prevent damage to persons or property or to prevent pollution; but as soon as possible after making any such order and in any event within fifteen days thereafter, he shall hold an investigation at which interested persons shall be given an opportunity to be heard.

Order after  
inquiry

(4) At the conclusion of an investigation under subsection (3) the Chief Conservation Officer may set aside, vary or confirm the order made, or make a new order. 1968-69, c. 48, s. 14.

R.S.C. 1970, c. 0-4, cont'd.

Giving effect to  
order

15. (1) For the purpose of giving effect to an order made under section 14, the Chief Conservation Officer may direct such persons as may be necessary to enter upon the land, premises or other place where the operations giving rise to the waste are being carried out and may authorize those persons to take over the management and control of such operations and any works connected therewith.

Controlling  
operations and  
costs thereof

(2) A person authorized under subsection (1) to take over the management and control of operations shall manage and control such operations and do all things necessary to stop the waste; and the cost thereof shall be borne by the person who holds the permit or the lease and until paid constitutes a debt recoverable by action in any court of competent jurisdiction as a debt due to Her Majesty in right of Canada. 1968-69, c. 48, s. 15.

Appeal to  
Committee

16. (1) A person aggrieved by an order of the Chief Conservation Officer after an investigation under section 14 may appeal to the Committee to have the order reviewed.

Powers on  
appeal

(2) After hearing the appeal the Committee may

(a) set aside, confirm or vary the order made by the Chief Conservation Officer;

(b) direct such works to be undertaken as may be considered necessary to prevent waste, the escape of oil or gas or any other contravention of this Act or the regulations; or

(c) make such other or further order as the Committee considers appropriate. 1968-69, c. 48, s. 16.

Waste by failure  
to utilize gas or  
to use  
appropriate  
recovery  
methods

17. (1) When the Chief Conservation Officer on reasonable and probable grounds is of the opinion that waste as defined in paragraph 13(2)(f) or (g) is occurring in the recovery of oil or gas from a pool, he may apply to the Committee for an order requiring the operators within the pool to show cause at a hearing to be held on a day specified in the order why the Committee should not make a direction in respect thereof.

Hearing

(2) On the day specified in the order under subsection (1), the Committee shall hold a hearing at which the Chief Conservation



R.S.C. 1970, c. 0-4, cont'd.

Officer, the operators and other interested persons shall be given an opportunity to be heard. 1968-69, c. 48, s. 17.

Order

18. (1) If, after the hearing mentioned in section 17, the Committee is of the opinion that waste as defined in paragraph 13(2)(f) or (g) is occurring in the recovery of oil or gas from a pool, the Committee may, by order,

(a) direct the introduction of a scheme for the collection, processing, disposition or reinjection of any gas produced from such pool; or

(b) direct repressurizing, recycling or pressure maintenance for the pool or any part of the pool and for, or incidental to such purpose, direct the introduction or injection into such pool, or part thereof, of gas, water or other substance;

and the order may further direct that the pool or part thereof specified in the order be shut in if the requirements of the order are not met or unless a scheme is approved by the Committee and in operation by a date fixed by the order.

Continuation  
pending  
approval of  
scheme

(2) Notwithstanding subsection (1), the Committee may permit the continued operation of a pool or any part of a pool after the date fixed by an order under subsection (1) if in the opinion of the Committee a scheme for the repressurizing, recycling or pressure maintenance or the processing, storage or disposal of gas is in course of preparation, but any such continuation of operations is subject to any conditions imposed by the Committee. 1968-69, c. 48, s. 18.

Production  
scheme

19. No scheme for repressurizing, recycling or pressure maintenance in any field or pool, or for the collection, processing and reinjection of oil, gas or water in any field or pool shall be carried out except with the approval of the Committee and in accordance with the regulations. 1968-69, c. 48, s. 19.

## PART II

### PRODUCTION ARRANGEMENTS

Definitions

20. In this Part

"pooled spacing  
unit"

"unité d'espace-  
ment" mte...

"pooled spacing unit" means the area that is

R.S.C. 1970, c. 0-4, cont'd.

	subject to a pooling agreement or a pooling order;
"pooled tract" «parcelle mise...»	"pooled tract" means the portion of a pooled spacing unit defined as a tract in a pooling agreement or a pooling order;
"pooling agreement" «accord de mise...»	"pooling agreement" means an agreement to pool the interests of owners in a spacing unit and to provide for the operation or the drilling and operation of a well thereon;
"pooling order" «ordonnance de mise...»	"pooling order" means an order made under section 22 or as altered pursuant to section 24;
"royalty interest" «droit...»	"royalty interest" means any interest in, or the right to receive a portion of, any oil or gas produced and saved from a field or pool or part of a field or pool or the proceeds from the sale thereof, but does not include a working interest or the interest of any person whose sole interest is as a purchaser of oil or gas from the pool or part thereof;
"royalty owner" «titulaire...»	"royalty owner" means a person, including Her Majesty in right of Canada, who owns a royalty interest;
"spacing unit" «unité d'espacement»	"spacing unit" means the area allocated to a well for the purpose of drilling for or producing oil or gas;
"tract participation" «participa- tion...»	"tract participation" means the share of production from a unitized zone that is allocated to a unit tract under a unit agreement or unitization order or the share of production from a pooled spacing unit that is allocated to a pooled tract under a pooling agreement or pooling order;
"unit agreement" «accord d'union»	"unit agreement" means an agreement to unitize the interests of owners in a pool or a part of a pool exceeding in area a spacing unit, or such an agreement as varied by a unitization order;
"unit area" «superficie»	"unit area" means the area that is subject to a unit agreement;
"unit operating agreement" «accord d'exploitation...»	"unit operating agreement" means an agreement, providing for the management and operation of a unit area and a unitized zone, that is entered into by working interest owners who are parties to a unit agreement with respect to that unit area and unitized zone, and includes a unit operating agreement as varied by a unitization order;
"unit operation" «exploitation...»	"unit operation" means those operations conducted pursuant to a unit agreement or a unitization order;
"unit operator" «exploitant...»	"unit operator" means a person designated as unit operator under a unit operating agreement;
"unit tract" «parcelle unitaire»	"unit tract" means the portion of a unit area that is defined as a tract in a unit agreement;
"unitization order" «ordonnance d'union»	"unitization order" means an order of the Committee made under section 30;

R.S.C. 1970, c. 0-4, cont'd.

"unitized zone" "unitized zone" means a geological formation  
"zone..." that is within a unit area and subject to a  
unit agreement;

"working  
interest"  
"intérêt..." "working interest" means a right, in whole or  
in part, to produce and dispose of oil or gas  
from a pool or part of a pool, whether such  
right is held as an incident of ownership of  
an estate in fee simple in the oil or gas or  
under a lease, agreement or other instru-  
ment, if the right is chargeable with and  
the holder thereof is obligated to pay or  
bear, either in cash or out of production, all  
or a portion of the costs in connection with  
the drilling for, recovery and disposal of oil  
or gas from the pool or part thereof;

"working  
interest owner"  
"concession-  
naire..." "working interest owner" means a person who  
owns a working interest. 1968-69, c. 48, s. 20.

### Pooling

Voluntary  
pooling

21. (1) Where one or more working interest owners have leases or separately owned working interests within a spacing unit, the working interest owners and the royalty owners who own all of the interests in the spacing unit may pool their working interests and royalty interests in the spacing unit for the purpose of drilling for or producing, or both drilling for and producing, oil and gas if a copy of the pooling agreement and any amendment thereto has been filed with the Chief Conservation Officer.

Pooling  
agreement by  
Her Majesty

(2) The Minister may, on behalf of Her Majesty, enter into a pooling agreement on such terms and conditions as he deems advisable and, notwithstanding anything in this Act, the *Territorial Lands Act*, the *Public Lands Grants Act* or the regulations under those Acts, the pooling agreement is binding on Her Majesty. 1968-69, c. 48, s. 21.

Application for  
pooling order

22. (1) In the absence of a pooling agreement a working interest owner in a spacing unit may apply for a pooling order directing the working interest owners and royalty owners within the spacing unit to pool their interests in the spacing unit for the purpose of drilling for and producing, or producing, oil or gas or both from the spacing unit.

Hearing by  
Committee

(2) An application under subsection (1) shall be made to the Minister who shall refer the application to the Committee for the purpose of holding a hearing to determine whether a pooling order should be made and at such hearing the Committee shall afford all interested parties an opportunity to be heard.



R.S.C. 1970, c. 0-4, cont'd.

Matter to be  
supplied  
Committee on  
hearing

(3) Prior to a hearing held pursuant to subsection (2), the working interest owner making application shall provide the Committee, and such other interested parties as the Committee may direct, with a proposed form of pooling agreement; and the working interest owners who have interests in the spacing unit to which the proposed pooling agreement relates shall provide the Committee with such information as the Committee deems necessary.

Order of  
Committee

(4) After a hearing pursuant to subsection (2), the Committee may order that all working interest owners and royalty owners who have an interest in the spacing unit shall be deemed to have entered into a pooling agreement as set out in the pooling order.

Contents of  
pooling order

(5) Every pooling order shall provide

(a) for the drilling and operation of a well on the spacing unit or, where a well that is capable of or that can be made capable of production has been drilled on the spacing unit before the making of the pooling order, for the future production and operation of such well;

(b) for the appointment of a working interest owner as operator to be responsible for the drilling, operation or abandoning of the well whether drilled before or after the making of the pooling order;

(c) for the allocation to each pooled tract of its share of the production of the oil or gas from the pooled spacing unit that is not required, consumed or lost in the operation of the well, which allocation shall be on an acreage basis unless it can be shown to the satisfaction of the Committee that such basis is unfair, whereupon the Committee may make an allocation on some other more equitable basis;

(d) in the event that no production of oil or gas is obtained, for the payment by the applicant of all costs incurred in the drilling and abandoning of the well;

(e) where production has been obtained, for the payment of the actual costs of drilling the well, whether drilled before or after the making of the pooling order, and for the payment of the actual costs of the completion, operation and abandoning of the well; and

(f) for the sale by the operator of any oil or gas allocated pursuant to paragraph (c) to a working interest owner where the working interest owner thereof fails to take in kind and dispose of such production, and for the deduction out of the proceeds by the operator of his expenses reasonably incurred in connection with such sale

R.S.C. 1970, c. 0-4, cont'd.

Provision of  
penalty

(6) A pooling order may provide for a penalty for a working interest owner who does not, within the time specified in the order, pay the portion of the costs attributable to him as his share of the cost of drilling and completion of the well, but such penalty shall not exceed an amount equal to one-half of that working interest owner's share of such costs.

Recovery of  
costs and  
penalty

(7) If a working interest owner does not, within the time specified therefor in the pooling order, pay his share of the costs of the drilling, completing, operating and abandoning of the well, his portion of the costs and the penalty, if any, are recoverable only out of his share of production from the spacing unit and not in any other manner. 1968-69, c. 48, s. 22.

Effect of  
pooling order

23. Where a pooling order is made, all working interest owners and royalty owners having interests in the pooled spacing unit shall, upon the making of the pooling order, be deemed to have entered into a pooling agreement as set out in the pooling order and such order shall be deemed to be a valid contract between the parties having interests in the pooled spacing unit, and all its terms and provisions, as set out therein or as altered pursuant to section 24, are binding upon and enforceable against the parties thereto, including Her Majesty. 1968-69, c. 48, s. 23.

Application to  
alter pooling  
order

24. (1) The Committee shall hear any application to vary, amend or terminate a pooling order where such application is made by the owners of over twenty-five per cent of the working interests in the pooled spacing unit, calculated on an acreage basis, and may, in its discretion, order a hearing on the application of any working interest owner or royalty owner.

Alteration of  
pooling order

(2) After a hearing held pursuant to subsection (1), the Committee may vary or amend the pooling order to supply any deficiency therein or to meet changing conditions and may vary or revoke any provision that the Committee deems to be unfair or inequitable or it may terminate the pooling order.

Tract  
participation  
ratios protected

(3) Where a pooling order is varied or amended, no change shall be made that will alter the ratios of tract participations between the pooled tracts as originally set out in the pooling order. 1968-69, c. 48, s. 24.

R.S.C. 1970, c. 0-4, cont'd.

Prohibition

**25. (1)** No person shall produce any oil or gas within a spacing unit in which there are two or more leases or two or more separately owned working interests unless a pooling agreement has been entered into in accordance with section 21 or in accordance with a pooling order made under section 22.

Saving

(2) Subsection (1) does not prohibit the production of oil or gas for testing in any quantities approved by the Chief Conservation Officer. 1968-69, c. 48, s. 25.

*Unitization*

Unit operation

**26. (1)** Any one or more working interest owners in a pool or part thereof exceeding in area a spacing unit, together with the royalty owners, may enter into a unit agreement and operate their interests pursuant to the terms of the unit agreement or any amendment thereto if a copy of the agreement and any amendment has been filed with the Chief Conservation Officer.

Minister may enter into unit agreement

(2) The Minister may enter into a unit agreement binding on Her Majesty, on such terms and conditions as he may deem advisable, and such of the regulations under this Act, the *Territorial Lands Act* or the *Public Lands Grants Act* as may be in conflict with the terms of the unit agreement stand varied or suspended to the extent necessary to give full effect to the terms of the unit agreement.

Unit operator's relationship to parties

(3) Where a unit agreement filed under this section provides that a unit operator shall be the agent of the parties thereto with respect to their powers and responsibilities under this Act, the performance or non-performance thereof by the unit operator shall be deemed to be the performance or non-performance by the parties otherwise having those powers and responsibilities under this Act. 1968-69, c. 48, s. 26.

Requiring unitization to prevent waste

**27. (1)** Notwithstanding anything in this Act, where, in the opinion of the Chief Conservation Officer, the unit operation of a pool or part thereof would prevent waste, he may apply to the Committee for an order requiring the working interest owners in the pool or part thereof to enter into a unit agreement and a unit operating agreement in respect of the pool or part thereof, as the case may be.

R.S.C. 1970, c. 0-4, cont'd.

Hearing

(2) Where an application is made by the Chief Conservation Officer pursuant to subsection (1), the Committee shall hold a hearing at which all interested persons shall be afforded an opportunity to be heard.

Order

(3) If, after the hearing mentioned in subsection (2), the Committee is of opinion that unit operation of a pool or part thereof would prevent waste, the Committee may by order require the working interest owners in the pool or part thereof to enter into a unit agreement and a unit operating agreement in respect of the pool or part thereof.

Cessation of operations

(4) If in the time specified in the order referred to in subsection (3), being not less than six months from the date of the making of the order, the working interest owners and royalty owners fail to enter into a unit agreement and a unit operating agreement approved by the Committee, all drilling and producing operations within the pool or part thereof in respect of which the order was given shall cease until such time as a unit agreement and a unit operating agreement have been approved by the Committee and filed with the Chief Conservation Officer.

Permit to continue operations

(5) Notwithstanding subsection (4), the Committee may permit the continued operation of the pool or part thereof after the time specified in the order referred to in subsection (3) if it is of opinion that a unit agreement and unit operating agreement are in the course of being entered into, but any such continuation of operations shall be subject to any conditions prescribed by the Committee. 1968-69, c. 48, s. 27.

#### *Compulsory Unitization*

Who may apply for unitization order

**28.** (1) One or more working interest owners who are parties to a unit agreement and a unit operating agreement and own in the aggregate sixty-five per cent or more of the working interests in a unit area may apply for a unitization order with respect to the agreements.

Application for unitization order

(2) An application under subsection (1) shall be made to the Minister who shall refer the application to the Committee for the purpose of holding a hearing thereon in accordance with section 30.

Application by proposed unit operator

(3) An application under subsection (1) may be made by the unit operator or proposed unit operator on behalf of the working interest owners referred to in subsection (1). 1968-69, c. 48, s. 28.



R.S.C. 1970, c. 0-4, cont'd.

Contents of  
unitization  
application

**29. (1) An application for a unitization order shall contain**

- (a) a plan showing the unit area that the applicant desires to be made subject to the order;
- (b) one copy each of the unit agreement and the unit operating agreement;
- (c) a statement of the nature of the operations to be carried out; and
- (d) a statement showing
  - (i) with respect to each proposed unit tract, the names and addresses of the working interest owners and royalty owners in that tract, and
  - (ii) the tracts that are entitled to be qualified as unit tracts under the provisions of the unit agreement.

Details required  
of unit  
agreement

**(2) The unit agreement referred to in subsection (1) shall include**

- (a) a description of the unit area and the unit tracts included in the agreement;
- (b) an allocation to each unit tract of a share of the production from the unitized zone not required, consumed or lost in the unit operation;
- (c) a provision specifying the manner in which and the circumstances under which the unit operation shall terminate; and
- (d) a provision specifying that the share of the production from a unit area that has been allocated to a unit tract shall be deemed to have been produced from that unit tract.

Details required  
of unit  
operating  
agreement

**(3) The unit operating agreement referred to in subsection (1) shall make provision**

- (a) for the contribution or transfer to the unit, and any adjustment among the working interest owners, of the investment in wells and equipment within the unit area;
- (b) for the charging of the costs and expenses of the unit operation to the working interest owners;
- (c) for the supervision of the unit operation by the working interest owners through an operating committee composed of their duly authorized representatives and for the appointment of a unit operator to be responsible, under the direction and supervision of the operating committee, for the carrying out of the unit operation;
- (d) for the determination of the percentage value of the vote of each working interest owner; and

R.S.C. 1970, c. 0-4, cont'd.

(e) for the determination of the method of voting upon any motion before the operating committee and the percentage value of the vote required to carry the motion. 1968-69, c. 48, s. 29.

Hearing on  
application

30. (1) Where an application made under section 28 is referred by the Minister to the Committee, the Committee shall hold a hearing thereon at which all interested persons shall be afforded an opportunity to be heard.

Unitization  
order

(2) If the Committee finds that

(a) at the date of the commencement of a hearing referred to in subsection (1)

(i) the unit agreement and the unit operating agreement have been executed by one or more working interest owners who own in the aggregate sixty-five per cent or more of the total working interests in the unit area, and

(ii) the unit agreement has been executed by one or more royalty owners who own in the aggregate sixty-five per cent or more of the total royalty interests in the unit area, and

(b) the unitization order applied for would accomplish the more efficient or more economical production of oil or gas or both from the unitized zone,

the Committee may order

(c) that the unit agreement be a valid contract enuring to the benefit of all the royalty owners and working interest owners in the unit area and binding upon and enforceable against all such owners, and

(d) that the unit operating agreement be a valid contract enuring to the benefit of all the working interest owners in the unit area and binding upon and enforceable against all such owners,

and, subject to section 31, the unit agreement and the unit operating agreement have the effect given them by the order of the Committee.

Variation by  
unitization order

(3) In a unitization order the Committee may vary the unit agreement or the unit operating agreement by adding provisions or by deleting or amending any provision thereof. 1968-69, c. 48, s. 30.

R.S.C. 1970, c. 0-4, cont'd.

Effective date of  
unitization order

**31.** (1) Subject to subsection (2), a unitization order shall become effective on the date the Committee prescribes in the order but such date shall be a date not less than thirty days following the day the order is made.

Effective date  
when unit  
agreement or  
unit operating  
agreement  
varied

(2) Where a unit agreement or unit operating agreement is varied by the Committee in a unitization order, the effective date prescribed in the order shall be a date not less than thirty days following the day the order is made, but the order becomes ineffective if, before the effective date, the applicant files with the Committee a notice withdrawing the application on behalf of the working interest owners or there are filed with the Committee statements in writing objecting to the order and signed

(a) in the case of the unit agreement by

(i) one or more working interest owners who own in the aggregate more than twenty-five per cent of the total working interests in the area and were included within the group owning sixty-five per cent or more of the total working interests as described in subparagraph 30(2)(a)(i), and

(ii) one or more royalty owners who own in the aggregate more than twenty-five per cent of the total royalty interests in the unit area and were included within the group owning sixty-five per cent or more of the total royalty interests as described in subparagraph 30(2)(a)(ii); or

(b) in the case of the unit operating agreement, by one or more working interest owners who own in the aggregate more than twenty-five per cent of the total working interests in the unit area and were included within the group owning sixty-five per cent or more of the total working interests as described in subparagraph 30(2)(a)(i).

Revocation of  
order

(3) Where a unitization order becomes ineffective under subsection (2), the Committee shall forthwith revoke the order. 1968-69, c. 48, s. 31.

Technical  
defects in  
unitization order

**32.** A unitization order is not invalid by reason only of the absence of notice or of any irregularities in giving notice to any owner in respect of the application for the order or any proceedings leading to the making of the order. 1968-69, c. 48, s. 32.

R.S.C. 1970, c. 0-4, cont'd.

Amending  
unitization order

**33.** (1) A unitization order may be amended upon the application of a working interest owner, but before amending a unitization order the Committee shall hold a hearing at which all interested parties shall have an opportunity to be heard.

Voluntary  
proposal for  
amendment by  
owners

(2) If the Committee finds that, at the date of the commencement of a hearing of an application for the amendment of a unitization order, one or more working interest owners who own, in the aggregate, sixty-five per cent or more of the total working interests and one or more royalty interest owners who own, in the aggregate, sixty-five per cent or more of the total royalty interests in the unit area have consented to the proposed amendment, the Committee may amend the unitization order in accordance with the amendment proposed. 1968-69, c. 48, s. 33.

Protection of  
tract  
participation  
ratios

**34.** No amendment shall be made under section 33 that will alter the ratios between the tract participations of those tracts that were qualified for inclusion in the unit area before the commencement of the hearing; and, for the purposes of this section, the tract participations shall be those indicated in the unit agreement when it became subject to a unitization order. 1968-69, c. 48, s. 34.

Production  
prohibited  
except in accord  
with unitization  
order

**35.** After the date on which a unitization order comes into effect and while the order remains in force, no person shall carry on any operations within the unit area for the purpose of drilling for or producing oil or gas from the unitized zone, except in accordance with the provisions of the unit agreement and the unit operating agreement. 1968-69, c. 48, s. 35.

How percentages  
of interests to be  
determined

**36.** (1) The percentages of interests referred to in subsections 28(1), 30(2), 31(2) and 33(2) shall be determined

(a) as to royalty interests, on the basis of acreage; and

(b) as to working interests, on the basis of tract participations shown in the unit agreement.

Fee simple  
owner deemed  
to be royalty  
owner on  
acreage basis

(2) Where a working interest in a unit tract is held as an incident of the ownership of a fee simple estate in oil or gas, the owner who holds that working interest shall, for the purposes of subsection (1), be deemed to be a royalty owner in respect of the tract on the basis of acreage under paragraph (1)(a). 1968-69, c. 48, s. 36.



R.S.C. 1970, c. 0-4, cont'd.

### General

Pooled spacing  
unit included in  
unit area

37. (1) A pooled spacing unit that has been pooled pursuant to a pooling order and on which a well has been drilled may be included in a unit area as a single unit tract and the Committee may make such amendments to the pooling order as it deems necessary to remove any conflict between the provisions of the pooling order and the provisions of the unit agreement, or the unit operating agreement or the unitization order, if any.

Effect of  
including pooled  
spacing unit in  
unit area

(2) Where a pooled spacing unit is included in a unit area pursuant to subsection (1), the provisions of the unit agreement, the unit operating agreement and the unitization order, if any, prevail over the provisions of the pooling order in the event of a conflict, but

(a) the share of the unit production that is allocated to the pooled spacing unit shall in turn be allocated to the separately owned tracts in the pooled spacing unit on the same basis and in the same proportion as production actually obtained from the pooled spacing unit would have been shared under the pooling order;

(b) the costs and expenses of the unit operation that are allocated to the pooled spacing unit shall be shared and borne by the owners of the working interests therein on the same basis and in the same proportion as would apply under the pooling order; and

(c) the credits allocated under a unit operating agreement to a pooled spacing unit for adjustment of investment for wells and equipment thereon shall be shared by the owners of the working interests therein in the same proportion as would apply to the sharing of production under the pooling order. 1968-69, c. 48, s. 37.

## PART III

### APPEALS AND ADMINISTRATION

#### Appeals

Orders and  
decisions final

38. (1) Except as provided in this Act, every decision or order of the Committee is final and conclusive.

Jurisdiction as  
to prerogative  
writs

(2) The Exchequer Court of Canada has exclusive original jurisdiction to hear and determine every application for a writ of *certiorari*, prohibition or *mandamus* or for an injunction in relation to any decision or order of the Committee or any proceedings before the Committee.

R.S.C. 1970, c. 0-4, cont'd.

Limitations

(3) A decision or order of the Committee is not subject to review or to be restrained, removed or set aside by *certiorari*, prohibition, *mandamus* or injunction or any other process or proceeding in the Exchequer Court on the ground

- (a) that a question of law or fact was erroneously decided by the Committee; or
- (b) that the Committee had no jurisdiction to entertain the proceedings in which the decision or order was made or to make the decision or order.

Decision or order defined

(4) Any minute or other record of the Committee or any document issued by the Committee, in the form of a decision or order, shall for the purposes of this section be deemed to be a decision or order of the Committee. 1968-69, c. 48, s. 38.

Stated case for Exchequer Court of Canada

39. (1) The Committee may of its own motion, or at the request of the Minister, state a case, in writing, for the opinion of the Exchequer Court of Canada upon any question that in the opinion of the Committee is a question of law or of the jurisdiction of the Committee.

Proceedings thereon

(2) The Exchequer Court of Canada shall hear and determine the case stated, and remit the matter to the Committee with the opinion of the Court thereon. 1968-69, c. 48, s. 39.

Governor in Council may review orders of Committee

40. The Governor in Council may at any time, in his discretion, either upon petition of any interested person, or of his own motion, vary or rescind any decision or order of the Committee made under this Act, whether such order is made *inter partes* or otherwise and any order that the Governor in Council makes with respect thereto becomes a decision or order of the Committee and, subject to section 41, is binding upon the Committee and upon all parties. 1968-69, c. 48, s. 40.

Appeal to Supreme Court

41. (1) An appeal lies from a decision or order of the Committee to the Supreme Court of Canada upon a question of law or a question of jurisdiction, upon leave therefor being obtained from the Supreme Court, in accordance with the practice of the Supreme Court, upon application made within one month after the making of the decision or order sought to be appealed from or within such further time as the Court may allow, and the costs of such application are in the discretion of the Court.

Entry of appeal

(2) No appeal lies after leave therefor has been obtained under subsection (1) unless it is set down for hearing in the Supreme Court within sixty days from the making of the order granting leave to appeal

R.S.C. 1970, c. 0-4, cont'd.

Staying order (3) Where leave to appeal is granted pursuant to subsection (1), any order of the Committee in respect of which the appeal is made shall be stayed until the matter of the appeal is determined.

Powers of the Court (4) After the hearing of the appeal the Court shall certify its opinion to the Committee and the Committee shall make any order necessary to comply with such opinion.

Order subject to s. 40 (5) Any order made by the Committee pursuant to subsection (4), unless such order has already been dealt with by the Governor in Council pursuant to section 40, shall be subject to that section. 1968-69, c. 48, s. 41.

#### *Conservation Engineers*

Conservation engineers 42. The conservation engineers necessary for the administration and enforcement of this Act shall be appointed under the *Public Service Employment Act*. 1968-69, c. 48, s. 42.

Powers of conservation engineers 43. A conservation engineer may at any reasonable time  
(a) enter and inspect any place, premises or structure used in connection with the production, storing, handling, processing, transporting of or the exploration or drilling for oil and gas or either of them;  
(b) require the production and inspection of any books, records, documents, licences or permits required by this Act or the regulations and make copies thereof; and  
(c) take samples or particulars and carry out any reasonable tests or examinations. 1968-69, c. 48, s. 43.

Certificate of appointment 44. A conservation engineer shall be furnished by the Minister with a certificate of his appointment or designation and on entering any place, premises or structure pursuant to the authority of this Act shall, if so required, produce the certificate to the person in charge thereof. 1968-69, c. 48, s. 44.

Assistance to be given conservation engineer 45. The owner or person in charge of any place, premises or structure and every person found therein or thereon shall give a conservation engineer all reasonable assistance within his power to enable the conservation engineer to carry out his duties and functions under this Act or the regulations. 1968-69, c. 48, s. 45.

R.S.C. 1970, c. 0-4, cont'd.

Obstruction or  
hindrance  
prohibited

46. (1) No person shall obstruct or hinder any conservation engineer in carrying out his duties or functions under this Act or the regulations.

False statements

(2) No person shall make a false or misleading statement either orally or in writing to a conservation engineer engaged in carrying out his duties and functions under this Act or the regulations. 1968-69, c. 48, s. 46.

Power of  
conservation  
engineer when  
dangerous  
operation  
detected

47. (1) Where a conservation engineer, on reasonable and probable grounds, is of the opinion that an operation is in contravention of any safety regulation made pursuant to this Act and that continuation of the operation is likely to result in serious bodily injury, he may order that such operation cease or be continued only in accordance with the terms of the order and shall affix at or near the scene of the operation a notice of the order in a form prescribed by the Minister.

Modification or  
revocation by  
Chief  
Conservation  
Officer

(2) An order made under subsection (1) may be modified or revoked in accordance with a further order by the Chief Conservation Officer.

Reference to  
magistrate

(3) The person carrying out the operation to which an order under subsection (1) or (2) makes reference or any person having a pecuniary interest in such operation may by notice in writing request the conservation engineer making the order to refer it to a magistrate for review and thereupon the conservation engineer shall refer the order to a magistrate having jurisdiction in the area in which the operation is taking place.

Inquiry by  
magistrate

(4) The magistrate to whom an order is referred pursuant to this section shall inquire into the need for the conservation engineer's order and for that purpose may exercise all the powers of a commissioner under Part I of the *Inquiries Act*.

Burden of proof

(5) Where an order has been referred to a magistrate pursuant to this section, the burden of establishing that the order is not needed is on the person who requested that the order be so referred.

Magistrate's  
decision  
conclusive

(6) The magistrate to whom an order is referred pursuant to this section may confirm or set aside the order and the decision of the magistrate is final and conclusive.



R.S.C. 1970, c. 0-4, cont'd.

Operations in  
respect of which  
order made

(7) No person shall continue an operation in respect of which an order has been made pursuant to this section except in accordance with the terms of the order of a conservation engineer or the Chief Conservation Officer, or until the order has been set aside by a magistrate pursuant to this section.

Report by  
conservation  
engineer

(8) The conservation engineer shall report any order made by him pursuant to this section to the Chief Conservation Officer. 1968-69, c. 48, s. 47.

#### *Offences and Penalties*

Offences with  
respect to  
documents and  
records

48. (1) A person is guilty of an offence who

- (a) knowingly makes any false entry or statement in any report, record or document required by this Act or the regulations or by any order made pursuant to this Act or the regulations; or
- (b) knowingly destroys, mutilates or falsifies any report or other document required by this Act or the regulations or by any order made pursuant to this Act or the regulations.

Contravention  
of ss. 26(1)

(2) A person who produces any oil or gas from a pool or field under the terms of a unit agreement within the meaning of Part II, or any amended unit agreement, before the unit agreement or amended unit agreement is filed with the Chief Conservation Officer is guilty of an offence.

Other offences

(3) A person is guilty of an offence who contravenes any of the provisions of section 25, subsection 27(2), section 45, section 46, subsection 47(7) or any regulation made pursuant to section 12 when the contravention thereof is stated in the regulations to be an offence under this Act.

Offence

- (4) A person is guilty of an offence
  - (a) who fails to comply with any order of the Chief Conservation Officer made under section 14, or
  - (b) who contravenes any order of the Committee made under section 16 or 18.

Presumption  
against waste

(5) A person shall not be deemed to have committed an offence under subsection 13(1) by reason of having committed waste as defined in paragraph 13(2)(f) or (g) unless he has been directed by the Committee to take measures to prevent the waste and has failed to do so within the time specified by the Committee. 1968-69, c. 48, s. 48.

R.S.C. 1970, c. 0-4, cont'd.

**Penalty**

**49.** Every person who, or whose employee or agent, is guilty of an offence under this Act is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both. 1968-69, c. 48, s. 49.

**Order to comply**

**50.** Where a person is guilty of an offence under this Act, the court may, in addition to any other penalty it may impose, order that person to comply with the provisions of the Act, regulation or order for the contravention of which he has been convicted. 1968-69, c. 48, s. 50.

**Continuing offences**

**51.** Where an offence under this Act is committed on more than one day or is continued for more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued. 1968-69, c. 48, s. 51.

**Proof of offence**

**52.** In a prosecution for an offence under this Act, it is sufficient proof of the offence to show that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission. 1968-69, c. 48, s. 52.

**Time limited for proceedings**

**53.** A prosecution for an offence under this Act may be instituted at any time within two years from the time when the subject-matter of the complaint arose. 1968-69, c. 48, s. 53.

**Evidence of order under this Act**

**54.** In any prosecution for an offence under this Act, a copy of an order purporting to have been made pursuant to this Act or the regulations, and purporting to have been signed by the person authorized by this Act or the regulations to make that order is evidence of the matters set out therein. 1968-69, c. 48, s. 54.

**Jurisdiction of judge or justice**

**55.** Any complaint or information in respect of an offence under this Act may be heard, tried or determined by a justice or judge if the accused is resident or carrying on business within the territorial jurisdiction of that justice or judge although the matter of the complaint or information did not arise in that territorial jurisdiction. 1968-69, c. 48, s. 55.

R.S.C. 1970, c. 0-4, cont'd.

Action to enjoin  
not prejudiced  
by prosecution

**56.** (1) Notwithstanding that a prosecution has been instituted in respect of an offence under this Act, the regulations or any order made pursuant to this Act or the regulations, Her Majesty in right of Canada may commence and maintain an action to enjoin the committing of any contravention of this Act, the regulations or any order made pursuant to this Act or the regulations.

Civil remedy  
not affected

(2) No civil remedy for any act or omission is suspended or affected by reason that the act or omission is an offence under this Act. 1968-69, c. 48, s. 56.

#### REGULATIONS

Regulations

**57.** The Governor in Council may make such regulations not inconsistent with this Act as may be deemed necessary for carrying out the purposes of this Act, and without limiting the generality of the foregoing may make regulations defining and distinguishing more particularly for the purposes of Parts I and II the expressions "oil" and "gas". 1968-69, c. 48, s. 57.

#### COMING INTO FORCE

Commencement

**58.** Sections 28 to 36 come into force on a day to be fixed by proclamation. 1968-69, c. 48, s. 58.

An Act to amend the Oil and Gas Production and Conservation Act.  
R.S.C. 1970 (1st supp.), c. 30.

**An Act to amend the Oil and Gas  
 Production and Conservation Act**

[1969-70, c. 43]

1. The long title of the *Oil and Gas Production and Conservation Act*, chapter 0-4 of the Revised Statutes of Canada, 1970, is repealed and the following substituted therefor:

"An Act respecting the production and conservation of oil and gas"

2. (1) The definition "Chief Conservation Officer" in section 2 of the said Act is repealed and the following substituted therefor:

"Chief  
 Conservation  
 Officer"  
 «Diréc-  
 teur...»

" "Chief Conservation Officer" means

(a) in relation to any area in respect of which the Minister of Indian Affairs and Northern Development has administrative responsibility for the natural resources therein, such officer of the Department of Indian Affairs and Northern Development as that Minister may designate from time to time, and

(b) in relation to any area in respect of which the Minister of Energy, Mines and Resources has administrative responsibility for the natural resources therein, such officer of the Department of Energy, Mines and Resources as that Minister may designate from time to time;"

(2) The definition "Minister" in section 2 of the said Act is repealed and the following substituted therefor:

"Minister"  
 «Ministre»

" "Minister" means

(a) in relation to any area in respect of which the Minister of Indian Affairs and Northern Development has administrative responsibility for the natural resources therein, the Minister of Indian Affairs and Northern Development, and

(b) in relation to any area in respect of which the Minister of Energy, Mines and Resources has administrative responsibility for the natural resources therein, the Minister of Energy, Mines and Resources;"



R.S.C. 1970 (1st supp.), c. 30, cont'd.

(3) The definition "pipeline" in section 2 of the said Act is repealed and the following substituted therefor:

"pipeline"  
"pipe-line"

"pipeline" means any pipe or any system or arrangement of pipes by which oil, gas or water incidental to the drilling for or production of oil or gas is conveyed from any wellhead or other place at which it is produced to any other place, or from any place where it is stored, processed or treated to any other place, and includes all property of any kind used for the purpose of, or in connection with or incidental to, the operation of a pipeline in the gathering, transporting, handling and delivery of oil or gas, and without restricting the generality of the foregoing, includes off shore installations or vessels, tanks, surface reservoirs, pumps, racks, storage and loading facilities, compressors, compressor stations, pressure measuring and controlling equipment and fixtures, flow controlling and measuring equipment and fixtures, metering equipment and fixtures, and heating, cooling and dehydrating equipment and fixtures, but does not include any pipe or any system or arrangement of pipes that constitutes a distribution system for the distribution of gas to ultimate consumers;"

3. Section 3 of the said Act is repealed and the following substituted therefor:

Application

"3. This Act applies in respect of oil and gas in any of the following areas, namely:

(a) the Yukon Territory or the Northwest Territories;

(b) those submarine areas adjacent to the coast of Canada to a water depth of two hundred meters or beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of the seabed and subsoil thereof; and

(c) any lands that belong to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the minerals therein;

R.S.C. 1970 (1st supp.), c. 30, cont'd.

but does not apply in respect of oil and gas in any such area if the area is within the geographical limits of, or if the administration of the oil and gas resources in the area has been transferred by law to, any of the ten provinces of Canada."

4. Subsection 4(1) of the said Act is repealed and the following substituted therefor:

Oil and Gas  
Committee

"4. (1) The Governor in Council may establish a committee to be known as the Oil and Gas Committee, which shall consist of five members, not more than three of whom shall be employees in the public service of Canada.

Ministerial  
direction

(1.1) The Committee shall be under the direction of

(a) the Minister of Indian Affairs and Northern Development in relation to any area in respect of which that Minister has administrative responsibility for the natural resources therein, and

(b) the Minister of Energy, Mines and Resources in relation to any area in respect of which that Minister has administrative responsibility for the natural resources therein."

5. Subsections 5(2) and (3) of the said Act are repealed and the following substituted therefor:

Depart-  
mental  
personnel  
and  
assistance

"(2) Persons employed in any division, branch or bureau of the Department of Indian Affairs and Northern Development, or the Department of Energy, Mines and Resources, that is designated by order of the Minister concerned as the division, branch or bureau charged with the day-to-day administration and management of oil and gas resources for the Department, are not eligible to be members of the Committee; but the Ministers concerned may each designate one officer from any such division, branch or bureau who shall act as secretaries to the Committee.

R.S.C. 1970 (1st supp.), c. 30, cont'd.

Staff

(3) The Minister of Indian Affairs and Northern Development and the Minister of Energy, Mines and Resources shall provide the Committee with such officers, clerks and employees as may be necessary for the proper conduct of the affairs of the Committee, and may provide the Committee with such professional or technical assistance for temporary periods or for specific work as the Committee may request, but no such assistance shall be provided otherwise than from the public service of Canada except with the approval of the Treasury Board."

6. Paragraphs 12(j) and (k) of the said Act are repealed and the following substituted therefor:

"(j) authorizing the Minister, or such other person as the Governor in Council deems suitable, to exercise such powers and perform such duties as may be necessary for the removal of oil or gas from any area referred to in section 3, and authorizing the making of such orders as may be specified;

(k) authorizing the Minister, or such other person as the Governor in Council deems suitable, to exercise such powers and perform such duties as may be necessary for the construction of pipeline within any area referred to in section 3, and authorizing the making of such orders as may be specified;"

Federal Court Act. R.S.C. 1970 (2nd supp.), c. 10.

Amendments 65. The Acts mentioned in Schedule II to this Act are amended in the manner and to the extent indicated in that Schedule.

SCHEDULE II (*Continued*)

Item	Act Affected	Amendment
28	Oil and Gas Production and Conservation Act R.S., c. O-4	<p>1. Subsection 11(2) is repealed and the following substituted therefor:</p> <p>"(2) To make an order of the Committee an order of the Federal Court of Canada, the usual practice and procedure of that Court in such matters may be followed or in lieu thereof the secretary or another officer of the Committee may file in the Registry of the Federal Court a certified copy of the order and thereupon the order becomes an order of the Federal Court."</p> <p>2. Subsections 38(2) and (3) are repealed.</p>



Arctic Waters Pollution Prevention Act. R.S.C. 1970 (1st Supp), c. 2.

An Act to prevent pollution of areas of the arctic waters adjacent to the mainland and islands of the Canadian arctic

[1969-70, c. 47]

Preamble WHEREAS Parliament recognizes that recent developments in relation to the exploitation of the natural resources of arctic areas, including the natural resources of the Canadian arctic, and the transportation of those resources to the markets of the world are of potentially great significance to international trade and commerce and to the economy of Canada in particular;

AND WHEREAS Parliament at the same time recognizes and is determined to fulfil its obligation to see that the natural resources of the Canadian arctic are developed and exploited and the arctic waters adjacent to the mainland and islands of the Canadian arctic are navigated only in a manner that takes cognizance of Canada's responsibility for the welfare of the Eskimo and other inhabitants of the Canadian arctic and the preservation of the peculiar ecological balance that now exists in the water, ice and land areas of the Canadian arctic;

Now therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title 1. This Act may be cited as the *Arctic Waters Pollution Prevention Act*.

INTERPRETATION

Definitions 2. In this Act

"analyst" "analyst" means a person designated as an  
 «analyste» analyst pursuant to the *Canada Water Act* or the *Northern Inland Waters Act*;

"icebreaker" "icebreaker" means a ship specially de-  
 «brise-glace» signed and constructed for the purpose of assisting the passage of other ships through ice;

R.S.C. 1970 (1st Supp), c. 2, cont'd.

"owner" «propriétaire»	"owner" in relation to a ship, includes any person having for the time being, either by law or by contract, the same rights as the owner of the ship as regards the possession and use thereof;
"pilot" «pilote»	"pilot" means a person licensed as a pilot pursuant to the <i>Canada Shipping Act</i> ;
"pollution prevention officer" «fonctionnaire . . .»	"pollution prevention officer" means a person designated as a pollution prevention officer pursuant to section 14;
"ship" «navire»	"ship" includes any description of vessel or boat used or designed for use in navigation without regard to method or lack of propulsion;
"shipping safety control zone" «zone . . .»	"shipping safety control zone" means an area of the arctic waters prescribed as a shipping safety control zone by order of the Governor in Council made under section 11;
"waste" «déchet»	<p>"waste" means</p> <p>(a) any substance that, if added to any waters, would degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man, and</p> <p>(b) any water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any waters, degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man,</p> <p>and without limiting the generality of the foregoing, includes anything that, for the purposes of the <i>Canada Water Act</i>, is deemed to be waste.</p>

R.S.C. 1970 (1st Supp), c. 2, cont'd.

#### APPLICATION OF ACT

Application  
to arctic  
waters

3. (1) Except where otherwise provided, this Act applies to the waters (in this Act referred to as the "arctic waters") adjacent to the mainland and islands of the Canadian arctic within the area enclosed by the sixtieth parallel of north latitude, the one hundred and forty-first meridian of longitude and a line measured seaward from the nearest Canadian land a distance of one hundred nautical miles; except that in the area between the islands of the Canadian arctic and Greenland, where the line of equidistance between the islands of the Canadian arctic and Greenland is less than one hundred nautical miles from the nearest Canadian land, there shall be substituted for the line measured seaward one hundred nautical miles from the nearest Canadian land such line of equidistance.

Idem

(2) For greater certainty, the expression "arctic waters" in this Act includes all waters described in subsection (1) and, as this Act applies to or in respect of any person described in paragraph 6(1)(a), all waters adjacent thereto lying north of the sixtieth parallel of north latitude, the natural resources of whose subjacent submarine areas Her Majesty in right of Canada has the right to dispose of or exploit, whether the waters so described or such adjacent waters are in a frozen or a liquid state, but does not include inland waters.

#### DEPOSIT OF WASTE

Prohibition

4. (1) Except as authorized by regulations made under this section, no person or ship shall deposit or permit the deposit of waste of any type in the arctic waters or in any place on the mainland or islands of the Canadian arctic under any conditions where such waste or any other waste that results from the deposit of such waste may enter the arctic waters.

Application  
of  
subsection  
(1)

(2) Subsection (1) does not apply to the deposit of waste in waters that form part of a water quality management area designated pursuant to the *Canada Water Act* if the waste so deposited is of a type and quantity and is deposited under conditions authorized by regulations made by the Governor in Council under paragraph 16(2)(a) of that Act with respect to that water quality management area.

**Regulations** (3) The Governor in Council may make regulations for the purposes of this section prescribing the type and quantity of waste, if any, that may be deposited by any person or ship in the arctic waters or in any place on the mainland or islands of the Canadian arctic under any conditions where such waste or any other waste that results from the deposit of such waste may enter the arctic waters, and prescribing the conditions under which any such waste may be so deposited.

**Report of deposit of waste or danger thereof**

5. (1) Any person who

(a) has deposited waste in violation of subsection 4(1), or

(b) carries on any undertaking on the mainland or islands of the Canadian arctic or in the arctic waters that, by reason of any accident or other occurrence, is in danger of causing any deposit of waste described in that subsection otherwise than of a type, in a quantity and under conditions prescribed by regulations made under section 4,

shall forthwith report the deposit of waste or the accident or other occurrence to a pollution prevention officer at such location and in such manner as may be prescribed by the Governor in Council.

**Report by master of ship**

(2) The master of any ship that has deposited waste in violation of subsection 4(1), or that is in distress and for that reason is in danger of causing any deposit of waste described in that subsection otherwise than of a type, in a quantity and under conditions prescribed by regulations made under that section, shall forthwith report the deposit of waste or the condition of distress to a pollution prevention officer at such location and in such manner as may be prescribed by the Governor in Council.

**Civil liability resulting from deposit of waste**

6. (1) The following persons, namely:

(a) any person who is engaged in exploring for, developing or exploiting any natural resource on any land adjacent to the arctic waters or in any submarine area subjacent to the arctic waters,

(b) any person who carries on any undertaking on the mainland or islands of the Canadian arctic or in the arctic waters, and

(c) the owner of any ship that navigates within the arctic waters and the owner or owners of the cargo of any such ship,



R.S.C. 1970 (1st Supp.), c. 2, cont'd.

are respectively liable and, in the case of the owner of a ship and the owner or owners of the cargo thereof, are jointly and severally liable, up to the amount determined in the manner provided by regulations made under section 9 in respect of the activity or undertaking so engaged in or carried on or in respect of that ship, as the case may be,

(d) for all costs and expenses of and incidental to the taking of action described in subsection (2) on the direction of the Governor in Council, and

(e) for all actual loss or damage incurred by other persons

resulting from any deposit of waste described in subsection 4(1) that is caused by or is otherwise attributable to that activity or undertaking or that ship, as the case may be.

Costs and  
expenses  
of Her  
Majesty

(2) Where the Governor in Council directs any action to be taken by or on behalf of Her Majesty in right of Canada to repair or remedy any condition that results from a deposit of waste described in subsection (1), or to reduce or mitigate any damage to or destruction of life or property that results or may reasonably be expected to result from such deposit of waste, the costs and expenses of and incidental to the taking of such action, to the extent that such costs and expenses can be established to have been reasonably incurred in the circumstances, are, subject to this section, recoverable by Her Majesty in right of Canada from the person or persons described in paragraph (a), (b) or (c) of that subsection, with costs, in proceedings brought or taken therefor in the name of Her Majesty.

R.S.C. 1970 (1st Supp.), c. 2, cont'd.

Procedure for recovery of claims	(3) All claims pursuant to this section against a person or persons described in paragraph (1) (a), (b) or (c) may be sued for and recovered in any court of competent jurisdiction in Canada, and all such claims shall rank firstly in favour of persons who have suffered actual loss or damage as provided in paragraph (1) (e) (which said claims shall among themselves rank <i>pari passu</i> ) and secondly to meet the costs and expenses described in subsection (2), up to the limit of the amount determined in the manner provided by regulations made under section 9 in respect of the activity or undertaking engaged in or carried on by the person or persons against whom the claims are made, or in respect of the ship of which any such person is the owner or of all or part of whose cargo any such person is the owner.
Limitation period	(4) No proceedings in respect of a claim pursuant to this section shall be commenced after two years from the time when the deposit of waste in respect of which the proceedings are brought or taken occurred or first occurred, as the case may be, or could reasonably be expected to have become known to those affected thereby.
Nature and extent of liability	7. (1) The liability of any person pursuant to section 6 is absolute and does not depend upon proof of fault or negligence, except that no person is liable pursuant to that section for any costs, expenses or actual loss or damage incurred by another person whose conduct caused any deposit of waste described in subsection (1) of that section, or whose conduct contributed to any such deposit of waste, to the degree to which his conduct contributed thereto, and nothing in this Act shall be construed as limiting or restricting any right of recourse or indemnity that a person liable pursuant to section 6 may have against any other person.
Idem	(2) For the purposes of subsection (1), a reference to any conduct of "another person" includes any wrongful act or omission by that other person or by any person for whose wrongful act or omission that other person is by law responsible.

R.S.C. 1970 (1st Supp.), c. 2, cont'd.

Limitation  
on liability  
of cargo  
owner

(3) Notwithstanding anything in this Act, no person is liable pursuant to section 6, either alone or jointly and severally with any other person or persons, by reason only of his being the owner of all or any part of the cargo of a ship if he can establish that the cargo or part thereof of which he is the owner is of such a nature, or is of such a nature and is carried in such a quantity that, if it and any other cargo of the same nature that is carried by that ship were deposited by that ship in the arctic waters, the deposit thereof would

not constitute a violation of subsection 4(1).

Evidence of  
financial  
responsi-  
bility

8. (1) The Governor in Council may require

(a) any person who engages in exploring for, developing or exploiting any natural resource on any land adjacent to the arctic waters or in any submarine area subjacent to the arctic waters,

(b) any person who carries on any undertaking on the mainland or islands of the Canadian arctic or in the arctic waters that will or is likely to result in the deposit of waste in the arctic waters or in any place under any conditions where such waste or any other waste that results from the deposit of such waste may enter the arctic waters,

(c) any person, other than a person described in paragraph (a), who proposes to construct, alter or extend any work or works on the mainland or islands of the Canadian arctic or in the arctic waters that, upon completion thereof, will form all or part of an undertaking described in paragraph (b), or

(d) the owner of any ship that proposes to navigate or that navigates within any shipping safety control zone specified by the Governor in Council and, subject to subsection 7(3), the owner or owners of the cargo of any such ship,

to provide evidence of financial responsibility, in the form of insurance or an indemnity bond satisfactory to the Governor in Council, or in any other form satisfactory to him, in an amount determined in the manner provided by regulations made under section 9.

R.S.C. 1970 (1st Supp.), c. 2, cont'd.

Persons  
entitled  
to claim  
against  
insurance  
or bond

(2) Evidence of financial responsibility in the form of insurance or an indemnity bond shall be in a form that will enable any person entitled pursuant to section 6 to claim against the person or persons giving such evidence of financial responsibility to recover directly from the proceeds of such insurance or bond.

Regulations  
respecting  
manner of  
determining  
limit of  
liability

9. The Governor in Council may make regulations for the purposes of section 6 prescribing, in respect of any activity or undertaking engaged in or carried on by any person or persons described in paragraph 6(1)(a), (b) or (c), or in respect of any ship of which any such person is the owner or of all or part of whose cargo any such person is the owner, the manner of determining the limit of liability of any such person or persons pursuant to section 6, which prescribed manner shall, in the case of the owner of any ship and the owner or owners of the cargo thereof, take into account the size of such ship and the nature and quantity of the cargo carried or to be carried by it.

#### PLANS AND SPECIFICATIONS OF WORKS

Plans and  
specifica-  
tions to be  
provided

10. (1) The Governor in Council may require any person who proposes to construct, alter or extend any work or works on the mainland or islands of the Canadian arctic or in the arctic waters that, upon completion thereof, will form all or part of an undertaking the operation of which will or is likely to result in the deposit of waste of any type in the arctic waters or in any place under any conditions where such waste or any other waste that results from the deposit of such waste may enter the arctic waters, to provide him with a copy of such plans and specifications relating to the work or works as will enable him to determine whether the deposit of waste that will or is likely to occur if the construction, alteration or extension is carried out in accordance therewith would constitute a violation of subsection 4(1).

Powers of  
Governor  
in Council

(2) If, after reviewing any plans and specifications provided to him under subsection (1) and affording to the person who provided those plans and specifications a reasonable opportunity to be heard, the Governor in Council is of the opinion that the deposit of waste that will or is likely to occur if the construction, alteration or extension is carried out in accordance with



R.S.C. 1970 (1st Supp.), c. 2, cont'd.

such plans and specifications would constitute a violation of subsection 4(1), he may, by order, either

(a) require such modifications in those plans and specifications as he considers to be necessary, or

(b) prohibit the carrying out of the construction, alteration or extension.

#### SHIPPING SAFETY CONTROL ZONES

Prescription  
of shipping  
safety control  
zones

11. (1) Subject to subsection (2), the Governor in Council may, by order, prescribe as a shipping safety control zone any area of the arctic waters specified in the order, and may, as he deems necessary, amend any such area.

Publication  
of proposed  
orders

(2) A copy of each order that the Governor in Council proposes to make under subsection (1) shall be published in the *Canada Gazette*; and no order may be made by the Governor in Council under subsection (1) based upon any such proposal except after the expiration of sixty days following publication of the proposal in the *Canada Gazette*.

Regulations  
relating to  
navigation  
in shipping  
safety control  
zones

12. (1) The Governor in Council may make regulations applicable to ships of any class or classes specified therein, prohibiting any ship of that class or of any of those classes from navigating within any shipping safety control zone specified therein

(a) unless the ship complies with standards prescribed by the regulations relating to

(i) hull and fuel tank construction, including the strength of materials used therein, the use of double hulls and the subdivision thereof into watertight compartments,

(ii) the construction of machinery and equipment and the electronic and other navigational aids and equipment and telecommunications equipment to be carried and the manner and frequency of maintenance thereof,

(iii) the nature and construction of propelling power and appliances and fittings for steering and stabilizing,

(iv) the manning of the ship, including the number of navigating and look-out personnel to be carried who are qualified in a manner prescribed by the regulations,

(v) with respect to any type of cargo to be carried, the maximum quantity thereof that may be carried, the method of stowage thereof and the nature or type and quantity of supplies and equipment to be carried for use in repairing or remedying any condition that may result from the deposit of any such cargo in the arctic waters,

(vi) the freeboard to be allowed and the marking of load lines,

(vii) quantities of fuel, water and other supplies to be carried, and

(viii) the maps, charts, tide tables and any other documents or publications relating to navigation in the arctic waters to be carried;

(b) without the aid of a pilot, or of an ice navigator who is qualified in a manner prescribed by the regulations, at any time or during any period or periods of the year, if any, specified in the regulations, or without icebreaker assistance of a kind prescribed by the regulations; and

(c) during any period or periods of the year, if any, specified in the regulations or when ice conditions of a kind specified in the regulations exist in that zone.

Orders  
exempting  
certain ships

(2) The Governor in Council may by order exempt from the application of any regulations made under subsection (1) any ship or class of ship that is owned or operated by a sovereign power other than Canada where the Governor in Council is satisfied that appropriate measures have been taken by or under the authority of that sovereign power to ensure the compliance of such ship with, or with standards substantially equivalent to, standards prescribed by regulations made under paragraph (1)(a) that would otherwise be applicable to it within any shipping safety control zone, and that in all other respects all reasonable precautions have been or will be taken to reduce the danger of any deposit of waste resulting from the navigation of such ship within that shipping safety control zone.

R.S.C. 1970 (1st Supp.), c. 2, cont'd.

Certificates  
evidencing  
compliance

(3) The Governor in Council may make regulations providing for the issue to the owner or master of any ship that proposes to navigate within any shipping safety control zone specified therein, of a certificate evidencing, in the absence of any evidence to the contrary, the compliance of such ship with standards prescribed by regulations made under paragraph (1)(a) that are or would be applicable to it within that shipping safety control zone, and governing the use that may be made of any such certificate and the effect that may be given thereto for the purposes of any provision of this Act.

Destruction  
or removal  
of ships  
in distress

13. (1) Where the Governor in Council has reasonable cause to believe that a ship that is within the arctic waters and is in distress, stranded, wrecked, sunk or abandoned, is depositing waste or is likely to deposit waste in the arctic waters, he may cause the ship or any cargo or other material on board the ship to be destroyed, if necessary, or to be removed if possible to such place and sold in such manner as he may direct.

Application  
of proceeds  
of sale

(2) The proceeds from the sale of a ship or any cargo or other material pursuant to subsection (1) shall be applied towards meeting the expenses incurred by the Government of Canada in removing and selling the ship, cargo or other material, and any surplus shall be paid to the owner of that ship, cargo or other material.

#### POLLUTION PREVENTION OFFICERS

Appointment

14. (1) The Governor in Council may designate any person as a pollution prevention officer with such of the powers set out in sections 15 and 23 as are specified in the certificate of designation of such person.

Certificate  
of  
designation

(2) A pollution prevention officer shall be furnished with a certificate of his designation specifying the powers set out in sections 15 and 23 that are vested in him, and a pollution prevention officer, on exercising any such power shall, if so required, produce the certificate to any person in authority who is affected thereby and who requires him to do so.

## Powers

15. (1) A pollution prevention officer may, at any reasonable time,

(a) enter any area, place or premises (other than a ship, a private dwelling place or any part of any area, place or premises other than a ship that is designed to be used and is being used as a permanent or temporary private dwelling place) occupied by any person described in paragraph 8(1)(a) or (b), in which he reasonably believes

(i) there is being or has been carried on any activity that may result in or has resulted in waste, or

(ii) there is any waste

that may be or has been deposited in the arctic waters or on the mainland or islands of the Canadian arctic under any conditions where such waste or any other waste that results from the deposit of such waste may enter the arctic waters in violation of subsection 4(1);

(b) examine any waste found therein in bulk or open any container found therein that he has reason to believe contains any waste and take samples thereof; and

(c) require any person in such area, place or premises to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books or other documents or papers concerning any matter relevant to the administration of this Act or the regulations.

## Powers in relation to works

(2) A pollution prevention officer may, at any reasonable time,

(a) enter any area, place or premises (other than a ship, a private dwelling place or any part of any area, place or premises other than a ship that is designed to be used and is being used as a permanent or temporary private dwelling place) in which any construction, alteration or extension of a work or works described in section 10 is being carried on; and

(b) conduct such inspections of the work or works being constructed, altered or extended as he deems necessary in order to determine whether any plans and specifications provided to the Governor in Council, and any modifications required by the Governor in Council, are being complied with.



R.S.C. 1970 (1st Supp.), c. 2, cont'd.

Powers in  
relation  
to ships

(3) A pollution prevention officer may

(a) go on board any ship that is within a shipping safety control zone and conduct such inspections thereof as will enable him to determine whether the ship complies with standards prescribed by any regulations made under section 12 that are applicable to it within that shipping safety control zone;

(b) order any ship that is in or near a shipping safety control zone to proceed outside such zone in such manner as he may direct, to remain outside such zone or to anchor in a place selected by him,

(i) if he suspects, on reasonable grounds, that the ship fails to comply

with standards prescribed by any regulations made under section 12 that are or would be applicable to it within that shipping safety control zone,

(ii) if such ship is within the shipping safety control zone or is about to enter the zone in contravention of a regulation made under paragraph 12(1)(b) or (c), or

(iii) if, by reason of weather, visibility, ice or sea conditions, the condition of the ship or its equipment or the nature or condition of its cargo, he is satisfied that such an order is justified in the interests of safety; and

(c) where he is informed that a substantial quantity of waste has been deposited in the arctic waters or has entered the arctic waters, or where on reasonable grounds he is satisfied that a grave and imminent danger of a substantial deposit of waste in the arctic waters exists,

(i) order all ships within a specified area of the arctic waters to report their positions to him, and

(ii) order any ship to take part in the clean-up of such waste or in any action to control or contain the waste.

R.S.C. 1970 (1st Supp.), c. 2, cont'd.

Assistance  
to pollution  
prevention  
officer

**16.** The owner or person in charge of any area, place or premises entered pursuant to subsection 15(1) or (2), the master of any ship boarded pursuant to paragraph 15(3)(a) and every person found in the area, place or premises or on board the ship shall give a pollution prevention officer all reasonable assistance in his power to enable the pollution prevention officer to carry out his duties and functions under this Act and shall furnish the pollution prevention officer with such information as he may reasonably require.

Obstruction  
of pollution  
prevention  
officer

**17.** (1) No person shall obstruct or hinder a pollution prevention officer in the carrying out of his duties or functions under this Act.

False  
statements

(2) No person shall knowingly make a false or misleading statement, either verbally or in writing, to a pollution prevention officer engaged in carrying out his duties or functions under this Act.

#### OFFENCES

Deposit  
of waste  
by persons  
or ships

**18.** (1) Any person who violates subsection 4(1) and any ship that violates that subsection is guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of a person, five thousand dollars, and in the case of a ship, one hundred thousand dollars.

Continuing  
offences

(2) Where an offence is committed by a person under subsection (1) on more than one day or is continued by him for more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.

Additional  
offences  
by persons

**19.** (1) Any person who

(a) fails to make a report to a pollution prevention officer as and when required under subsection 5(1),

(b) fails to provide the Governor in Council with evidence of financial responsibility as and when required under subsection 8(1),

(c) fails to provide the Governor in Council with any plans and specifications required of him under subsection 10(1), or

(d) constructs, alters or extends any work described in subsection 10(1)

R.S.C. 1970 (1st Supp.), c. 2, cont'd.

(i) otherwise than in accordance with any plans and specifications provided to the Governor in Council in accordance with a requirement made under that subsection, or with any such plans and specifications as required to be modified by any order made under subsection 10(2), or

(ii) contrary to any order made under subsection 10(2) prohibiting the carrying out of such construction, alteration or extension,

is guilty of an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars.

Additional  
offences  
by ships

(2) Any ship

(a) that navigates within a shipping safety control zone while not complying with standards prescribed by any regulations made under section 12 that are applicable to it within that shipping safety control zone,

(b) that navigates within a shipping safety control zone in contravention of a regulation made under paragraph 12(1)(b) or (c),

(c) that, having taken on board a pilot in order to comply with a regulation made under paragraph 12(1)(b), fails to comply with any reasonable directions given to it by the pilot in carrying out his duties,

(d) that fails to comply with any order of a pollution prevention officer under paragraph 15(3)(b) or (c) that is applicable to it,

(e) the master of which fails to make a report to a pollution prevention officer as and when required under subsection 5(2), or

(f) the master of which or any person on board which violates section 17,

is guilty of an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars.

R.S.C. 1970 (1st Supp.), c. 2, cont'd.

Obstruction  
of  
pollution  
prevention  
officer, etc.

(3) Any person, other than the master of a ship or any person on board a ship, who violates section 17 is guilty of an offence punishable on summary conviction.

Proof of  
offence  
by person

20. (1) In a prosecution of a person for an offence under subsection 18(1), it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

Proof of  
offence by  
ship

(2) In a prosecution of a ship for an offence under this Act, it is sufficient proof that the ship has committed the offence to establish that the act or neglect that constitutes the offence was committed by the master of or any person on board the ship, other than a pollution prevention officer or a pilot taken on board in compliance with a regulation made under paragraph 12(1)(b), whether or not the person on board the ship has been identified; and for the purposes of any prosecution of a ship for failing to comply with any order or direction of a pollution prevention officer or a pilot, any order given by such pollution prevention officer or any direction given by such pilot to the master or any person on board the ship shall be deemed to have been given to the ship.

Certificate  
of analyst

21. (1) Subject to this section, a certificate of an analyst stating that he has analyzed or examined a sample submitted to him by a pollution prevention officer and stating the result of his analysis or examination is admissible in evidence in any prosecution for a violation of subsection 4(1) and in the absence of evidence to the contrary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.



R.S.C. 1970 (1st Supp.), c. 2, cont'd.

Attendance of analyst (2) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may, with leave of the court, require the attendance of the analyst for the purposes of cross-examination.

Notice (3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has given to the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate.

Jurisdiction in relation to offences 22. (1) Where any person or ship is charged with having committed an offence under this Act, any court in Canada that would have had cognizance of the offence if it had been committed by a person within the limits of its ordinary jurisdiction has jurisdiction to try the offence as if it had been so committed.

Service on ship and appearance at trial (2) Where a ship is charged with having committed an offence under this Act, the summons may be served by leaving the same with the master or any officer of the ship or by posting the summons on some conspicuous part of the ship, and the ship may appear by counsel or agent, but if it does not appear, a summary conviction court may, upon proof of service of the summons, proceed *ex parte* to hold the trial.

#### SEIZURE AND FORFEITURE

Seizure of ship and cargo 23. (1) Whenever a pollution prevention officer suspects on reasonable grounds that

- (a) any provision of this Act or the regulations has been contravened by a ship, or
- (b) the owner of a ship or the owner or owners of all or part of the cargo thereof has or have committed an offence under paragraph 19(1)(b),

he may, with the consent of the Governor in Council, seize the ship and its cargo anywhere in the arctic waters or elsewhere in the territorial sea or internal or inland waters of Canada.

R.S.C. 1970 (1st Supp.), c. 2, cont'd.

Custody (2) Subject to subsection (3) and section 24, a ship and cargo seized under subsection (1) shall be retained in the custody of the pollution prevention officer making the seizure or shall be delivered into the custody of such person as the Governor in Council directs.

Perishable goods (3) Where all or any part of a cargo seized under subsection (1) is perishable, the pollution prevention officer or other person having custody thereof may sell the cargo or the portion thereof that is perishable, as the case may be, and the proceeds of the sale shall be paid to the Receiver General or shall be deposited in a chartered bank to the credit of the Receiver General.

Court may order forfeiture 24. (1) Where a ship is convicted of an offence under this Act, or where the owner of a ship or an owner of all or part of the cargo thereof has been convicted of an offence under paragraph 19(1)(b), the convicting court may, if the ship and its cargo were seized under subsection 23(1), in addition to any other penalty imposed, order that the ship and cargo or the ship or its cargo or any part thereof be forfeited, and upon the making of such order the ship and cargo or the ship or its cargo or part thereof are or is forfeited to Her Majesty in right of Canada.

Forfeiture of proceeds of sale (2) Where any cargo or part thereof that is ordered to be forfeited under subsection (1) has been sold under subsection 23(3), the proceeds of such sale are, upon the making of such order, forfeited to Her Majesty in right of Canada.

Redelivery of ship and cargo on bond (3) Where a ship and cargo have been seized under subsection 23(1) and proceedings that could result in an order that the ship and cargo be forfeited have been instituted, the court in or before which the proceedings have been instituted may, with the consent of the Governor in Council, order redelivery thereof to the person from whom they were seized upon security by bond, with two sureties, in an amount and form satisfactory to the Governor in Council, being given to Her Majesty in right of Canada.

R.S.C. 1970 (1st Supp.), c. 2, cont'd.

Seized  
ship, etc.  
to be  
returned  
unless  
proceedings  
instituted

(4) Any ship and cargo seized under subsection 23(1) or the proceeds realized from a sale of any perishable cargo under subsection 23(3) shall be returned or paid to the person from whom the ship and cargo were seized within thirty days from the seizure thereof unless, prior to the expiration of the thirty days, proceedings are instituted in respect of an offence alleged to have been committed by the ship against this Act or in respect of an offence under paragraph 19(1)(b) alleged to have been committed by the owner of the ship or an owner of all or part of the cargo thereof.

Disposal  
of forfeited  
ship

(5) Where proceedings referred to in subsection (4) are instituted and, at the final conclusion of those proceedings, a ship and cargo or ship or cargo or part thereof are or is ordered to be forfeited they or it may, subject to section 25, be disposed of as the Governor in Council directs.

Return of  
seized  
ship, etc.  
where no  
forfeiture  
ordered

(6) Where a ship and cargo have been seized under subsection 23(1) and proceedings referred to in subsection (4) have been instituted, but the ship and cargo or ship or cargo or part thereof or any proceeds realized from the sale of any part of the cargo are not at the final conclusion of the proceedings ordered to be forfeited, they or it shall be returned or the proceeds shall be paid to the person from whom the ship and cargo were seized, unless there has been a conviction and a fine imposed in which case the ship and cargo or proceeds may be detained until the fine is paid, or the ship and cargo may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of the cargo or any part thereof may be applied in payment of the fine.

Protection  
of persons  
claiming  
interest

25. (1) The provisions of section 59 of the *Fisheries Act* apply, with such modifications as the circumstances require, in respect of any ship and cargo forfeited under this Act as though the ship and cargo were, respectively, a vessel and goods forfeited under subsection 58(5) of that Act.

R.S.C. 1970 (1st Supp.), c. 2, cont'd.

*Idem* (2) References to "the Minister" in section 59 of the *Fisheries Act* shall, in applying that section for the purposes of this Act, be read as references to the Governor in Council and the phrase "other than a person convicted of the offence that resulted in the forfeiture or a person in whose possession the vessel, vehicle, article, goods or fish were when seized" shall be deemed to include a reference to the owner of the ship where it is the ship that is convicted of the offence that results in the forfeiture.

#### DELEGATION

Delegation  
of powers  
of the  
Governor  
in Council

26. (1) The Governor in Council may, by order, delegate to any member of the Queen's Privy Council for Canada designated in the order the power and authority to do any act or thing that the Governor in Council is directed or empowered to do under this Act; and upon the making of such an order, the provision or provisions of this Act that direct or empower the Governor in Council and to which the order relates shall be read as if the title of the member of the Queen's Privy Council for Canada designated in the order were substituted therein for the expression "the Governor in Council".

Limitation

(2) This section does not apply to authorize the Governor in Council to delegate any power vested in him under this Act to make regulations, to prescribe shipping safety control zones or to designate pollution prevention officers and their powers, other than pollution prevention officers with only those powers set out in subsection 15(1) or (2).

#### DISPOSITION OF FINES

Fines to be  
paid to  
Receiver  
General

27. All fines imposed pursuant to this Act belong to Her Majesty in right of Canada and shall be paid to the Receiver General.

#### COMING INTO FORCE

Commence-  
ment

28. This Act shall come into force on a day to be fixed by proclamation.



## CHAPTER 28 (1st Supp.)

An Act respecting inland water resources  
in the Yukon Territory and North-  
west Territories

[1969-70, c. 66]

## SHORT TITLE

Short title      1. This Act may be cited as the *North-  
ern Inland Waters Act*.

## INTERPRETATION

Definitions      2. (1) In this Act

“appropriate  
board”  
«office  
compétent»      “appropriate board” means, in relation to  
waters in the Yukon Territory, the  
Yukon Territory Water Board and, in  
relation to waters in the Northwest  
Territories, the Northwest Territories  
Water Board;

“board”  
«office»      “board” means the Yukon Territory Water  
Board established by section 7 or the  
Northwest Territories Water Board es-  
tablished by that section;

“domestic  
use”  
«usage...»      “domestic use” means the use of waters  
for household requirements, sanitation  
and fire prevention, for the watering of  
domestic animals and poultry and for  
irrigation of a garden adjoining a dwell-  
ing-house that is not ordinarily used in  
the growth of produce for a market, but  
does not include the sale or barter of  
waters for any such use;

“licence”  
«permis»      “licence” means a licence for the use of  
waters issued pursuant to section 10;

“licensee”  
«titu-  
laire...»      “licensee” means the holder of a valid and  
subsisting licence;

“Minister”  
«Ministre»      “Minister” means the Minister of Indian  
Affairs and Northern Development;

“territorial  
lands”  
«terres...»      “territorial lands” means lands in the  
Northwest Territories or in the Yukon  
Territory that are vested in Her Majesty  
in right of Canada or of which the  
Government of Canada has power to  
dispose;

“Territories”  
«territoires»      “Territories” means the Northwest Terri-  
tories;

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

"Territory" "Territory" means the Yukon Territory;  
«territoire»

"waste" "waste" means  
«déchet»

(a) any substance that, if added to any waters, would degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man, and

(b) any water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any waters, degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man,

and without limiting the generality of the foregoing, includes anything that, for the purposes of the *Canada Water Act*, is deemed to be waste;

"water management area" "water management area" means a river basin or other appropriate geographical area established as a water management area by the Governor in Council pursuant to paragraph 26(d);  
«zone...»

"waters" "waters" means waters in any river, stream, lake or other body of inland water on the surface or underground in the Yukon Territory and the Northwest Territories.  
«eaux»

Diversion and obstruction of water courses (2) For the purposes of this Act, diversion of waters from a water course, whether the water course is seasonal or otherwise, and obstruction of any such water course shall be deemed to constitute uses of waters.

Application of Act to Her Majesty (3) Her Majesty in right of Canada is bound by this Act but nothing herein provided shall be deemed to impose or authorize the imposition by regulation of a fee for any licence issued to Her Majesty in right of Canada or for the use of waters pursuant to any such licence.

#### WATERS VESTED IN CROWN

Vesting 3. (1) Subject to any rights, powers or privileges granted pursuant to the *Dominion Water Power Act* or preserved under that Act and to section 4 of this Act, the property in and the right to the use and flow of all waters are for all purposes vested in Her Majesty in right of Canada.

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

Use of  
waters  
in water  
management  
areas

(2) Except as authorized pursuant to the *Dominion Water Power Act* or subsection 39(2) of this Act, and subject to section 4 of this Act, no person shall alter or divert the flow or storage of waters within a water management area or otherwise use waters within any such area except pursuant to a licence held by him or except as authorized by regulations made pursuant to paragraph 26(g).

Require-  
ments of  
other Acts  
to be  
complied  
with

(3) Except as specifically provided in this or any other Act, neither any provision of this Act or the regulations nor any licence issued pursuant to this Act authorizes the alteration or diversion of the flow or storage of waters within a water management area or any other use of waters within any such area in contravention of any provision of any other Act or any regulation made pursuant to any other Act.

Rights for  
certain uses  
preserved

4. This Act does not apply to the use of any waters

(a) for domestic purposes by a person owning or occupying lands adjacent to such waters; or

(b) for the purpose of extinguishing a fire or, on an emergency basis, controlling or preventing a flood;

but where waters are diverted for a purpose described in paragraph (b), the diversion shall be discontinued and, in so far as possible, the original channel conditions restored when the requirement for the diversion has ceased.

Agreements  
with  
provinces

5. With the approval of the Governor in Council and subject to any agreement entered into pursuant to section 4 or 9 of the *Canada Water Act*, the Minister may, on behalf of the Government of Canada, enter into an agreement with any one or more provincial governments providing for the management, on a cooperative basis, of any waters situated partially within the Yukon Territory or the Northwest Territories and partially within the province or provinces or flowing between the Territory or Territories and the province or provinces.

## DEPOSIT OF WASTE IN WATERS

Prohibition 6. (1) Except in accordance with the conditions of a licensee or as authorized by the regulations, no person shall deposit or permit the deposit of waste of any type in any waters or in any place under any conditions where such waste or any other waste that results from the deposit of such waste may enter any waters.

Application of subsection (1) (2) Subsection (1) does not apply to the deposit of waste in waters that form part of a water quality management area designated pursuant to the *Canada Water Act* if the waste so deposited is of a type and quantity and is deposited under conditions authorized by regulations made by the Governor in Council under paragraph 16(2)(a) of that Act with respect to that water quality management area.

## BOARDS ESTABLISHED

Establishment of boards 7. (1) There shall be two boards to be known as the Yukon Territory Water Board and the Northwest Territories Water Board, each consisting of not less than three and not more than nine members appointed by the Minister.

Membership (2) The membership of each board shall include

(a) at least one nominee of each of the departments of the Government of Canada that, in the opinion of the Governor in Council, are most directly concerned with management of water resources of the Territory and the Territories; and

(b) at least three persons named by the Commissioner in Council of the Yukon Territory in the case of the Yukon Territory Water Board and at least three persons named by the Commissioner in Council of the Northwest Territories in the case of the Northwest Territories Water Board.

Chairman and vice-chairman (3) The Minister shall designate two of the members of each of the boards to be chairman and vice-chairman respectively of the board of which the persons so designated are members.

Main office (4) The main office of the Yukon Territory Water Board shall be at the seat of government of the Territory, and the main office of the Northwest Territories Water Board shall be at the seat of government of the Territories.



Staff of  
boards

8. The Minister shall provide such officers and employees from within the public service of Canada and such professional and technical advisers as are necessary for the proper conduct of the business of the boards.

#### OBJECTS AND POWERS

Objects

9. The objects of the boards are to provide for the conservation, development and utilization of the water resources of the Yukon Territory and the Northwest Territories in a manner that will provide the optimum benefit therefrom for all Canadians and for the residents of the Yukon Territory and the Northwest Territories in particular.

Issue of  
licences

10. (1) Where an applicant for a licence satisfies the appropriate board that,

(a) in the case of an application made pursuant to subsection 39(2),

(i) the application is for a licence to use a quantity of water within a water management area substantially equivalent to the quantity the applicant was using or was entitled to use within the area immediately prior to the establishment of the area and for the purposes for which he was then using it or was then entitled to use it, and

(ii) any waste produced by the undertaking in association with the operation of which such water is used will be treated and disposed of in a manner that is appropriate for the maintenance of water quality standards prescribed pursuant to paragraph 26(e), and

(b) in the case of any other application,

(i) the proposed use of waters by the applicant will not adversely affect the use of waters within the water management area to which the application relates by any licensee who is entitled to precedence over the applicant pursuant to section 22 or by any applicant who, if a licence were issued to him, would be entitled to precedence over the applicant pursuant to that section,

(ii) appropriate compensation has been or will be paid by the applicant to licensees authorized to use waters within the water management area to which the application relates for a use that, in relation to that water management area, is of lower priority

deposit of waste prescribed with respect to those waters by the Governor in Council pursuant to the *Canada Water Act*, or

(b) in any licence issued in respect of any other water or waters, to which any regulations made by the Governor in Council for the purposes of subsection 33(4) of the *Fisheries Act* are applicable, conditions relating to the quantity and types of waste that may be deposited in any such water or waters or under which any such waste may be so deposited, that vary from any restrictions relating to the deposit of deleterious substances prescribed with respect to such water or waters by those regulations;

and any such conditions included in a licence issued prior to the prescription of any such restrictions shall be deemed, upon such prescription, to be amended to conform thereto.

Application  
for licence

11. (1) An application for a licence shall be in such form and shall contain such information as is prescribed by the regulations.

Information  
and studies  
to be pro-  
vided to  
board

(2) The appropriate board shall require an applicant for a licence to provide it with such information and studies concerning the use of waters proposed by the applicant as will enable it to evaluate any qualitative and quantitative effects of the proposed use on the water management area in which the applicant proposes to use such waters.

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

Board may  
require  
security

(3) The appropriate board may require an applicant for a licence to furnish security, in a form and on terms and conditions prescribed by regulations, for the protection of licensees and owners and occupiers of property who, in the opinion of the board, are liable to be adversely affected as a result of the issuance of a licence to the applicant.

Renewal,  
amendment  
and cancella-  
tion of  
licence

12. A board may, with the approval of the Minister,

(a) renew from time to time, for terms not exceeding twenty-five years each, any licence issued by it, either subject to

the conditions attached to the licence immediately prior to its renewal or subject to any other conditions that the board is authorized to impose in relation to a new licence;

(b) amend, either for a specified term or otherwise, any provision or condition of any licence issued by it

(i) on application of the licensee,

(ii) where there is a water shortage in the relevant water management area or the water quality standards prescribed in respect of the area are amended, or

(iii) in any other case where it appears to the board to be in the public interest; and

(c) cancel any licence issued by it where

(i) the licensee indicates in writing to the board that he has abandoned or intends to abandon his right to the use of waters under the licence or where the licensee, for three successive years, fails to exercise his right to the use of waters under the licence, or

(ii) the licensee fails to comply with any provision or condition of the licence.

Assignment  
of licences

13. (1) Any sale or other disposition of any of the right, title and interest of a licensee in an appurtenant undertaking constitutes, without further action by the licensee, an assignment of the licence to the person or persons to whom the sale or other disposition is made if the assignment of such licence was authorized by the appropriate board.

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

Authoriza-  
tion of  
assignment  
of licence

(2) The appropriate board shall authorize the assignment of a licence if it is satisfied that the sale or other disposition of any of the right, title and interest of the licensee in the appurtenant undertaking at the time, in the manner and on the terms and conditions agreed to by the licensee would not be likely to result in a contravention of any provision or condition of the licence or of any provision of this Act or the regulations.

Licence not  
otherwise  
assignable

(3) Except as provided in this section, a licence is not assignable.

Recom-  
mendations  
to Minister

14. A board may, and at the request of the Minister shall, make such recommendations to the Minister as it considers appropriate concerning any matter in respect of which the Governor in Council is authorized by section 26 or 27 to make regulations or orders.

#### PUBLIC HEARINGS AND PROCEDURE

Hearings

15. (1) A public hearing may be held by a board in connection with any matter relating to its objects where the board is satisfied that such a hearing would be in the public interest.

Idem

(2) A public hearing shall be held by a board

(a) in connection with each application for a licence or for renewal of a licence;  
(b) in connection with each application pursuant to section 24 for permission to enter upon, use, occupy, take and acquire any lands or any interest therein; and

(c) where it has under consideration the amendment or cancellation of a licence;

but this subsection does not apply where the applicant in a case described in paragraph (a) or (b), or the licensee in a case described in paragraph (c), consents in writing to the disposition of the matter without a public hearing and, after publication of notice of a public hearing in connection with the matter pursuant to section 17, the board receives no notice within ten days prior to the date of the proposed hearing that any person intends to appear and make representations in connection with the matter or, where the board has under consideration the amendment of a licence, the board, with the consent of the Minister, declares the amendment to be required on an emergency basis.



R.S.C. 1970 (1st Supp.), c. 28, cont'd.

- |                  |  |
|------------------|--|
| Place of hearing | <p>(3) A public hearing under this section shall be held at such place within</p> <p>(a) the Yukon Territory, in the case of the Yukon Territory Water Board, or</p> <p>(b) the Northwest Territories, in the case of the Northwest Territories Water Board,</p> <p>as the board considers appropriate and may be adjourned by the board from time to time and from place to place within Canada.</p>  |
| Powers           | <p>16. A board has, in respect of any public hearing under this section, all the powers of a commissioner appointed under Part I of the <i>Inquiries Act</i>.</p>  |
| Public notice    | <p>17. The appropriate board shall require an applicant for a licence, for the amendment or renewal of a licence or for authorization to assign a licence to give notice of such application by publication thereof in the <i>Canada Gazette</i> and in such one or more newspapers, including at least one that is in circulation within the area affected, or in such other manner as the board considers appropriate; and the board shall itself give notice of a public hearing to be held by it by publication thereof in the <i>Canada Gazette</i> and in such other manner as it considers appropriate.</p> |
| Rules            | <p>18. A board may make rules respecting</p> <p>(a) its sittings;</p> <p>(b) the procedure for making representations and complaints to it and in the conduct of hearings before it and generally the manner of conducting any business before it; and</p> <p>(c) generally, the carrying on of its work, the management of its internal affairs and the duties of the officers and employees and the professional and technical advisers provided to it by the Minister.</p>  |

#### WATER USE REGISTER

- |                    |  |
|--------------------|--|
| Water use register | <p>19. (1) Each board shall maintain at its main office a register in a form prescribed by the regulations in which shall be en-</p> |
|--------------------|--|

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

tered, with respect to each application for a licence received by the board and with respect to each licence issued by it, such information as is prescribed by the regulations.

Register to  
be open to  
inspection

(2) Each register maintained pursuant to this section shall be open to inspection, during normal business hours of the appropriate board, by any person on payment of the fee prescribed by the regulations.

#### DECISIONS AND ORDERS

Decisions  
and orders  
final

20. Except as provided in this Act, every decision or order of a board is final and conclusive.

Appeal to  
Supreme  
Court

21. (1) An appeal lies from a decision or order of a board to the Supreme Court of Canada upon a question of law, or a question of jurisdiction, upon leave therefor being obtained from the Supreme Court on application made within one month after the making of the decision or order sought to be appealed from or within such further time as the Supreme Court or a judge thereof under special circumstances allows.

Entry of  
appeal

(2) No appeal lies after leave therefor has been obtained under subsection (1) unless it is entered in the Supreme Court within sixty days from the making of the order granting leave to appeal.

Jurisdiction  
as to pre-  
rogative  
writs

(3) The Exchequer Court of Canada has exclusive original jurisdiction to hear and determine every application for a writ of *certiorari*, prohibition or *mandamus* or for an injunction in relation to any decision or order of a board or any proceedings before a board.

Limitations

(4) A decision or order of a board is not subject to review or to be restrained, removed or set aside by *certiorari*, prohibition, *mandamus* or injunction or any other process or proceeding in the Exchequer Court on the ground that

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

(a) a question of law or fact was erroneously decided by the board; or

(b) the board had no jurisdiction to entertain the proceedings in which the decision or order was made or to make the decision or order.

Decision or  
order defined

(5) Any minute or other record of a board or any document issued by a board in the form of a decision or order shall, if it relates to the issue, renewal, amendment or cancellation of a licence, be deemed for the purposes of section 20 and this section to be a decision or order of the board.

#### RIGHTS AND DUTIES OF LICENSEES

Precedence  
of use among  
licensees

22. (1) A licensee who is authorized to use waters in a water management area for a use that has been prescribed by the Governor in Council, in respect of that area, to be of a higher priority than the use for which another licensee was authorized to use waters in the same area, is entitled to the use of the volume of waters specified in his licence at the full rate specified therein in precedence to any use of waters by the other licensee.

Idem

(2) Where two licensees are authorized to use waters in the same water management area for the same use or for uses that have been prescribed by the Governor in Council, in respect of that area, to be of the same priority, the licensee who first filed an application with the appropriate board in the form and containing the information required by the regulations is entitled to the use of the volume of waters specified in his licence at the full rate specified therein in precedence to any use of waters by the other licensee.

Right of  
licensee to  
compensation in  
certain  
cases

23. Where a licensee who is authorized to use waters in a water management area is adversely affected by the use of waters in the same area by a licensee

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

(a) to whom a licence was issued after the issue of a licence to the licensee so affected, and

(b) who is, by virtue of subsection 22(1), entitled to precedence in the use of waters over the licensee so affected,

the licensee so affected is entitled to be compensated by such other licensee for any loss incurred by him as a result thereof and may sue for and recover such compensation in any court of competent jurisdiction.

Permission  
of Minister  
to expro-  
prias

24. (1) A licensee may apply to the appropriate board for permission from the Minister to enter upon, use, occupy, take and acquire any lands or any interest therein, and where the Minister, on the recommendation of the appropriate board, is satisfied that

(a) such lands or interest are reasonably required by such licensee for use in relation to the appurtenant undertaking, and

(b) the licensee has made reasonable efforts to acquire such lands or interest and has been unable to do so and it is in the public interest that such permission be granted to him,

the Minister may, in writing, grant such permission; and thereupon sections 156 to 184 of the *Railway Act*, in so far as they are reasonably applicable and not inconsistent with this Act, apply.

Modification  
of  
*Railway Act*  
provisions

(2) In applying sections 156 to 184 of the *Railway Act* for the purposes of this Act, the term "the licensee" shall be substituted for the term "the company", the date permission is granted by the Minister pursuant to subsection (1) of this section shall be substituted for the date of deposit of the plan, profile and book of reference in subsections 162(2) and (3) of the *Railway Act* and the reference to enforcement by the Canadian Transport Commission in section 163 of that Act shall be read as a reference to enforcement by the appropriate board as if the undertaking referred



R.S.C. 1970 (1st Supp.), c. 28, cont'd.

to therein were a condition of the licensee's licence.

Copy of  
document  
evidencing  
permission  
to be  
deposited

(3) A copy of the document evidencing permission granted by the Minister pursuant to subsection (1), certified as such by the chairman or vice-chairman of the appropriate board, shall be deposited with the registrar or registrars of titles for the land registration district or districts in which the lands affected by the permission are situated.

Duties of  
registrars  
of titles

(4) The provisions of section 34 of the *National Energy Board Act* relating to plans, profiles and books of reference deposited with registrars of deeds pursuant to that Act and the duties of such registrars with regard thereto, in so far as they are reasonably applicable and not inconsistent with this Act, apply in respect of copies deposited pursuant to subsection (3).

Exceptions

(5) This section does not apply or extend to

(a) territorial lands; or

(b) lands belonging to any railway company that are used or required by such company for the purposes of its railway.

Rights of  
persons  
against  
licensee  
not affected

25. Nothing in this Act or the regulations or in a licence issued pursuant to this Act constitutes a defence to a claim for loss or damage sustained by any person by reason of the construction of any works forming part of an appurtenant undertaking or by reason of the operation of any such undertaking.

#### REGULATIONS, ORDERS AND FEES

Regulations

26. The Governor in Council may make regulations

(a) setting forth the procedure to be followed on an application to a board for a licence, for the amendment or renewal of a licence or for authorization to assign a licence;

(b) setting forth information to be supplied to a board in connection with any application described in paragraph (a) and prescribing the form in which all or any of that information is to be submitted;

(c) prescribing forms, in addition to any forms prescribed under paragraph (b), to be used in proceedings under this Act;

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

(d) on the recommendation of the Minister and the appropriate board, classifying uses of waters in the Yukon Territory and the Northwest Territories, establishing water management areas consisting of river basins or other appropriate geographical areas and providing for the priorities among the classes of use of the waters within such water management areas;

(e) prescribing water quality standards for water management areas that are not, or are not included in whole or in part within, a water quality management area designated pursuant to the *Canada Water Act*;

(f) prescribing the quantities of waste, if any, that may be deposited other than in accordance with the conditions of a licence in any waters or in any waters within a water management area, and prescribing the conditions under which any such waste may be so deposited;

(g) authorizing the use without a licence of waters within a water management area

(i) for a use, uses or class of uses specified in the regulations,

(ii) in a quantity or at a rate not in excess of a quantity or rate specified in the regulations, or

(iii) for a use, uses or class of uses specified in the regulations and in a quantity or at a rate not in excess of a quantity or rate specified therein;

(h) requiring licensees to maintain such books and records as he deems necessary for the proper enforcement of this Act;

(i) requiring licensees who deposit waste in any waters to submit test portions of such waste to the appropriate board for analysis;

(j) requiring licensees to submit to the appropriate board on a regular monthly, quarterly, semi-annual or annual basis, as he deems appropriate, reports containing such information in respect of any of their operations to which this Act applies as is specified in the regulations;

(k) setting forth information to be supplied to the appropriate board in connection with an application for permission from the Minister to enter upon, use, occupy, take and acquire any lands or any interest therein;

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

(l) prescribing the form in which security may be furnished under subsection 11(3) and the terms and conditions on which any such security shall be furnished;

(m) prescribing the form of the register to be maintained by each board pursuant to section 19 and the information to be entered therein;

(n) respecting the method of analysis of test portions of waste;

(o) respecting the powers and duties of inspectors and analysts designated pursuant to section 29, the taking of samples and the making of analyses for the purposes of this Act;

(p) prescribing the time at which and the manner in which fees for the use of waters shall be paid; and

(q) generally, for carrying out the purposes and provisions of this Act.

Reservation  
of lands  
from  
disposition

27. (1) The Governor in Council may, by order, reserve from disposition under any enactment relating to the disposition of territorial lands, either for a specified period or otherwise, all or any interests in any territorial lands under the control, management and administration of the Minister where such interests are in his opinion required

(a) for the protection of any water resource; or

(b) in connection with any undertaking the development or operation of which is, in his opinion, in the public interest and would require the use of those interests in lands and of waters adjacent to such lands.

Reservation  
of water  
rights

(2) The Governor in Council may, by order, direct the appropriate board, either for a specified period or otherwise, not to issue any licences relating to the use of any waters specified in the order

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

(a) to enable comprehensive evaluation and planning to be carried out with respect to those waters; or

(b) where the use and flow of such waters are required in connection with a particular undertaking the development of which is, in his opinion, in the public interest.

Effect of  
disposition  
in contra-  
vention of  
order

(3) A disposition of all or any interest in any territorial lands in contravention of an order made pursuant to subsection (1), or a licence issued in contravention of an order made pursuant to subsection (2) is of no force or effect.

Fees

28. The Governor in Council may prescribe fees to be paid

(a) for the use of waters pursuant to a licence,

(b) on the filing of any application with a board, and

(c) for inspection of a register maintained pursuant to section 19,

and the amount of any fees prescribed pursuant to paragraph (a) may vary according to the use of waters authorized by the licence, according to the quantity of waters thereby authorized to be used or according to both the use and the quantity so authorized.

#### INSPECTORS AND ANALYSTS

Inspectors  
and  
analysts

29. The Minister may designate any qualified person as an inspector or analyst for the purposes of this Act.

Powers of  
inspectors

30. (1) An inspector may at any reasonable time

(a) enter any area, place or premises within a water management area, other than a private dwelling place or any part of any such area, place or premises that is designed to be used and is being used as a permanent or temporary private dwelling place, in which he reasonably believes

(i) the construction of any work or works that, upon their completion, will form part of an undertaking the operation of which will require the use of waters is being carried on, or the alteration or extension of a work or works that form part of such an undertaking is being carried on, or



R.S.C. 1970 (1st Supp.), c. 28, cont'd.

(ii) waters are being used other than by a licensee or pursuant to subsection 39(2) or other than as authorized by regulations made pursuant to paragraph 26(g), or are being used by a licensee in a quantity or at a rate in excess of, or for a purpose other than, that authorized under the licence held by him;

(b) conduct such inspections of the work or works described in subparagraph (a)(i) as he deems necessary in order to determine whether any plans and specifications forming part of any application for a licence filed with a board by the person constructing such work or works are being complied with or whether any alteration or extension of such work or works will or is likely to result in a contravention of any provision or condition of a licence issued in association with an undertaking of which such work or works form a part;

(c) examine any books, records or documents in such area, place or premises that on reasonable grounds he believes contain any information relating to the use of water or any process that is being or has been carried on therein that involves the use of water or results or is likely to result in waste and make copies thereof or extracts therefrom; and

(d) enter any area, place or premises other than a private dwelling place or any part of any such area, place or premises that is designed to be used and is being used as a permanent or temporary private dwelling place, in which he reasonably believes there is being or has been carried out any process that may result in or has resulted in waste, or there is any waste, that may be or has been added to waters, and examine any waste found therein in bulk or open any container found therein that he has reason to believe contains any waste and take samples thereof.

Certificate  
of  
designation

(2) An inspector shall be furnished with a certificate of his designation as an inspector and on entering any area, place or premises referred to in subsection (1) shall, if so required, produce the certificate to the person in charge thereof.

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

Assistance  
to  
inspector (3) The owner or person in charge of any area, place or premises referred to in subsection (1) and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and functions under this Act and shall furnish him with such information with respect to the administration of this Act as he may reasonably require.

Obstruction  
of  
inspector 31. (1) No person shall obstruct or hinder an inspector in the carrying out of his duties or functions under this Act.

False  
statements (2) No person shall knowingly make a false or misleading statement, either verbally or in writing, to an inspector or other person engaged in carrying out his duties or functions under this Act.

#### OFFENCES

Offences  
and  
punishment 32. (1) Any person who  
(a) violates subsection 3(2) or section 6, or  
(b) being a licensee, uses waters in a quantity or at a rate in excess of, or for a purpose other than, that authorized under the licence held by him,  
is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

Continuing  
offences (2) Where an offence under this section is committed on more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.

Offences and  
punishment 33. Any person who  
(a) violates section 31 or any regulation made under any of paragraphs 26(h), (i) and (j), or  
(b) wilfully obstructs or otherwise interferes with a licensee or any person acting on his behalf in the exercise of any rights granted to him under this Act  
is guilty of an offence punishable on summary conviction.

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

Order to  
refrain

34. Where a person is convicted of an offence under section 32, the court may, in addition to any punishment it may impose, order that person to refrain from committing any further such offence or to cease to carry on any activity specified in the order the carrying on of which, in the opinion of the court, will or is likely to result in the committing of any further such offence.

Proof of  
offence

35. In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

Time limited  
for pro-  
ceedings

36. Proceedings in respect of an offence under this Act may be instituted at any time within two years after the time when the subject-matter of the proceedings arose.

Action to  
enjoin not  
prejudiced  
by prosecu-  
tion

37. (1) Notwithstanding that a prosecution has been instituted in respect of an offence under section 32, the Attorney General of Canada may commence and maintain proceedings to enjoin conduct that constitutes an offence thereunder.

Civil  
remedy not  
affected

(2) No civil remedy for any act or omission is suspended or affected by reason that the act or omission is an offence under this Act.

#### EVIDENCE

Certificate  
of analyst

38. (1) Subject to this section, a certificate of an analyst stating that he has analyzed or examined a sample submitted to him by an inspector and stating the result of his analysis or examination is admissible in evidence in any prosecution for a violation of this Act and in the absence of evidence to the contrary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

R.S.C. 1970 (1st Supp.), c. 28, cont'd.

Attendance of analyst (2) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may, with leave of the court, require the attendance of the analyst for the purposes of cross-examination.

Notice (3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has given to the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate.

#### TRANSITIONAL AND COMING INTO FORCE

Application of *Yukon Placer Mining Act* and *Yukon Quartz Mining Act* provisions 39. (1) Sections 54 to 69 of the *Yukon Placer Mining Act* and section 121 of the *Yukon Quartz Mining Act* cease to be of any force or effect within a water management area upon the establishment of such area by the Governor in Council pursuant to paragraph 26(d).

Use of water by certain persons authorized (2) Where, immediately prior to the establishment of a water management area, a person was using waters or was entitled to use waters within the area so established, whether pursuant to a grant of a water right under the *Yukon Placer Mining Act* or otherwise, in a quantity or for a purpose such that, if he used waters in that quantity or for that purpose after the establishment of the area, such use would constitute a violation of subsection 3(2) of this Act if he were not a licensee, he may, notwithstanding any other provision of this Act, use waters in a quantity substantially equivalent to the quantity he was using or was entitled to use prior to the establishment of the area for the purpose for which he was then using or entitled to use waters until the ninetieth day after the establishment of the area or, if on or before that day he has filed an application for a licence to continue such use with the appropriate board, until the day on which that application is finally disposed of by the board; and applications to continue such uses shall be dealt with by the boards in priority to all other applications received by them.

Commencement 40. This Act shall come into force on a day to be fixed by proclamation.



Federal Court Act. R.S.C. 1970 (2nd supp.), c. 10.

Amendments **65.** The Acts mentioned in Schedule II to this Act are amended in the manner and to the extent indicated in that Schedule.

SCHEDULE II (*Continued*)

Item	Act Affected	Amendment
25	Northern Inland Waters Act R.S., c. 28(1st Supp.)	<p>Section 21 is repealed and the following substituted therefor:</p> <p>"21. (1) An appeal lies from a decision or order of a board to the Federal Court of Appeal upon a question of law, or a question of jurisdiction, upon leave therefor being obtained from that Court on application made within one month after the making of the decision or order sought to be appealed from or within such further time as that Court or a judge thereof under special circumstances allows.</p> <p>(2) No appeal lies after leave therefor has been obtained under subsection (1) unless it is entered in the Federal Court of Appeal within sixty days from the making of the order granting leave to appeal.</p> <p>(3) Any minute or other record of a board or any document issued by a board in the form of a decision or order shall, if it relates to the issue, renewal, amendment or cancellation of a licence, be deemed for the purposes of section 20 and this section to be a decision or order of the board."</p>

## CHAP. 38.

An Act respecting roads and road allowances in the provinces of Saskatchewan and Alberta.

[Assented to 20th July, 1905.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. This Act may be cited as *The Saskatchewan and Alberta Roads Act*. Short title.

2. All road allowances in townships now or hereafter surveyed and subdivided, and all road allowances set out on block lines now or hereafter surveyed, in the North-west Territories within the limits of the province of Saskatchewan or the province of Alberta, as those provinces are defined in *The Saskatchewan Act* and *The Alberta Act* respectively, the plans of survey of which have been duly approved, and the Dominion lands comprised in such road allowances, shall be vested in the Crown in the right of the province within which such road allowances are situate. Certain road allowances transferred to the provinces.

3. On the Minister of the Interior receiving notice from the Lieutenant Governor in Council of either of the said provinces that it is desired that any public travelled road or trail in the province, which existed as such prior to the subdivision of the land into sections, shall be transferred to the province, the Governor in Council may authorize and direct the survey of such road or trail by a Dominion land surveyor. Survey of road or trail before transfer to province.

2. In making the survey, the surveyor may make such changes in the location of the road or trail as he deems necessary for improving it, without, however, altering its main direction. Changes in location.

4. The returns of every such survey shall be made to the Department of the Interior; and, upon a duplicate copy of such returns, approved by the Surveyor General, being filed in the proper land titles office, the public travelled road or trail, so far as the lands within its limits are Dominion lands, as well as the Dominion lands comprised therein, shall vest in the Crown in the right of the province, subject to the right of any person who has acquired any interest in such lands. Filing of returns of survey to vest lands in province.

S.C. 1905, c. 38, cont'd.

Survey of  
new roads  
by province.

5. The Lieutenant Governor in Council of either of the said provinces may cause to be surveyed and marked on the ground by a Dominion land surveyor, in accordance with the system of Dominion lands survey obtaining in the locality, such new roads as are from time to time deemed necessary to aid in the development of any locality which cannot be conveniently served by existing road allowances or other public highways; such new roads to be of the width prescribed for the locality by the Manual of Instructions for the Survey of Dominion Lands.

Filing of  
returns of  
survey to vest  
lands in  
province.

6. The returns of every such last-mentioned survey shall be made to the Department of the Interior, and, upon a duplicate copy of such returns, approved by the Surveyor General, being filed in the proper land titles office, the road or roads shown thereon to have been surveyed as aforesaid, so far as the lands within their limits are Dominion lands, and the Dominion lands comprised therein, shall vest in the Crown in the right of the province, subject to the right of any person who has acquired any interest in such lands.

Road  
allowances  
and roads  
transferred  
from N.W.T.  
to provinces.

7. All road allowances, public travelled roads or trails, and new roads in either of the said provinces hitherto transferred to or for the use of the North-west Territories, or subjected to the direction, management, or control of the Lieutenant Governor in Council of the North-west Territories, so far as the lands within their limits are Dominion lands, and the Dominion lands comprised therein, shall be vested in the Crown in the right of the provinces in which they are situate.

## CHAP. 45.

## An Act respecting roads and road allowances in the provinces of Saskatchewan and Alberta.

[Assented to 13th July, 1906.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Saskatchewan and Alberta Roads Act, 1906.* Short title.

2. All road allowances in townships now or hereafter surveyed and subdivided, and all road allowances set out on block lines now or hereafter surveyed, within the limits of the province of Saskatchewan or the province of Alberta, as those provinces are defined in *The Saskatchewan Act* and *The Alberta Act* respectively, the plans of survey of which have been duly approved, and the Dominion lands comprised in such road allowances, shall be vested in the Crown in the right of the province within which such road allowances are situate. Certain road allowances transferred to the provinces.

3. On the Minister of the Interior receiving notice from the Lieutenant Governor in Council of either of the said provinces that it is desired that any public travelled road or trail in the province, which existed as such prior to the subdivision of the land into sections, shall be transferred to the province, the Governor in Council may authorize and direct the survey of such road or trail by a Dominion land surveyor. Survey of road or trail before transfer.

2. Such roads shall not exceed sixty-six feet in width, and in making the survey, the surveyor may make such changes in the location of the road or trail as he deems necessary for improving it, without, however, altering its main direction. Width and changes in location.

4. The returns of every such survey shall be made to the Department of the Interior; and, upon a duplicate copy of such returns, approved by the Surveyor General, being filed in the proper land titles office, the road or trail shall vest in the Crown in the right of the province, subject to the right of any person to whom patent has been issued previous to such filing. Filing of returns of survey to vest lands in province.

Survey of new roads by provinces.

5. The Lieutenant Governor in Council of either of the said provinces may cause to be surveyed and marked on the ground by a Dominion land surveyor such new roads as are from time to time deemed necessary to aid in the development of any locality which cannot be conveniently served by existing road allowances or other public highways; such new roads to be of a width to be specified by the Lieutenant Governor in Council, but not to exceed sixty-six feet in width.



S.C. 1906, c. 45, cont'd.

Filing of  
returns of  
survey to  
vest lands in  
province.

6. The returns of each such last-mentioned survey shall be made to the Public Works Department of the province in which the road lies, and, upon a duplicate copy of the plan of such survey, approved by the chief engineer of the Department of Public Works of such province, being filed in the proper land titles office, the road or roads shown thereon to have been surveyed as aforesaid, so far as the lands within their limits are Dominion lands, shall vest in the Crown in the right of the province, subject to the right of any person who has acquired any interest in such lands.

Revesting  
of lands in  
Dominion.

2. A duplicate copy of the plan of such survey so approved by the chief engineer of the Department of Public Works of such province, shall be forthwith transmitted by the said Department of Public Works to the Surveyor General, who, within one month from the receipt of it by him, may require the plan of such survey so filed to be withdrawn from the land titles office by the Department of Public Works of such province, and the effect of such withdrawal shall be to revest in the Crown in the right of the Dominion the lands shown upon the plan of such survey.

Roads, etc.,  
transferred  
from N.W.T.  
to provinces.

7. All road allowances, public travelled roads or trails, and new roads in either of the said provinces hitherto transferred to or for the use of the North-west Territories, or subjected to the direction, management or control of the Lieutenant Governor in Council of the North-west Territories, shall be vested in the Crown in the right of the province in which they are situate.

Mines and  
minerals  
excepted.

8. Nothing herein contained shall be construed to vest in the Crown in the right of the province any mines or minerals under any part of any road or trail upon or through Dominion lands.

Repeal.

9. Chapter 38 of the statutes of 1905, intituled *An Act respecting roads and road allowances in the provinces of Saskatchewan and Alberta*, is repealed.

An Act respecting roads and road allowances in the provinces of Saskatchewan and Alberta. R.S.C. 1906, c. 100.

## CHAPTER 100.

### An Act respecting roads and road allowances in the provinces of Saskatchewan and Alberta.

1. This Act may be cited as the Saskatchewan and Alberta Roads Act. 6 E. VII., c. 45, s. 1. Short title.

2. All road allowances in townships now or hereafter surveyed and subdivided, and all road allowances set out on block lines now or hereafter surveyed, within the limits of the province of Saskatchewan or Alberta, the plans of survey of which have been duly approved, and the Dominion lands comprised in such road allowances, shall be vested in the Crown in the right of the province within which such road allowances are situate. 6 E. VII., c. 45, s. 2. Allowances transferred to the provinces.

3. On the Minister of the Interior receiving notice from the lieutenant governor in council of either of the said provinces that it is desired that any public travelled road or trail in the province, which existed as such prior to the subdivision of the land into sections, shall be transferred to the province, the Governor in Council may authorize and direct the survey of such road or trail by a Dominion land surveyor. Survey of road before transfer.

2. In making the survey, the surveyor may make such changes in the location of the road or trail as he deems necessary for improving it, without altering its main direction. Changes in location.

3. Such roads shall not exceed sixty-six feet in width. 6 E. VII., c. 45, s. 3.

4. The returns of every such survey shall be made to the Department of the Interior. Returns of survey.

2. Upon a duplicate copy of such returns, approved by the Surveyor General, being filed in the proper land titles office, the road or trail shall vest in the Crown in the right of the province, subject to the right of any person to whom a patent has been issued previously to such filing. 6 E. VII., c. 45, s. 4. Consequent vesting in provinces.

5. The lieutenant governor in council of either of the said provinces may cause to be surveyed and marked on the ground by a Dominion land surveyor such new roads as are from time to time deemed necessary to aid in the development of any locality which cannot be conveniently served by existing road allowances or other public highways. New roads.

Width.

2. Such new roads shall be of a width to be specified by the lieutenant governor in council, but shall not exceed sixty-six feet in width. 6 E. VII., c. 45, s. 5.

R.S.C. 1906, c. 100, cont'd.

Returns.

6. The returns of every survey mentioned in the last preceding section shall be made to the public works department of the province in which the road lies.

Lands to vest in province upon filing.

2. Upon a duplicate copy of the plan of such survey, approved by the chief engineer of the department of public works of such province, being filed in the proper land titles office, the road or roads shown thereon to have been surveyed as aforesaid, so far as the lands within their limits are Dominion lands, shall vest in the Crown in the right of the province, subject to the right of any person who has acquired any interest in such lands.

Revesting of lands in Dominion.

3. A duplicate copy of the plan of such survey so approved by the chief engineer of the department of public works of such province, shall be forthwith transmitted by the said department of public works to the Surveyor General, who, within one month from the receipt of it by him, may require the plan of such survey so filed to be withdrawn from the land titles office by the department of public works of such province, and the effect of such withdrawal shall be to revest in the Crown in the right of the Dominion the lands shown upon the plan of such survey. 6 E. VII., c. 45, s. 6.

Roads heretofore transferred.

7. All road allowances, public travelled roads or trails, and new roads in either of the said provinces hitherto transferred to or for the use of the Northwest Territories, or subjected to the direction, management, or control of the Lieutenant Governor in Council of the Northwest Territories, shall be vested in the Crown in the right of the province in which they are situate. 6 E. VII., c. 45, s. 7.

Mines and minerals excepted.

8. Nothing herein contained shall be construed to vest in the Crown in the right of the province any mines or minerals under any part of any road or trail upon or through Dominion lands. 6 E. VII., c. 45, s. 8.

An Act respecting Roads and Road Allowances in the provinces of Saskatchewan and Alberta. R.S.C. 1927, c. 180.

## CHAPTER 180.

### An Act respecting Roads and Road Allowances in the provinces of Saskatchewan and Alberta.

#### SHORT TITLE.

1. This Act may be cited as the Saskatchewan and Alberta Roads Act. R.S., c. 100, s. 1. Short title.

2. All road allowances in townships now or hereafter surveyed and subdivided, and all road allowances set out on base and meridian lines now or hereafter surveyed, within the limits of the province of Saskatchewan or Alberta, the plans of survey of which have been duly approved, and the Dominion lands comprised in such road allowances, shall be vested in the Crown in the right of the province within which such road allowances are situate. R.S., c. 100, s. 2. Allow-  
ances  
trans-  
ferred  
to the  
provinces.

3. On the Minister of the Interior receiving notice from the lieutenant-governor in council of either of the said provinces that it is desired that any public travelled road or trail in the province, which existed as such prior to the subdivision of the land into sections, shall be transferred to the province, the Governor in Council may authorize and direct the survey of such road or trail by a Dominion land surveyor. Survey  
of road  
before  
transfer.

2. In making the survey, the surveyor may make such changes in the location of the road or trail as he deems necessary for improving it, without altering its main direction. Changes in  
location.

3. Such roads shall not exceed sixty-six feet in width. R.S., c. 100, s. 3.

4. The returns of every such survey shall be made to the Department of the Interior. Returns of  
survey.

2. Upon a duplicate copy of such returns, approved by the Surveyor General, being filed in the proper land titles office, the road or trail shall vest in the Crown in the right of the province, subject to the right of any person to whom a patent has been issued previously to such filing. R.S., c. 100, s. 4. Conse-  
quent  
vesting in  
provinces.

New  
roads.

5. The lieutenant-governor in council of either of the said provinces may cause to be surveyed and marked on the ground by a Dominion land surveyor such new roads as are from time to time deemed necessary to aid in the development of any locality which cannot be conveniently served by existing road allowances or other public highways.

Width.

2. Such new roads shall be of a width to be specified by the lieutenant-governor in council, but shall not exceed sixty-six feet in width. R.S., c. 100, s. 5.



R.S.C. 1927, c. 180, cont'd.

Returns.

6. The returns of every survey mentioned in the last preceding section shall be made to the public works department of the province in which the road lies.

Lands to vest in province upon filing.

2. Upon a duplicate copy of the plan of such survey, approved by the chief engineer of the department of public works of such province, being filed in the proper land titles office, the road or roads shown thereon to have been surveyed as aforesaid, so far as the lands within their limits are Dominion lands, shall vest in the Crown in the right of the province, subject to the right of any person who has acquired any interest in such lands.

Revesting of lands in Dominion.

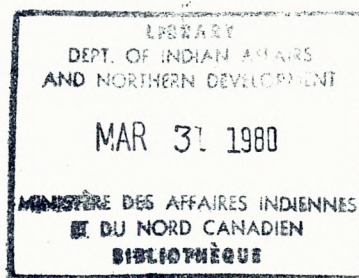
3. A duplicate copy of the plan of such survey so approved by the chief engineer of the department of public works of such province, shall be forthwith transmitted by the said department of public works to the Surveyor General, who, within one month from the receipt of it by him, may require the plan of such survey so filed to be withdrawn from the land titles office by the department of public works of such province, and the effect of such withdrawal shall be to revest in the Crown in the right of the Dominion the lands shown upon the plan of such survey. R.S., c. 100, s. 6.

Roads heretofore transferred.

7. All road allowances, public travelled roads or trails, and new roads in either of the said provinces hitherto transferred to or for the use of the Northwest Territories, or subjected to the direction, management, or control of the Lieutenant-Governor in Council of the Northwest Territories, shall be vested in the Crown in the right of the province in which they are situate. R.S., c. 100, s. 7.

Mines and minerals excepted.

8. Nothing herein contained shall be construed to vest in the Crown in the right of the province any mines or minerals under any part of any road or trail upon or through Dominion lands. R.S., c. 100, s. 8.



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