

APPENDIX D.School Lands.

1. In 1872 the Dominion Parliament passed a statute entitled "An Act Respecting the Public Lands of the Dominion" (35 Vict., c.23), by which provision was made for the administration of the great areas of Crown lands which the Dominion had shortly before acquired by surrender from the Hudson Bay Company. By the British North America Act, 1867, it had been provided that "all lands, mines, minerals and royalties" within the Dominion as constituted by that Act, were to "belong to the several provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situate or arise", and it was therefore not until 1870, when the arrangement with the Hudson Bay Company was made, that the Dominion of Canada, in contradistinction to the provinces, acquired regal rights in any lands.

2. The Dominion statute referred to defined the general principles upon which these newly acquired Dominion Crown lands were to be administered. It provided for the system of survey to be carried out, defined the terms upon which free grants were to be made in order to induce immigration into Canada, and fixed the conditions upon which the lands and interests therein might be otherwise disposed of. These general principles were, however, made subject to the qualification that some 5% of the total area (two sections out of every township) should be disposed of, not for the benefit of Canada as a whole, but for that only of the residents of the area within which the lands lay, the particular object specified being the provision of "an endowment for purposes of education".

3. By section 22 of the Act, the sections of land so dedicated were withdrawn from the operation of the remaining provisions of the statute, and were directed to be dealt with "in such manner as may be prescribed by law". No manner of dealing with them was, however, prescribed until 1879 when it was provided by 42 Vict., c.31, that the

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