

- (c) "surrender" means a surrender for sale of reserve lands pursuant to the *Indian Act*, Chapter 149, R.S.C., 1952, and does not include a partial surrender of rights in reserve lands for purposes other than sale; and
- (d) "water power rights" means the right to develop, construct, operate, adapt or use land, waters, water privileges, water powers, or works for generating electrical power or energy from water power subject to payment of compensation to a band of Indians or to any Indian entitled thereto as a result of the taking or flooding of any such lands.

2. (1) All grants made by Her Majesty the Queen in right of Canada under the Great Seal of Canada, of lands previously forming part of Indian Reserves or Indian Lands in the Province of New Brunswick, and which were prior to such grant, surrendered by the Indians, are hereby ratified and confirmed by the Province, except in so far as the said grants may purport to transfer to grantees any mineral rights.

(2) Whenever the mineral rights have been reserved by Canada in any grant made prior to this agreement, such rights shall be administered by Canada for the benefit of the Indians concerned, in accordance with the regulations of the Governor in Council respecting mining on Indian Reserves and Indian Lands.

(3) Subsection (1) shall not apply to lands purchased by Canada for the use of Indians.

3. The Province hereby transfers to Canada the administration of all lands in the Province which form part of Indian Reserves and Indian Lands therein.

4. (1) In the event of any band or bands of Indians in the Province of New Brunswick becoming extinct, Canada will revert in the Province the administration of any lands administered by Canada for the benefit of such Indians.

(2) For the purpose of this section extinction does not include enfranchisement.

5. (1) Canada will allow any person, who is by the laws of New Brunswick, authorized to prospect for minerals on Provincial Crown Lands, to prospect for minerals on the lands the administration of which is hereby transferred to Canada provided such person complies with the regulations of the Governor in Council respecting mining on Indian Reserves and Indian Lands.

(2) When no surrender has taken place, staking, leasing, exploitation and operation of and for minerals on or in Indian Reserves or Indian Lands shall be governed by the regulations of the Governor in Council respecting mining on Indian Reserves and Indian Lands and