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Bill A-



Canada. Laws, Statutes, etc.

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Bill A-

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BILL.

An Act to amend the Act respecting the Statutes of Canada.

N. B.—The words printed between brackets, thus [], are proposed to be struck out at the third reading.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. All the original Acts, passed by the Legislatures of the late Provinces of Upper or Lower Canada, or of the late Province of Canada, transferred to and deposited of record in the office of the Clerk of the Senate, and also all original Acts of the Parliament of Canada heretofore assented to, or hereafter to be assented to by the Governor General, and all Bills reserved for the signification of the Queen's pleasure, and assented to or disallowed by the Queen in Council, shall be and continue to remain of record in the custody of the Clerk of the Senate of Canada, and such Clerk, as Custodian thereof, shall be known and designated as "The Clerk of the Parliaments." And everything now required by the Act intituled: *An Act respecting the Statutes of Canada*, or by any other Act of the Parliament of Canada, to be done by the Clerk of the Senate, as Custodian of the said Acts or any of them, shall be done by the Clerk of the Parliaments.

Custody of original Acts of Parliament and of certain late Legislatures, and of reserved Bills.

2. The Clerk of the Parliaments shall have a Seal of Office, and shall affix the same to certified copies of all Acts intended for the Governor General or the Registrar General of Canada or required to be produced before Courts of Justice, either within or beyond the limits of the Dominion of Canada, and in any other case, when the said Clerk may deem it expedient.

Clerk of the Parliaments to have and use a Seal of Office.

3. All copies of the Acts above referred to, so certified by the Clerk of the Parliaments, shall be held to be duplicate originals, and also to be evidence, as if printed under the authority of the Queen's Printer, of such acts and of their contents.

Certified copies of Acts to be held to be duplicate originals.

4. As soon as practicable after the prorogation of every session of Parliament, the Clerk of the Parliaments shall obtain from the Queen's Printer a sufficient number of bound copies of the Statutes of Canada passed during such Session of Parliament, and shall deliver to the Governor General one copy duly certified, for transmission to one of Her Majesty's Principal Secretaries of State, as required by the British North America Act, 1867, together with certified copies of all Bills reserved for the signification of the Queen's pleasure, and one like copy of the said Acts to the Registrar General of Canada.

Bound copies of Statutes of Canada and copies of reserved bills duly certified, to be delivered to the Governor General.

Certified copies of Acts to be furnished on application

5. The Clerk of the Parliaments shall also furnish certified copies of any of the Acts above mentioned to any public officer or party applying for the same; [and upon all such copies the said Clerk of the Parliaments shall, before delivering the same to such officer or party, receive from such party a fee at the rate of ten cents for every hundred words in the certified copy and certificate; and all sums so received by him shall form part of the contingent fund of the Senate.]

Those required for the public service to be obtained through the Secretary of State of Canada.

6. All certified copies required for the public service shall be obtained from the Clerk of the Parliaments through the Secretary of State of Canada.

Certificate to be inserted at the foot of every copy of Act required to be certified.

7. The Clerk of the Parliaments shall insert at the foot of every such copy so required to be certified, a written certificate, duly signed and authenticated by him, to the effect that it is a true copy of the Act passed by the Parliament of Canada, or by the Legislature of the late Province of Canada, or of the late Province of Upper Canada or Lower Canada (as the case may be) in the session thereof, held in the year of H. M. Reign, and assented to in Her Majesty's name, by the Governor General, or (as the case may be,) on the day of , or reserved for the signification of Her Majesty's pleasure thereon, and assented to by Her Majesty in Council, on the day of

5th Session, 1st Parliament, 35 Victoria, 1

A

An Act to Amend the Act respecting Statutes of Canada.

Received and read, First time, Tuesday, April, 1872.

Second reading, Friday, 19th April, 1872.

Honorable Mr. CAMPBELL

OTTAWA:

Printed by I. B. Taylor, Nos. 29, 31 and 33 Rideau 1872.

BILL.

An Act respecting the Public Lands of the Dominion.

N. B.—The words and clauses printed between brackets, thus [] are proposed to be struck out at the third reading.

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.

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; that is to say:

1. The term *Secretary of State*, means the Secretary of State of Canada.

2. The term *Surveyor-General* means the said officer, or in his absence the chief clerk performing his duties for the time being.

3. The term *Agent* or *Officer* means any person or Officer employed in connection with the administration and management, sale or settlement of Dominion Lands; and the term *Local Agent* means the Agent for Dominion Lands employed as aforesaid, with respect to the lands in question; and the term *Land Office* means the office of any such Agent.

4. The term *Deputy Surveyor* means a Surveyor duly authorized under the provisions of this Act to survey Dominion lands.

5. The term *Crown Timber Agent* means the local officer appointed [to collect dues and] to perform such [other] duties as may be assigned to such officer, in respect to the timber on Dominion lands,

6. The term *Island*, as used in connection with timber, means an isolated grove or clump of timber in Prairie.

7. The term *Belt*, as used in connection with timber, means a strip of timber along the shore of a lake, river or water course.

8. The term *Clause* means a section of this Act distinguished by a separate number, and the term *Sub-Clause*, means a subdivision of any clause distinguished by a separate number in smaller type.

9. The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa,

DOMINION LANDS OFFICE.

Administration and management of Dominion Lands.

2. The Department of the Secretary of State of Canada, shall be charged with the administration and management of the Dominion lands.

1. Such administration and management shall be effected through a Branch of the said Department, to be known and designated as "*The Dominion Lands Office.*"

2. Copies of any records, documents, plans, books, or papers, belonging to or deposited in the said Office, attested under the signature of the Secretary of State or of the Surveyor General, shall be competent evidence in all cases in which the original records, documents, books, plans, or papers, could be evidence.

3. No person employed in or under the Dominion Lands Office shall purchase any of such lands, except under authority of an Order in Council.

SYSTEM OF SURVEY.

System of Survey of Dominion Lands.

3. Subject always to the provisions hereinafter made with respect to special cases,—

Townships to contain thirty-six square miles, exclusive of road allowances.

1. The Dominion Lands shall be laid off in quadrilateral Townships, containing thirty-six Sections of one mile square in each, (except in the case of those sections rendered irregular by the convergence or divergence of meridians as hereinafter mentioned) together with road allowances of one chain and fifty links in width, between all Townships and sections.

2. The sections shall be bounded and numbered as shewn by the following Diagram :

N.					
31	32	33	34	35	36
30	29	28	27	26	25
19	20	21	22	23	24
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1
S.					

Townships to measure on each side 489 chains.

3. The Township therefore will, subject to deficiency or surplus from converging or diverging meridians, as the case may be, measure on each side, from centre to centre of the road allowances bounding the same, four hundred and eighty-nine chains.

Lines bounding townships.

4. The lines bounding townships on the east and west sides shall in all cases be true meridians, and those on the north and south sides shall be chords intersecting circles of latitude passing through the angles of the townships.

Townships shall be numbered.

5. The townships shall be numbered in regular order northerly from the international boundary or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from

a certain meridian line run in the year 1869, styled the "Principal Meridian," drawn northerly from the said forty-ninth parallel at a point ten miles or thereabouts westerly from Pembina.

- 5 **6.** In the territories east and west of Manitoba such other governing or guide meridians may be adopted and confirmed by the Governor in Council as may from time to time become expedient. Other governing or guide meridians.
- 10 **7.** The townships shall be laid out the precise width of four hundred and eighty-nine chains, as aforesaid, on the base lines hereinafter mentioned, and the meridians between townships shall be drawn from such bases, north or south to the depth of two townships, that is to say, to the correction lines hereinafter mentioned. Townships to be 489 chains wide.
- 15 **8.** The said forty-ninth parallel or international boundary shall be the first base line, or that for townships one and two. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession. Base lines for townships.
- 20 **9.** The correction lines, or those upon which the "jog" resulting from want of parallelism of meridians shall be allowed will be as follows, that is to say:—On the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words, they will be those township lines running east and west which are equi-distant from the bases, at the depth of two townships. Correction lines, what township lines to be.
- 25 **10.** Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made. Division of sections.
- 30 **11.** In the survey of any and every township, the deficiency or surplus, as the case may be, resulting from convergence or divergence of meridians shall be allowed in the range of quarter sections adjoining the west boundy of the township, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter sections adjoining, and north or south respectively of the said correction lines. Allowances for deficiency or surplus in survey of townships.
- 35 **12.** The dimensions and area of the irregular quarter sections resulting from the provision in the next preceding clause, whether the same be deficient or in excess, shall, in all cases, be returned by the surveyor at their actual measurements and contents. Dimensions and area of irregular quarter sections, how to be returned.
- 40 **13.** Preliminary to the subdivision into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, and east and west meridian boundaries of each block. Country to be laid out into blocks of four townships each in the first instance, and how.
- 45 **1.** On these lines, at the time of the survey, all township, section, and quarter section corners shall be marked, which corners shall govern, respectively, in the subsequent subdivision of the block.
- 2.** Only a single row of posts or monuments to indicate the

corners of townships, or sections, (except as hereinafter provided), shall be placed on any survey line. These posts or monuments, as an invariable rule (with the exception above referred to) shall be placed in the west limit of the road allowances, on north and south lines; and in the south limit of road allowances, on east and west lines; and in all cases shall fix and govern the position of the boundary corner between the two adjoining townships, sections, or quarter sections, on the opposite side of the road allowance. 5

3. Provided that in the case of the township, section, and quarter section corners on correction lines, posts or monuments shall in all cases be planted and marked independently for the townships on either side; those for the township north of the line, in the north limit of the road allowance; and those for the townships south, in the south limit.

Surveys to be performed by contract.

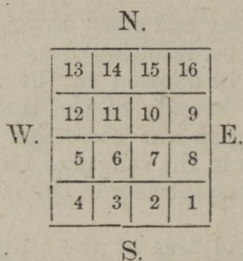
14. The surveys of the Dominion lands, according to the system above described, shall be carried out and shall be performed by contract at a certain rate per mile or per acre, fixed from time to time by the Governor in Council. 15

Legal subdivisions of townships.

15. Legal subdivisions as applicable to the survey, sale and granting of the Dominion lands, shall be as follows: and it shall be sufficient that such legal subdivisions be severally, as the case may require, designated and described by such names or numbers for letters patent, that is to say: 20

1. A section or 640 acres.
- A half section or 320 acres. 25
- A quarter section or 160 acres.
- A half quarter section or 80 acres.

2. To facilitate the descriptions of Letters Patent for less than a half quarter section, every section shall be supposed to be divided into quarter quarter sections, and such quarter quarter sections shall be numbered as shewn in the following diagram. 30



Proviso.

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 32 35 of the Act 33 Victoria, chapter 3, 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 40 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. 45

DISPOSAL OF THE DOMINION LANDS.

LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

17. Whereas by article five of the terms and conditions in the Preamble... deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands in a certain portion of the territory surrendered, described and designated as the "Fertile Belt:"

And whereas by the terms of the said deed, the right to Preamble... claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot; and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one-twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said Territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth:

And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each, and in all other townships one section and three quarters of a section each, therefore—

In every fifth Township in the said Territory; that is to say: Certain sections and parts of sections in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the International boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships the whole of section No. 8, and the south half and north-west quarter of section 26 (except in the cases hereinafter provided for) shall be known and designated as Hudson's Bay Company's lands.

18. Provided, that the next preceding clause shall not apply to those townships which may be found to lie wholly or in part within the limits of land reserved to Indians, nor to fractional townships or those broken by lakes, but only to whole townships, and that in the several cases above mentioned the Company's one-twentieth shall be set apart by lot, by the Secretary of State and the said Company, or some person duly authorized by them respectively, as follows, that is to say:—

1. In the case of a township which may be found to lie wholly within an Indian Reserve, from the lands unoccupied and unclaimed in the nearest surveyed township or townships; and in the case of a township found to be partly within the limits of an Indian Reserve, and also in the case of a fractional township, as aforesaid, or a township broken by a lake or lakes, from the unoccupied and unclaimed land in such township:—

19. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bona fide* settled on under the authority of any Order in Council, or of this Act, then and in such case clause *seventeen* shall take effect only as regards those sections or parts of sections which may not have been settled on, and shall not take effect as regards such sections or parts thereof

found to have been so settled on, but the said Company, or some person duly authorized on their behalf, shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands in such township then unoccupied and unclaimed.

5

Company's
lands to form
no part of
timber limits.

20. Provided also, as regards the sections and parts of sections as mentioned in clause *seventeen*, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in 10 such townships, but shall be held to be the property of the Company intact.

Title to lands
to pass to Com-
pany without
Patent in cer-
tain cases, and
under patents
in other cases.

21. As townships are surveyed and the respective surveys thereof confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the 15 said Company shall be duly notified thereof by the Surveyor General, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under clause *seventeen*, as aforesaid, and to vest the same in the said Company, without 20 requiring a patent to issue for such lands; and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above as provided in clauses *eighteen and nineteen*, returns thereof shall be made in due course by the Local Agent or Agents to the Dominion Lands 25 Office, and patents shall issue for the same accordingly.

EDUCATIONAL ENDOWMENT.

Sections 11 and
29 in every
surveyed
township set
apart as an
educational
endowment.

22. And whereas it is expedient to make provision in aid of public Educational Institutions in Manitoba, and the North-West Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion 30 lands, shall be and are hereby set apart as an endowment for purposes of education.

Such sections
not to be sub-
ject to right
of purchase
by private
entry or
pre-emption
or homestead
right.

1. The sections so dedicated shall be thereafter dealt with in such manner as may be prescribed by law, and the same are hereby withdrawn from the operation of the clauses in this Act relating to purchase by private entry, and to pre-emption and homestead 35 right, and it is hereby declared that no such right of purchase by private entry or homestead or pre-emption right shall be recognized in connection with the said sections or any part or parts thereof:

Proviso. :

2. Provided, that on a township being surveyed, should such 40 sections, or either of them, or any part of either, be found to have been settled on and improved, then and in such case the occupant or occupants, conforming to the requirements of this Act shall be confirmed in such possession, and the Secretary of State shall select a quantity equal to that found to have been so settled on 45 from the unclaimed lands in such township, and shall withdraw the land so selected from sale and settlement, and shall set apart and publish the same as school lands, by notice in the *Canada Gazette*.

MILITARY BOUNTY LAND CLAIMS.

23. In all cases in which land has heretofore been or shall here-
after be given by the Dominion for Military services, warrants
shall be granted in favor of the parties entitled to such land by
the Minister of Militia and Defence, and such warrants shall be
5 recorded in the Dominion Lands Office in books to be kept for the
purpose, and shall be located as hereinafter provided, and patents
for the lands so located shall be issued accordingly.

Warrants to
be granted for
lands given for
military ser-
vices.

1. Such warrants may be located by the owners thereof, in any
of the Dominion lands open for sale, or may be received in pay-
10 ment for a pre-emption claim for the same number of acres, or in
payment in part or in full, as the case may be, for the purchase at
public or private sale of Dominion lands, at the value shewn upon
their face, estimating the number of acres in the warrant at the
price mentioned therein.

Such warrants
may be located
in lands open
for sale,
or given in
payment for
lands.

15 2. In accepting warrants as so much purchase money, any
deficiency shall be payable in cash. But should any payment by
warrant or by amount in warrants, be in excess, the Government
will not return any such excess.

Rules with
respect to
warrants
accepted as
purchase
money.

3. In locating a warrant, should the same be for any aliquot
20 part of a section, it must be located in a legal subdivision of cor-
responding extent; for instance, a warrant calling for one hundred
and sixty acres must be located in a certain quarter section intact.

Rule with
respect to
locating
warrants.

24. Assignments of Military Bounty Land Warrants duly made
and attested shall be recognized as conveying the beneficial interest
25 therein, but no assignment of the interest of the original owner
(except in the case of Red River soldiers' warrants as hereinafter
mentioned) will be held as transferring such interest, unless the
assignment be endorsed on the back of the warrant; and in sub-
sequent assignments the warrant, unless the same has been lost,
30 (as hereinafter mentioned) must be attached to and form part of
the claimant's or locatee's papers.

Assignments
of Military
Bounty Land
Warrants.

25. In all cases where an officer or soldier entitled to Military
Bounty Land dies before the issue of the warrant, or between the
issue of the warrant and the location thereof, the warrant or the
35 the patent, or both, as the case may be, shall issue in favor of
the legal representatives of such deceased officer or soldier,
according to the law of the Province or Territory where the lands
in question lie, who shall be ascertained in such manner and by
such Court, Commissioners or other tribunal, as the Legislature
40 of such Province shall prescribe by any Act passed for that
purpose, and shall be certified to the Governor under such Act—
or if the lands be in any territory in which there is then
no Legislature, then in such manner and by such Commis-
sioners as the Governor in Council may from time to time
45 direct,—and any Order in Council in that behalf may vest in any
Commissioners under its power to summon witnesses and examine
them on oath and to compel the production of documents,
and generally may vest in them all such powers and impose upon
all other persons all such obligations, as the Governor in Council
50 may deem necessary in order to ascertain and certify to the Gov-
ernor the person or persons to whom the Patent ought to issue,—
and on any such certificate under this clause the Patent shall issue
in accordance therewith.

Warrant or
Patent to issue
in favor of legal
representative
of deceased
officer or
soldier.

New warrants may issue in lieu of warrants lost or destroyed.

26. Whenever any warrant for Military Bounty land issued in pursuance of this Act, is lost or destroyed, whether the same may or may not have been sold and assigned by the original owner, the Minister of Militia and Defence, such loss or destruction having been proved to his satisfaction, may, and he is hereby required to cause a new warrant of like tenor to be issued in lieu thereof, in favor of the person to whom the warrant belonged at the time of its loss or destruction, if he be still living, or of his legal representatives as aforesaid, if he be no longer living, which new warrant may be assigned, located, and patented, and shall be of like value in every respect, with the original warrant, and in any and all such cases of reissue, the original warrant, in whosoever hands it may be, shall be null and void.

Free grant of land by Order in Council of 25th April, 1871, confirmed.

27. And whereas by order of the Governor in Council, dated the 25th April, 1871, it is declared that,—

The officers and soldiers of the 1st or Ontario and the 2nd or Quebec Battalion of Rifles, then stationed in Manitoba, whether in the service of Depôt companies, and not having been dismissed therefrom, should be entitled to a free grant of land without actual residence, of one quarter section, such grant is hereby confirmed, and the Minister of Militia and Defence is hereby authorized and required to issue the necessary warrants therefor accordingly :

Assignments of interest in such free grants recognized,

28. And whereas effect could not be given to the above mentioned Order in Council, until the lands in Manitoba had been surveyed, and in the mean time many of the said men so entitled as above have assigned their interest in such free grants,—such assignments duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion Lands office before the issue of the warrant, shall be held to transfer in each case the interest of the man so entitled in the warrant when issued, which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the party entitled thereto, or for location.

ORDINARY PURCHASE AND SALE OF LANDS.

Surveyed deminion lands open for purchase at \$1 per acre.

29. Unappropriated Dominion lands, the surveys of which may have been duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase at the rate of *one dollar* per acre ; but no such purchase of more than a section, or six hundred and and forty acres, shall be made by the same person ; provided that whenever so ordered by the Secretary of State, such unoccupied lands as may be deemed by him expedient from time to time shall be put up at public sale (of which sale due and sufficient notice shall be given) at the upset price of *one dollar* per acre, and sold to the highest bidder.

PAYMENTS FOR LANDS.

Payments for lands to be in cash, as a rule.

30. Payments for lands, whether purchased in virtue of pre-emption rights, or in the ordinary manner, shall be made in cash, except in the case of payment in military bounty warrants as hereinbefore provided.

TOWN PLOTS, &C.

31. The Secretary of State shall have power from time to time to set apart and withdraw from purchase and from the pre-emption and homestead clauses of this Act, any tract or tracts of land which it may be considered by him expedient to lay out into Town or Village Plots, and to cause the same to be surveyed and laid out, and the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction.

Secretary of State may reserve tracts of land for town or village plots.

32. The Governor in Council may also set apart and appropriate such Dominion lands as he may deem expedient, for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares, and for other like public purposes, and at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient, and he may make free grants for the purposes aforesaid of the lands so appropriated, the trusts and uses to which they are to be subject being expressed in the Letters Patent.

Governor in Council may set apart lands for other public purposes.

PRE-EMPTION RIGHT, OR THE RIGHT TO PURCHASE BY VIRTUE OF ACTUAL SETTLEMENT.

33. Any person being the head of a family, or a single man above the age of twenty-one years, who has made a settlement on unappropriated Dominion lands, and who has inhabited or improved the same, and has erected a dwelling thereon, may have himself entered with the Local Agent of the division in which such land is situated for any number of acres not exceeding the quarter section of land including the residence of the claimant; (Form A.), and being a subject of Her Majesty by birth or naturalization, shall receive a patent therefor, upon paying the price of such lands.

Steps to be taken for the purpose of acquiring a right of pre-emption to land.

1. When two or more persons have settled on and seek to obtain a title to the same land, the right of pre-emption shall be in him who made the first settlement.

2. Provided, that in cases where both parties may have made valuable improvements, the Secretary of State may order a division of such land, in legal subdivisions, in such manner as may preserve to the said parties, as far as practicable, their several improvements, and further, may direct that what the land of each of such parties, as so divided, may be deficient of a quarter section, shall be severally made up to them in legal subdivisions from unoccupied quarter sections adjoining.

3. Questions as to the right of pre-emption arising between different settlers shall be investigated by the Local Agent of the division in which the land is situated, whose report and recommendation, together with the evidence taken, shall be referred to the Secretary of State for decision.

4. Every person claiming a pre-emption right from actual settlement must file his application for such claim, describing the land settled, with the Local Agent within whose district such land may be, within *thirty days* next after the date of such settlement, if in surveyed lands, but if in unsurveyed lands the claimant must file such application within three months after such land shall have been surveyed; and in either case before the right of pre-emption may be exercised proof of settlement and improvement shall be

made to the Local Agent by the affidavit of the claimant and the testimony on oath of two credible witnesses.

5. Every claimant of pre-emption rights must within *twelve months* after filing his claim furnish the Local Agent proof of continuous residence on the land he claims, and pay the price thereof, and in default of so doing the land so settled and improved will be subject to the entry of any other purchaser.

6. Before any person shall be entered for lands, and obtain the right of pre-emption in respect thereof, he shall make affidavit (form B) before the Local Agent of the division in which the land lies, that he has never had the benefit of right of pre-emption under this Act, and that he has not settled on and improved the lands with a view to selling them on speculation,—but in good faith for his own use and benefit, and shall further pay to such Local Agent the sum of *ten dollars*, which sum shall be credited on final payment for the land by such applicant.

7. The affidavit referred to in the next preceding sub-clause shall be filed in the office of the Local Agent.

8. In case a person entitled to claim pre-emption rights, dies before giving effect to his claim, the representatives of the deceased person may complete the same. But the entry in such case shall be made in favor of the legal representatives of the deceased person, as respects real estate according to the law of the place where the lands lie, and the patent shall issue, and the title shall enure to such legal representatives who shall be ascertained and certified in the manner provided by section twenty-five.

9. All assignments and transfers of pre-emption rights shall be null and void.

HOMESTEAD RIGHTS, OR FREE GRANT LANDS.

Steps to be taken for the purpose of securing a homestead right in respect of land.

34. Any person who is the head of a family, or has attained the age of twenty-one years, shall be entitled to be entered for one quarter section or a less quantity of unappropriated Dominion lands, for the purpose of securing a homestead right in respect thereof. (Form C.)

1. Provided that the limitation of quantity in this clause, shall not prevent the granting of a wood lot to the same person, under the provisions hereinafter made with respect to timber in surveyed Townships.

2. Persons owning and occupying Dominion lands may be entered for other land lying contiguous to their lands, but the whole extent of land, including that previously owned and occupied, must not exceed one hundred and sixty acres, and must be in legal sub-divisions.

3. A person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit before the Local Agent (Form D) that he is over twenty-one years of age, and that the application is made for his exclusive use and benefit, and that the entry is made for the purpose of actual settlement.

4. Upon making this affidavit, and filing it with the Local Agent, [and on payment to him of an office fee of *ten dollars* (for which he shall receive a receipt from the Agent),] he shall be permitted to enter the Land specified in the application.

5. In entries of contiguous lands, the settler must describe in his affidavit the tract he owns and is settled upon as his original farm. Actual residence on the contiguous land entered is not required but *bonâ fide* improvement and cultivation of it must be

thereafter shewn for the period required by the provisions of this Act.

6. No patent shall be granted for the land until the expiration of *three years* from the time of entering into possession of it.

5 7. At the expiration of *three years* the settler or his widow, her heirs or devisees, or if the settler leaves no widow his heirs or devisees, upon proof, to the satisfaction of the Local Agent that he, or his widow or his or her representatives as aforesaid, or some of them, have resided upon, or cultivated the land for the three
10 years next after the filing of the affidavit for entry, the settler, or such claimant, shall be entitled to a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization.

8. When both parents die, without having devised the land, and
15 leaving a child or children under age, it shall be lawful for the executors (if any) of the last surviving parent, or the guardian or guardians of such child or children, with the approval of a Judge of a Superior Court of the Province or Territory in which the lands lie, to sell the lands for the benefit of the infant or infants,
20 but for no other purpose; and the purchaser, in such case, shall acquire the homestead right by such purchase, and on carrying out the unperformed conditions of such right, shall receive a patent for the land [upon payment of the office fees.]

9. The title to lands shall remain in the Crown until the issue
25 of the patent therefor, and such lands shall not be liable to be taken in execution before the issue of the patent.

10. In case it is proved to the satisfaction of the Local Agent that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him, for more than *six*
30 *months* in any one year, then the right to such land shall be forfeited; and the settler so relinquishing or abandoning his claim shall not be permitted to make a second entry.

11. Any person who has availed himself of the foregoing provisions may at any time before the expiration of the three years
35 obtain a patent for the land entered upon by him, on paying the pre-emption price thereof, and making proof of settlement and cultivation from the date of entry to the time of payment.

12. Proof of actual settlement and cultivation shall be made by affidavit of the claimant before the Local Agent corroborated on
40 oath by two credible witnesses,

13. All assignments and transfers of homestead rights before the issue of the patent shall be null and void, but shall be deemed evidence of abandonment of the right; and the person so assigning or transferring shall not be permitted to make a second entry.

45 14. The above provisions relating to Homesteads shall only apply to agricultural lands, and shall not be held to apply to lands set apart as Timber lands, or to those lands on which coal or minerals are at the time of entry known to exist.

GRAZING LANDS.

35. Leases of unoccupied Dominion lands may be granted for grazing purposes to any person or persons whomsoever being *bona fide* settlers in the vicinity of the land sought to be leased, at such rent and for such term as the Secretary of State shall deem expedient; but every such lease of grazing land shall, among other things, contain a condition making such land liable for settlement or for sale as hereinbefore provided by this Act, at any time
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Unoccupied Dominion lands may be leased to neighboring settlers for grazing purposes. Conditions of such leases.

during the term of such lease, without compensation, save by a proportionate deduction of rent, and a further condition by which the Secretary of State may, on giving the Lessee *six months* notice, cancel the Lease at any time during the term.

HAY LANDS.

Unoccupied Dominion lands may be leased to neighboring settlers for the purpose of cutting hay thereon, but not to the hindrance of the sale or settlement thereof.

36. Leases of unoccupied Dominion lands, not exceeding a half 5
quarter section, or eighty acres, to any one person, may be granted
for the purpose of cutting hay thereon, to any person or persons
whomsoever being *bond fide* settlers in the vicinity of such hay
land, for such term and at such rent as the Secretary of State may
deem expedient ; but such lease shall not operate to prevent at 10
any time during the term thereof the sale or settlement of the
lands described therein under the provisions of this Act, the lessee
being paid in such case by the purchaser or settler, for fencing or
other improvements made on such land, such sum as shall be
fixed by the Local Agent and allowed to remove any hay he may 15
have made.

MINING LANDS.

Mines or minerals not to be reserved in Patents of lands.

37. No reservation of gold, silver, iron, copper, or other mines
or minerals shall be inserted in any patent from the Crown
granting any portion of the Dominion lands.

Any person may explore and purchase mining lands, surveyed or unsurveyed.

38. Any person or persons may explore for mines or minerals on 20
any of the Dominion lands, surveyed or unsurveyed, and not then
marked or staked out and claimed or occupied, and may, subject
to the provisions hereinafter contained, purchase the same.

Mining lands in surveyed townships to be sold in legal subdivisions. Those in unsurveyed territory, without the limits of the Fertile Belt, to be sold in blocks, to be called mining locations. Description of such blocks.

39. Mining lands if in surveyed townships may be acquired
under the provisions herein contained, and shall be sold in legal 25
subdivisions. When situate in unsurveyed territory and without
the limits of the Fertile Belt, such lands shall be sold in blocks
to be called mining locations ; and every such mining location,
except as hereinafter provided, shall be bounded by lines due
north and south and due east and west, astronomically ; and each 30
such location shall correspond with one of the following dimen-
sions, namely, eighty chains in length by forty in width, contain-
ing three hundred and twenty acres,—or forty chains square, con-
taining one hundred and sixty acres,—or forty chains in length
by twenty in width, containing eighty acres. 35

1. Provided that in certain cases the Secretary of State may
whenever he may think expedient, vary the direction of the lines
bounding mining locations, so as to adapt the same to the direc-
tion of mineral veins, or to the physical features of the mineral
bearing region. 40

2. Provided further that in case of certain lands proving to be
rich in minerals, the Secretary of State shall have the power to
withdraw such lands from sale, and in lieu thereof institute a
system of lease to discoverers or first applicants.

3. The rent payable to the Crown under any such Lease shall 45
be a royalty, not to exceed two and a half per cent, on the net
profits of working.

4. Such leases shall be in favor of the first discoverers, who may
by the expenditure of capital, have proved the mineral value of
the tract applied for. 50

5. Provided further, that when there are two or more claimants for the same tract, then if the claim of the first discoverer be not fully established to the satisfaction of the Secretary of State, other things being equal, the same shall be put up at public auction on stated terms of lease, and sold to the highest bidder. Proviso.

6. Provided also that in territory supposed to contain minerals the Secretary of State may in his discretion reserve from sale, alternate locations, or quarter sections, or other legal subdivisions with the view of subsequently offering the same either for sale or lease at public competition. Proviso.

40. Mining locations in unsurveyed territory shall be surveyed by a Deputy Surveyor, and shall be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the maps of the territory in the Dominion Lands Office) at the cost of the applicants, who shall be required to furnish with their application the Surveyor's plan, field notes and description thereof. Mining locations to be surveyed by Deputy Surveyors.

41. No distinction in price shall be made between lands supposed to contain mines or minerals, and farming lands, but both classes shall be sold at the uniform price of *one dollar* per acre; provided that clause *twenty-nine* of this Act as regard offering lands at public sale shall apply to coal and mineral lands also, when the same are in surveyed townships. Mining lands to be sold at the same price as farming lands.

42. It shall also be lawful for the Secretary of State to exempt from the preceding provisions of this Act, such of the Dominion lands upon or adjoining the banks of rivers or other waters as may be supposed to contain valuable "Bar," "Bench," or "Dry," "Diggings" for gold or other precious metals; and the Governor in Council shall regulate, from time to time, as the same may become necessary and expedient, the nature and size of the claims containing such diggings, and shall fix the terms and conditions upon which the same shall be held and worked, and the [fees or] royalty payable in respect thereof, and shall appoint and fix the salaries and prescribe the duties of such officers as may be necessary to carry out such regulations. Secretary of State may except certain lands from the preceding provisions. Duty of Governor in Council with respect to lands so excepted.

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 have been extinguished. Certain provisions of this Act not to apply to lands still under Indian title.

COAL LANDS.

44. Coal lands are hereby withdrawn from the operation of this Act as regards the rights of Squatters to Homesteads on the Dominion lands in advance of the Surveys. Coal lands may not be taken for homesteads

45. Any person or persons desiring to carry on coal mining in unsurveyed Territory, shall be protected in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the Local Agent to purchase Steps to be taken by persons desiring to carry on coal mining in unsurveyed territory.

such land ; such application must be accompanied by a description by a Deputy Surveyor setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall not exceed six hundred and forty) at the rate of *one dollar* per acre. Such application shall be filed by the Agent receiving the same—and on the survey of the Township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions including and covering the mine worked, as shall correspond to the application and to the extent of land paid for.

Proviso.

Provided that such mine shall have been continuously worked during the interim between the application and the survey, but if the same should at any time during such interim cease to be worked for three consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase money which may have been paid to the Government on account thereof.

Coal lands may by exempted from sale and settlement provisions of Act.

46. The Secretary of State, with the view of preventing undue monopoly in coal lands, may in his discretion, on a township being surveyed, exempt from the sale and settlement provisions of this Act the sections or other legal subdivisions of land which may be said to contain coal, except those on which mining may have been carried on under the next preceding clause, and the same shall be subsequently sold or otherwise dealt with in such manner as may be deemed expedient by the Governor in Council.

TIMBER AND TIMBER LANDS.

TIMBER IN TOWNSHIPS SURVEYED FOR SETTLEMENT.

Timber forming islands or belts in townships thrown open for settlement to be disposed of so as to benefit the greatest possible number of settlers and prevent petty monopoly, and how.

47. And whereas it is expedient that the timber forming Islands or Belts in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers and to prevent petty monopoly, it is therefore enacted as follows :—

1. In the subdivision of townships which may consist partly of prairie and partly of timber land, such of the sections or subdivisions of sections containing islands, belts, or other tracts of timber, shall be subdivided into such number of wood lots of not less than ten, and not more than twenty acres in each lot, as will afford, so far as the extent of wood land in the township may permit, one such wood lot to each quarter section prairie farm in such township.

2. Provided, that neither the sections and parts of sections in each township vested in the Hudson's Bay Company by this Act or those sections set apart herein for schools, shall be subject in any way to the operation of the next preceding sub-clause.

3. The division of such wood lots shall be by squared posts, numbered from one upwards, marked with a marking iron, and planted in the section lines bounding the timber tract so laid out ; and each wood lot shall front on a section road allowance.

4. I rovided, that in case an island or belt of timber be found in the survey of any township to lie in a quarter section or several quarter sections, but in such manner that no single quarter section

shall have more of such timber than twenty-five acres, such timber shall be taken to be appurtenant to such quarter section or quarter sections, and shall not be further divided into wood lots.

5. The local agent, as settlers shall apply for pre-emption or homestead rights in the township, and in the same order as such applications shall be made, shall apportion to each quarter section so applied for, one of the adjacent wood lots, and such wood lot shall appertain to and form an addition to such grant, and shall be entered on the local agent's books and be returned by him as in connection therewith, the pre-emption claimant paying therefor at the time of paying for his quarter section at the same rate per acre as for such quarter section; but the wood lot set apart with any homestead quarter section shall be a free gift in connection with such homestead, and in addition thereto, and on such homestead claimant fulfilling all the requirements of this Act in that behalf, the patent for such quarter section shall also include such wood lot.

6. Provided, that any pre-emption or homestead claimant, who, previous to the issue of the patent shall sell or dispose of any of the timber on his claim or on the wood lot appertaining to his claim, to saw mill proprietors or to any other than settlers for their own private use, shall be guilty of a trespass, and may be prosecuted therefor before a Justice of the Peace, and upon conviction thereof, shall be subject to a fine or imprisonment, or both; and further, such person shall forfeit his claim absolutely.

OTHER TIMBER AND TIMBER LIMITS.

48. Any tract of land covered by forest timber may be set apart as Timber Lands, and reserved from sale and settlement.

Reservation of timber lands.

49. Except where it may be thought expedient by the Secretary of State to divide a township into two or more timber limits, the several townships composing any such tract shall each form a limit.

Each township to form a timber limit.

50. In the enactments and provisions under the present heading, *Timber and Timber Lands*, the word "timber" includes all lumber, and all products of timber hereinafter mentioned, or of any other kind whatever, including firewood or bark.

Right of cutting "timber" to be sold to highest bidder.

51. The right of cutting timber on such limits shall be put up at a bonus per square mile, varying according to the situation and value of the limit, and sold to the highest bidder by public competition.

What timber includes under this heading.

52. The purchaser shall receive a lease granting the right of cutting timber on the land for *twenty-one years*, and containing the following conditions, with such others as shall have been embodied in the notice of sale, that is to say:—

Purchaser to have a lease for 21 years.

1. The lessee to erect a saw mill or mills in connection with such limit and lease, and subject to any special conditions which may be agreed upon and stated in the lease, such mill or mills to be of capacity to cut at the rate of a thousand feet, board measure, in twenty-four hours, for every two and a half square miles of limits in the lease, or shall establish such other manufactory of wood goods as may be agreed upon as the equivalent of such mill or mills, and the lessee to work the limit, in the manner and to the

Conditions of lease.

extent provided in the lease, within two years from the date thereof, and during each succeeding year of the term.

2. To take from every tree he cuts down, all the timber fit for use, and manufacture the same into sawn lumber, or some other such saleable product as may be provided in the lease or by any Regulations made under this Act. 5

3. To prevent all unnecessary destruction of growing timber on the part of his men, and to exercise strict and constant supervision to prevent the origin or spread of fires.

4. To make returns to the Government monthly, or at such other periods as may be required by the Secretary of State, or by other regulations under this Act, sworn to, by him, or by his agent or employee cognizant of the facts, declaring the quantities sold or disposed of as aforesaid, of all sawn lumber, timber, railway car stuff, ship timbers and knees, shingles, laths, cordwood, or bark, or any other product of timber from the limit, in whatever form the same maybe, sold or otherwise disposed of by him during such month or other period, and the price or value thereof. 15

5. To pay, in addition to the bonus, an annual ground rent of *two dollars* per square mile, and further a Royalty of *five per cent* on his monthly account. 20

6. To keep correct books of such kind and in such form, as may be provided by his lease or by regulation under this Act, and to submit the same for the inspection of the collector of dues whenever required, for the purpose of verifying his returns aforesaid. 25

7. The lease shall describe the lands upon which the timber may be cut, and shall vest in the lessee during its continuance, the right to take and keep exclusive possession of the lands so described, subject to the conditions hereinbefore provided or referred to, and such lease shall vest in the holder thereof, all right of property whatsoever in all trees, timber, lumber, and other products of timber, cut within the limits of the lease during the continuance thereof whether such trees, timber and lumber or products, be cuts by authority of the holder of such lease, or by any other person, with or without his consent, and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit at law or in equity against any party unlawfully in possession of any such timber, or of any land so leased, and to prosecute all trespassers thereon and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any; and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired. 30
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8. Such lease shall be subject to forfeiture, for infraction of any one of the conditions to which it is subject, or for any fraudulent return, and in such case the Secretary of State shall have the right, without any suit, or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled, Provided, that the Secretary of State, if he sees fit may refrain from forfeiting such lease, for non-payment of dues, and may enforce payment of such dues in the manner hereinafter provided. 50
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9. The Lessee who faithfully carries out the above conditions, shall have the refusal of the same limits, if not required for settlement, for a further term of twenty-one years, on payment of the same amount of bonus per square mile as was paid origin-

ally, and on such Lessee agreeing to such conditions, and to pay such other rates, as may be determined on for such second term.

53. If, in consequence of any incorrectness in survey, or other error or cause whatsoever, a lease is found to comprise lands included in one of prior date, or any lands sold, granted, leased, or lawfully set apart for any other purpose under this Act, the lease first mentioned shall be void in so far as it interferes with any such previous lease, sale, grant or setting apart, and the party whose lease is so rendered void, shall have no claim by reason of such avoidance.

Lease of land previously leased, sold, granted or set apart to be void.

FURTHER OBLIGATIONS OF PARTIES OBTAINING LICENSES.

54. Any ground rent, royalty, or other dues to the Crown, on timber cut within any such limit, which are not paid at the time when they become due and payable, shall bear interest at the rate of seven per cent per annum, until paid, and shall be a lien on any timber cut within such limits. And whenever the ground rent on any limit, or any royalty on any timber is not paid within three months after it becomes due under the lease or regulations in that behalf, the Crown Timber Agent may, with the sanction of the Secretary of State, seize so much of the timber cut on such limits, and in the possession of the lessee or on his premises, whether sold or unsold, as will in his opinion be sufficient to secure the payment of such rent and royalty on the timber seized, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof; and if such payment be not made within three months after such seizure, the Crown Timber Agent may, with such sanction as aforesaid, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, if any, to the lessee or owner of the timber.

Dues to the Crown to bear interest and be a lien on timber cut on limits. Such timber may be seized and sold in payment.

55. All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as and wheresoever the said timber, or any part of it may be found (whether it be or be not manufactured into deals, boards, or any other products) and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever they are found until the dues thereon are paid or secured, and if payment be not made or secured within three months after such seizure, the timber may be sold by the Crown Agent, and the proceeds disposed of as provided by the next preceding clause.

Timber cut under lease to be liable for dues, &c.

56. And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded, and any expenses incurred by such officer or the Government in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on Dominion Lands by the same lessee or by his authority, and be levied and collected, or secured, on such timber, together with such last mentioned dues, in the manner provided by clause fifty-four, or the amount due to the

Mode of enforcing payment in case of removal of timber out of Canada.

Crown, of which payment has been evaded, may be recovered by action at law, in the name of the Secretary of State, or his resident agent, in any Court having jurisdiction in civil cases to the amount.

Bonds or notes may be taken for dues, &c., but without prejudice to lien on timber.

57. The Secretary of State may, in his discretion, take or authorize the taking of bonds or promissory notes for any money due to the Crown, interest and costs, as aforesaid, or for double the amount of all dues, fines and penalties and costs, incurred or to be incurred, and may then release any timber upon which the same would be leviable, whether under seizure or not; but the taking of such bonds or notes shall not affect the lien and right of the Crown to enforce payment of such money on any other timber cut on the same limit, if the sums for which such bonds or notes are given are not paid when due.

LIABILITY OF PERSONS CUTTING WITHOUT AUTHORITY.

Penalty for cutting timber on Dominion lands without authority.

58. If any person without authority cuts, or employs or induces any other person to cut or assist in cutting, any timber of any kind, on any Dominion Lands wheresoever situate, or removes, or carries away, or employs or induces, or assists any other person to remove or carry away any timber of any kind, so cut from any Dominion Lands as aforesaid, he shall not acquire any right to the timber so cut, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown Timber Officers, or it is otherwise found impossible to seize the same, he shall in addition to the loss of his labour and disbursements, forfeit a sum of *three dollars* for each tree, which, or any part of which he is proved to have cut, or carried away,—and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any Court having jurisdiction in civil matters to the amount of the penalty;—and in all such cases the burden of proof of his authority to cut and take the timber shall lie on the party charged, and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary.

1. Whenever satisfactory information, supported by affidavit made before a Justice of the Peace, or before any other competent officer or person, is received by any Crown Timber Officer or Agent, that any timber has been cut without authority on Dominion Lands, and describing where the same can be found,—or if any Crown Timber Officer or Agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on such lands, the said agent, or officer, or either of them, may seize or cause to be seized in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority;

2. And where the timber so reported or known to have been cut without authority, has been made up with other timber into a crib, dam, or raft, or in any other manner has been so mixed up at any mill or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority, from other timber with which it is mixed up, the whole of the timber so mixed shall

be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder.

3. In case any timber, cut without authority on Dominion Lands, or any product thereof, is seized under the provisions of this Act, by any Crown Timber Agent or Officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise to his satisfaction for the full value thereof, or for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon as the case may be.

RESISTING SEIZURE—REMOVING TIMBER SEIZED—CONDEMNATION OF SUCH TIMBER.

59. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized; and if any person under any pretence, either by assault, force or violence; or by threat of such force or violence, in any way resists or obstructs any officer, or person acting in his aid, in the discharge of his duty under this Act, such person shall be guilty of felony, and being convicted thereof, shall be punishable accordingly.

Officer seizing timber may call in assistance.

Resistance or obstruction a felony.

60. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken and carried away, without permission of the officer or person who seized the same, or of some competent authority, any timber seized and detained for any lawful cause under this Act, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, being the property of the Crown, and to be guilty of felony, and being convicted thereof, shall be punishable accordingly.

Carrying away timber seized without permission a felony.

61. All timber seized under this Act on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within *one month* from the day of the seizure, gives notice to the seizing officer, or to the Crown Timber Agent or Officer, under whose authority the seizure was made, that he claims or intends to claim the same; pending which the Officer or Agent seizing shall report the facts to the Secretary of State, who may order the sale of the said timber, by the said Officer or Agent, after a notice on the spot, or at the residence or office of the person from whom it was seized, or at least *thirty days*; or if within *fifteen days* after the claim has been put in, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure, or if the decision of the court be against him, or should the claimant fail duly to prosecute such proceedings in the opinion of the Judge before whom such case may be tried, (and who may for that cause dismiss the suit on the expiration of *three months* from the date on which it was instituted, anything to the contrary hereinbefore enacted notwithstanding,) the timber may be confiscated and sold for the benefit of the Crown, by order of the Secretary of State, after a notice on the spot of at least *thirty days*: Provided never-

Timber seized as forfeited shall be deemed to be condemned in default of owner claiming it within one month.

Proviso.

less, that in all cases of timber being ascertained to have been cut without authority on any of the Dominion Lands, or admitted to have been so cut by the holder thereof, the Secretary of State, should he see cause for doing so, may impose and receive for the Crown a fine or penalty, to be levied on such timber, in addition 5 to all costs incurred, instead of seizing or selling the same.

GENERAL PROVISIONS.

In the absence of satisfactory explanations timber may be seized as cut without authority or for dues.

62. Whenever any Crown Timber Agent, or other Officer or Agent of the Secretary of State is in doubt as to whether any timber has, or has not, been cut without authority, or is, or is not, liable to Crown dues on the whole or any part thereof, he may 10 enquire of the person or persons in possession or in charge of such timber as to when and where the same was cut : and if no satisfactory explanation, on oath or otherwise, as he may require be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Secretary of State or of such Crown 15 Timber Agent or Officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind ; and if such proof be not made, within *thirty days* after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been 20 paid, according to the circumstances of the case, and the dues thereon may be recovered as provided in the *fifty-sixth* clause.

The burden of proof where timber was cut, or of payment of dues to lie on the owner or claimant.

63. And whenever any timber, is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and any 25 question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion Lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the 30 the same, or the party bringing such prosecution.

Protection of Officers.

64. No Crown Timber Agent or other Officer or Agent of the Department of the Secretary of State shall be liable to any suit or action in law for damages for any act done by him, under the authority of this Act. 35

SLIDES, &c.

Rights to slides, &c. not to be affected by sales or grants of land, unless expressly mentioned.

65. No sale or grant of any Dominion Lands shall give or convey, any right or title to any slide, dam, pier or boom, or other work, for the purpose of facilitating the descent of timber or sawlogs, previously constructed on such land, or on any stream 40 passing through or along such land, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom, or other work, is intended to be thereby sold or granted.

1. The free use of slides, dams, piers, booms, or other works on 45 streams, to facilitate the descent of lumber and saw logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed, by, or in virtue of, any sale or grant of Dominion 50 lands made subsequent to the construction of such works.

- 66.** The free use for the floating of saw logs and other timber rafts and crafts of all streams and lakes that may be necessary for the descent of timber from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing
 5 on or along the land on either side thereof, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads, other than road allowances, as owing to natural obstacles, may be necessary for the taking out timber or
 10 sawlogs from Dominion Lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected or obstructed by, or in virtue of, any sale or grant of such Lands.
- Use of streams and right of way over roads and portages saved.

PATENTS.

- 67.** A Deputy Governor may be appointed by the Governor
 15 General, who shall have the power in the absence, or under instructions, of the Governor General, to sign Letters Patent of Dominion 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.
- Patent may be signed by a deputy governor.

- 68.** Whenever a patent has been issued to or in the name of a
 20 wrong party or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Secretary of State may, (there being no adverse claim)
 25 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 called and have the same effect as if issued at the date of such cancelled patent.
- Patent issued in error may be cancelled.

- 69.** In all cases in which grants or letters patent have issued
 30 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 Secretary of State may order a new grant equivalent in value to the land of which any grantee or purchaser is thereby deprived, at the time the same was granted;
 35 or may, in cases of sale, cause repayment to be made of the purchase money with interest, or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Secretary of State may assign land or grant a certificate entitling the party
 40 to purchase Dominion lands of such value as to him, the said Secretary of State, may seem just and equitable under the circumstances; but no claim under this clause shall be entailed unless it is preferred within five years after discovery of the error.
- Remedy in cases of sales or grants of land inconsistent with each other.

- 70.** Whenever by reason of false survey, or error in the Books
 45 or Plans in the Dominion Lands Office, any grant, sale or appropriation of land is found to be deficient, the Secretary of State may order a free grant equal in value to the ascertained deficiency at the time such land was granted or sold; or in case any parcel of land contains less than the quantity of land mentioned in the
 50 patent therefor, the Secretary of State may order the purchase money of so much land as is deficient, with interest thereon from
- Remedy in cases of deficiency in quantity of land sold or granted.

the time of the application therefor, to be paid back to the purchaser; or if the land has passed from the original purchaser, then the purchase money which the claimant (provided he was ignorant of the 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 said Secretary of State, 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.

Patents issued through fraud, or in error or improvidence may be decreed to be void.

71. In all cases wherein patents for lands have issued through fraud, or in error, or improvidence, any Court having competent jurisdiction in cases respecting real property in the Province or place where such lands are situate, may upon action, bill or plaint respecting such lands, and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Court shall order, decree such patent to be void; and upon the Registry of such decree in the Office of the Registrar General of the Dominion, such patent shall be void to all intents.

Remedy in cases of refusal to deliver up possession of forfeited land or to vacate land wrongfully held.

72. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion Land, and refuses to vacate or abandon possession of the same, the Secretary of State may apply to a Judge of any Court having competent jurisdiction in cases respecting real property in the Province or place 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 such land was so forfeited, and should properly revert to the Crown, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Secretary of State or person by him authorized to receive such possession; 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.

Assignments of Dominion lands to be registered.

73. The Secretary of State shall keep a book for registering, at the option of the parties interested, any assignment, of rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignment is in conformity with this Act; and every assignment so registered shall be valid against any other previously made but subsequently registered, or unregistered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed, or dispensed with by the Secretary of State, before the assignment is registered.

Patent may be issued in favor of representative of party dying entitled thereto.

74. On any application for a Patent by the heir, assignee, devisee or legal representative of a party dying entitled to such patent, the Secretary of State may receive proof in such manner as he may see fit to require, and upon being satisfied that the claim has been justly established may allow the same and cause a patent to be issued accordingly.

SURVEYS AND SURVEYORS.

WHO SHALL BE COMPETENT TO SURVEY THE DOMINION LANDS.

75. No person shall act as a surveyor of Dominion lands unless he shall, previously to the passing of this Act, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth, that is to say :—

Qualifications
required of
Deputy
Surveyors of
Dominion
lands.

1. Except such persons as at the time of the passing of this Act hold certificates, diplomas or commissions to practice as surveyors, as hereinbefore set forth, no person shall be competent to act professionally as a surveyor of Dominion lands in Manitoba, or the North-West Territories, unless he shall undergo an examination before the Board of Examiners hereinafter mentioned, and receive a commission certifying that he is qualified to act as such.

2. Persons so qualified shall be styled Deputy Surveyors of Dominion lands.

BOARD OF EXAMINERS.

76. There shall be a Board of Examiners for the examination of candidates for such commission as Deputy Surveyors, to consist of the Surveyor General and eight other competent persons to be appointed from time to time by Order in Council; and the times and places of the meetings of the Board shall from time to time be fixed and made public by notice in the *Canada Gazette*.

Surveyor
General,
with eight
Colleagues
appointed by
the Governor
to form Board.

1. Each member of the said Board shall take an oath of office, according to form E, to be administered by a judge of any one of the Superior Courts in any Province of the Dominion, who is hereby authorized and required to administer such oath; and any three of the said members shall form a quorum.

Members of
Board to be
sworn.

2. The said Board shall from time to time appoint a fit and proper person to be Secretary thereof, who shall keep a record of its proceedings.

Secretary of
Board of
Examiners.

ADMISSION OF DEPUTY SURVEYORS.

77. No person shall receive a commission from the said Board authorizing him to practice as a Deputy Surveyor of Dominion lands, until he has attained the full age of twenty-one years, and has passed a satisfactory examination before the said Board in the following subjects, that is to say: Euclid (first six books), Plane Trigonometry, Mensuration of Superficies, the keeping of Field Notes, Plotting and Map Drawing, Spherical Trigonometry, Astronomy and Geology, practical surveying operations, and the use of instruments, nor unless he shall be perfectly conversant with the system of survey as embodied in this Act, and with the manual of standing instructions and regulations published from time to time for the guidance of Deputy Surveyors employed in surveys of Dominion lands.

Qualifications
for commission
as Deputy
Surveyor.

Conditions precedent to examination for Commission.

78. No person shall be entitled to be examined before such Board (except as hereinafter provided) unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form F, duly executed before two witnesses, as pupil to a Land Surveyor lawfully practising during the said period as a Deputy Surveyor of Dominion lands, nor unless he shall produce a certificate from such practising Deputy Surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety. 5 10

Future Provincial Land Surveyors to be entitled to examination for Commissions as Deputy Surveyors without having served under articles to a Deputy Surveyor.

79. It shall not be necessary for any person who may, after the passing of this Act, become duly qualified by diploma, certificate or commission to survey the Crown Lands in some one of the Provinces of the Dominion, to serve under articles as aforesaid to entitle such person to examination by the said Board for a commission as a Deputy Surveyor of Dominion lands, but such person shall be entitled to such examination without any further service, at any regular meeting of the Board, and if found competent shall receive such commission: Provided, nevertheless, that in case such person should not on the first examination be found qualified, the Board may grant him a second examination after he shall have passed through such further course of theory or practice as may have been recommended by the Board. 15 20

Duplicate of Articles of Clerkship to be transmitted to Secretary within three months after their date.

80. No person claiming to be examined before the said Board as having served the necessary period fixed by this Act under articles to a Deputy Surveyor shall have the right to such examination, unless he shall have transmitted to the Secretary of the Board within *three months* of the date of such articles, a duplicate thereof, [together with a fee of *two dollars* for receiving and filing the same;] and the said Secretary shall acknowledge by post the receipt of such papers and shall carefully file and keep the same with the records of the Board. 25 30

Pupil of deceased, or absent Deputy Surveyor may complete his term with another. Assignment of Articles of Clerkship permitted.

81. If any Deputy Surveyor dies or leaves the Dominion or is suspended or dismissed, his pupil may complete his term under articles as aforesaid with any other Deputy Surveyor. 35

82. Any Deputy Surveyor may by an instrument in writing transfer a pupil, with his own consent, to any other Deputy Surveyor, with whom such pupil may serve the remainder of his term.

Surveyors of lands in H. M. Dominions, other than Canada, entitled to examination after six months practice.

83. Any person who may have been duly admitted as a surveyor of lands in any part of Her Majesty's Dominions other than Canada, shall be entitled to an examination by the said Board, and to a commission if found qualified, on his producing a written certificate of a Deputy Surveyor that such person has within the previous *two years* served for *six months* with him continuously engaged in surveying the Dominion lands, and that he considers such person as in every way qualified to pass an examination for a Commission as a Deputy Surveyor. 40 45

Certain graduates of Colleges and Universities to be entitled to examination after one year's service under Articles.

84. Any person who shall have followed a regular course of study in all the branches of education required by this Act for admission as a Deputy Surveyor through the regular sessions for at least *two years*, in any college or university where there may be organized a complete course of such instruction, and who has 50

therenpon received from such college or university a certificate, diploma, or degree, vouching therefor, shall not be obliged to serve *three years* as aforesaid but shall be entitled to examination after *one year's* service under articles with a Deputy Surveyor as aforesaid.

85. Every person desiring to be examined before the said Board for a commission as a Deputy Surveyor shall give due notice thereof in writing to the Secretary at least *two months* previous to the meeting of the Board, [enclosing with such notice the fee of *two dollars*.]

Candidates for examination to give notice to Secretary.

86. [The following fees shall be paid under the provisions of this Act:—

Table of fees payable under this Act.

1. To the Secretary of the Board of Examiners by each pupil, at the time of transmitting to such Secretary the Indenture or Articles of such pupil *two dollars*.

2. To the Secretary of the Board, by each candidate for examination with his notice thereof, *two dollars*.

3. To the Secretary of the Board by each applicant obtaining a commission, as his fee thereon, *two dollars*.

4. To the Secretary of the Board as an admission fee by each applicant receiving a commission, *twenty dollars*; but such amount shall be paid over to the Surveyor General, and be accounted for in like manner as other public moneys received by him.]

87. [Each of the members in attendance at the said Board during examinations, and the Secretary, shall receive *five dollars* for each day's sitting and the actual travelling and living expenses incurred by such member and consequent upon such attendance; and the Secretary of State is hereby authorized and required to pay such sums: Provided, that no member of the Board if at the time of the meeting he be over *one hundred* miles distant from the place of meeting, shall receive any allowance for being present at such meeting, unless such member shall have been previously specially notified to attend the same by the Secretary.]

Allowances to Members of Board of Examiners.

Proviso.

88. The Board may examine any Candidate on Oath (which oath may be administered by any one of the Examiner's) as to his actual practice in the field, and with regard to his instruments.

Board may examine candidate on oath.

89. Each person passing the Examination prescribed by this Act shall receive a commission from the Board in accordance with form G in the schedule to this Act, and each applicant after receiving such commission shall, jointly and severally with two sufficient sureties to the satisfaction of the Board, enter into a bond in the sum of *One Thousand Dollars*, to Her Majesty, Her Heirs and Successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the Board of Examiners any one of whom is hereby empowered to administer the same:—

Successful candidates to receive commissions, and give security and take oaths of allegiance and of office.

"I, _____, do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties of a Deputy Surveyor of Dominion Lands according to law, without favor, affection, or partiality. So help me God.

1. Until the above formalities shall have been gone through the said commission of Deputy Surveyor shall have no effect.

2. The said oaths of allegiance and of office shall be deposited in the Dominion Lands Office.

3. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of the Dominion, and shall be subject to the same provisions, and shall enure to the benefit of any party sustaining damage by breach of any condition thereof; and the commission shall be registered in the office of the Registrar General for the Dominion.

Board may suspend or dismiss negligent or corrupt Deputy Surveyor.

90. The said Board may, in their discretion, suspend or dismiss from the practice of his profession any Deputy Surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office; but the Board shall not suspend or dismiss such Deputy Surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered either in support of the complaint, or on behalf of the Deputy Surveyor inculpated.

STANDARD OF MEASURE.

Standard of the English measure of length and copies thereof to be procured.

91. The English measure of length shall be that used in the surveys of Dominion lands, and a standard of the same shall be procured and retained for reference in the Dominion Lands office and a duplicate of such standard shall be deposited with the Secretary of the Board of Examiners, and every Deputy Surveyor shall be in possession of a copy thereof, which copy tested and stamped as correct by the said Secretary, shall be furnished him by that officer [on payment of a fee of *three dollars* therefor], and all Deputy Surveyors shall from time to time regulate and verify by such standard the length of their chains and other instruments for measuring.

HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

Cases where the original mound, post or monument cannot be found provided for.

92. In all cases when any Deputy Surveyor is employed to run any dividing line or limit between sections, or other legal subdivisions, or wood lots, and the mound, post, or monument, erected, marked, or planted in the original survey to define the corner of such section, or other legal subdivisions, or wood lot, cannot be found, he shall obtain the best evidence that the nature of the case may admit of respecting such corner—mound, post, or monument; but if the same cannot be satisfactorily ascertained, then he shall measure the true distance between the nearest undisputed corner—mounds, posts, or monuments and divide such distance into such number of sections or other legal subdivisions, or wood lots, (as the case may be) as the same contained in the original surveys, giving to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field notes thereof of record in the Dominion Lands Office; and if any portion of the township or section line (as the case may be) on which such corner-mound, post, or monument was or should have been planted in the original survey, should be obliterated and lost, then the Deputy Surveyor shall renew such township or section line (as the case may be) and shall draw and define the same on the ground, in such manner as to leave each and every of the adjoining sections or other legal subdivisions, (as the case may be) of a width and depth proportionate

to that severally returned for such section or legal subdivision in the original survey, and shall erect, plant or place such intermediate mounds, posts, or monuments as he may be required to erect, plant, or place, in the line so ascertained, having due respect 5 to any allowance for a road or roads, and the corner, or division, or limit so found, shall be the true corner, or division, or limit of such section or other legal subdivision or wood lot.

HOW LEGAL SUBDIVISIONS ARE TO BE SURVEYED AND LAID OUT.

93. In all cases when a Deputy Surveyor is employed to lay out a given half section or quarter section, he shall effect the same 10 by connecting the opposite original quarter section corners (should the same be existing, or if the same be not existing, by connecting the several points in lieu thereof found in accordance with the preceding clause) by straight lines; and in laying out other and minor legal subdivisions, in any quarter section, or any wood lot, 15 he shall give such legal subdivision or wood lot, as the case may be, its proportionate share of the frontage and interior breadth of such quarter section, and connect the points so found, by a straight line; and the lines or limits so drawn as above on the ground, shall in the respective cases be the true lines or limits of such half- 20 section or quarter section or other legal subdivision, or wood lot, whether the same shall or shall not correspond with the area expressed in the respective patents for such Lands.

Method of proceeding to be adopted by Deputy-Surveyor employed to lay out a given half-section or quarter-section.

TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

94. The dividing lines or limits between legal subdivisions or wood lots in fractional Sections shall be drawn from the original 25 corners (or the points representing such corners, as defined on the ground in accordance with the provisions of this Act,) in the Section line intended as the front of such subdivision or wood lot, at right angles to such section line.

Dividing lines to be drawn from original corners.

ORIGINAL BOUNDARY LINES.

95. All boundary lines of townships, sections, or legal subdivi- 30 sions, towns, or villages, and all boundary lines of blocks, gores and commons, all section lines, and governing points, all limits of lots surveyed, and all mounds, posts, or monuments, run and market, erected, placed, or planted at the angles of any townships, towns, villages, sections, or other legal subdivisions, blocks, gores, 35 commons, and lots or parcels of land, under the authority of this Act or of any order of the Governor in Council, shall be the true and unalterable boundaries of such townships, towns, and villages, sections or other legal subdivisions, blocks, gores, commons, and lots or parcels of land respectively, whether the same upon admea- 40 surement be, or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot, or parcel of land.

Boundaries placed under the authority of this Act, or of any Order in Council to be deemed the true ones, &c.

96. Every township, section, or other legal subdivision, town, 45 village, block, gore, common, lot, or parcel of land, shall consist of

Townships &c. to comprise all the space in-

cluded within
their bound-
aries.

the whole width included between the several mounds, posts, monuments, or boundaries respectively so erected, marked, placed or planted as aforesaid, at the several angles thereof, and no more or less, any quantity or measure expressed in the original grant or patent thereof notwithstanding.

5

As to aliquot-
parts of town-
ships, &c.

97. Every patent, grant, or instrument purporting to be for any aliquot part of any section, or other legal sub-division, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed 10 in such patent, grant, or instrument.

Road allow-
ances in
towns, &c. to
be public
highways.

98. In every town and village in Manitoba, or the North-West Territories, which may be surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, lot, or common, laid out in the original survey of such town or village, 15 shall be public highways and commons; and all mounds, posts, or monuments, placed, or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot, or common; and all Deputy Sur- 20 veyors, employed to make surveys in such town or village, shall follow and pursue the same rules and regulations in respect of such survey, as are by law required of them when employed to make surveys in townships.

Deputy
surveyors may
examine wit-
nesses on oath.

99. For better ascertaining the original corner or limits of any 25 township, section, or other legal subdivision, lot or tract of land, every Deputy Surveyor of Dominion lands acting in that capacity, may administer an oath or oaths to each and every person whom he may examine concerning any corner-mound, post, monument or other boundary, or any original land mark, line, limit, or angle, of 30 any township, section, or other legal subdivision, lot or tract of land which such Deputy Surveyor is employed to survey.

EVIDENCE BEFORE SURVEYORS.

Course to be
adopted by
deputy sur-
veyors to
ascertain
boundaries
whendoubtful.
Subpœnas may
be issued.

100. When any Deputy Surveyor is in doubt as to the true corner boundary or limit of any township, section, lot, or tract of land which he is employed to survey, and has reason to believe 35 that any person is possessed of any important information touching such corner, boundary, or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary, or limit, then if such person does not willingly appear before, and be examined by such Deputy Surveyor, or does not 40 willingly produce to him such writing, plan, or document, such Deputy Surveyor may apply to any Justice of the Peace for an ordinary *Subpœna* as witness, or a *Subpœna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such Justice of the Peace, 45 of the facts on which the application is founded, and such Justice may issue a *Subpœna* accordingly, commanding such person to appear before the Deputy Surveyor at a time and place to be mentioned in the *Subpœna*, and (if the case require it) to bring with him any writing, plan, or document mentioned or referred to 50 therein.

1. Such *Subpœna* shall be served on the person named therein by delivering a copy thereof to him or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original. How subpœnas may be served.
2. If the person commanded to appear by such *Subpœna* after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the Surveyor at the place and time appointed in the *Subpœna*, or to produce the writing, plan, or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, a warrant by the Justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding *one hundred dollars*, or imprisonment not exceeding *ninety days*, or both, in the discretion of such Justice. Consequence of disobeying subpœna.

101. All evidence taken by any Deputy Surveyor as aforesaid shall be reduced to writing and shall be read over to the person giving the same, and be signed by such person, or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as also the Deputy Surveyor, and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any Deputy Surveyor, with reference to any survey by him performed, may be filed and kept at the Registry Office of the place in which the lands to which the same relates are situate, subject to be produced thereafter in evidence in Court. Evidence taken by deputy surveyors to be reduced to writing and signed, &c.

102. Any Deputy Surveyor when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township or section line, or other Government line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. When deputy surveyors may pass over private lands.

PROTECTION TO SURVEYORS.

103. If any person in any part of the Dominion lands interrupts, molests, or hinders any Deputy Surveyor, while in the discharge of his duty as a Deputy Surveyor, such person shall be guilty of a misdemeanor, and being thereof lawfully convicted in any Court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such Court, such imprisonment being for a period not exceeding *two months*, and such fine not exceeding *twenty dollars*, without prejudice to any civil remedy which such Deputy Surveyor or any other party may have against such offender for damages occasioned by such offence. Penalty for molesting a deputy surveyor in the discharge of his duty.

104. If any person knowingly and willfully pulls down, defaces, alters, or removes any mound, post, or monument erected, planted or placed in any original survey under the provisions of this Act, or under the authority of any Order in Council, such person shall be deemed guilty of felony; and if any person knowingly and wilfully defaces, alters, or removes any other mound or land mark, post or monument placed by any Deputy Surveyor to mark any limit, boundary or angle of any township, section, or other legal subdivision, lot or parcel of land in Manitoba, or the North-West Territories, such person shall be deemed guilty of a misdemeanor, and being convicted thereof before any competent Court, Penalty for pulling down original or other land marks placed by surveyor

Proviso.

shall be liable to be punished by fine or imprisonment, or both, at the discretion of such Court, such fine not to exceed *one hundred dollars*, and such imprisonment not to be for a longer period than *three months*, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages 5 occasioned by reason of such offence: Provided that nothing in this Act shall extend to prevent Deputy Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

Deputy surveyors to keep journals and field notes, and furnish copies to parties concerned.

105. Every Deputy Surveyor shall keep exact and regular 10 journals and Field Notes of all his surveys of Dominion lands, and file them in the order of time in which the surveys shall have been performed, and shall give copies thereof to the parties concerned when so required, [for which he is hereby allowed the sum of *one dollar* for each copy, if the number of words therein do not exceed 15 four hundred, but if the number of words therein exceed four hundred, he is allowed *ten cents* additional for every hundred words over and above four hundred words.]

Allowance to deputy surveyor for attendance as a witness.

106. [There shall be allowed to every Deputy Surveyor summoned to attend any Court, civil or criminal, for the purpose of 20 giving evidence in his professional capacity as a Surveyor, for each day he so attends, (in addition to his reasonable travelling and living expenses), and to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such Court, *five dollars*.] 25

GENERAL PROVISIONS.

Governor in Council may withdraw Indian Reserves and half-breeds, lands from the operation of this Act, and may alter price of lands and terms of sale and settlement thereof.

107. The Governor in Council may, 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, 30 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, 35 from time to time, alter or revoke the same and make others in their stead, and further, may, by Order in Council, alter the price of Dominion Lands, and alter and amend the terms and conditions of sale and settlement thereof, and such Orders shall be published in the *Canada Gazette*, and in such newspapers as the Secretary 40 of State may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof.

Before whom affidavits &c., may be taken.

108. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice 45 of the Peace, or any Commissioner for taking affidavits, or any Dominion Lands Agent or Officer, or any person specially authorized to take such affidavits by the Secretary of State.

Affirmations in lieu of oaths.

109. In any case where an affidavit or oath is required by this 50 Act, a solemn affirmation may be administered and made instead

of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath.

PREVIOUS ORDERS IN COUNCIL.

110. All proceedings properly taken under the respective Orders in Council on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May following the said date, are hereby confirmed, and the said respective orders, (except such of the provisions thereof as may be inconsistent with the provisions of this Act, and which are hereby revoked), shall be and remain in force.

Orders in Council of 25th April, 1871, and 26th May, 1871, confirmed.

SCHEDULE.

FORM A.—*See Clause 33.*

APPLICATION FOR A RIGHT PRE-EMPTION.

I, _____ of _____ do hereby apply to be entered, under the provisions of the *Act respecting the Public Lands of the Dominion*, for quarter, quarter sections, numbers, _____ and _____ forming part of section number _____ of the Township of _____ containing _____ acres, for the purpose of obtaining a title to the same by the exercise of the right of the pre-emption.

FORM B.—*See Clause 33, Sub-clause 6.*

AFFIDAVID IN SUPPORT OF CLAIM FOR RIGHT OF PRE-EMPTION.

I, A. B., do solemnly swear (*or affirm as the case may be*), that I have never had the benefit of right of pre-emption under the *Act respecting the Public Lands of the Dominion*, and that I have not settled on and improved the lands described in my present application for the benefit of that right with a view to selling them on speculation, but in good faith, for my own use and benefit. So help me God.

FORM C.—*See Clause 34.*

APPLICATION FOR A HOMESTEAD RIGHT.

I, _____ of _____ do hereby apply to be entered, under the provisions of the *Act respecting the Public Lands of the Dominion*, for quarter quarter sections, numbers _____ and _____ forming part of section number _____ of the Township of _____ containing _____ acres, for the purpose of securing a homestead right in respect thereof.

AND FURTHER, that the said E. F. shall at all times keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all matters and things, and from time to time pay all monies which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said A. B. at any time during the said term without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence, and with honesty and sobriety.

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he the said E. F. will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do in all things whatsoever in the manner above specified.

IN CONSIDERATION WHEREOF, and of one dollar of lawful money by the said C. D. to the said A. B., paid at or before the sealing and delivery of these presents, (the receipt whereof is hereby acknowledged) the said A. B. for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he the said A. B. will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the first six books of Euclid, in plane trigonometry, in mensuration of superficies, in the keeping of field notes, in plotting and map drawing, in spherical trigonometry, in astronomy and geology, in practical surveying operations and in the use of instruments, and generally in the art, practice and profession of a Deputy Surveyor of Dominion lands, which he the said A. B. now doth, and shall at all times during the said term, use and practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, give to the said E. F., a certificate of servitude and use his best means and endeavours, at the request, costs and charges of the said C. D. and E. F., or either of them, to cause and procure him the said E. F. to be examined before the Board of Examiners of candidates for commissions as Deputy Surveyors of Dominion lands: Provided the said E. F. shall have well, faithfully, and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them the said A. B. and C. D., doth bind himself, his heirs, executors, administrators, unto the other, his heirs, executors, administrators and assigns, in the penalsum of Five Hundred Dollars, firmly by these presents.

IN WITNESS WHEREOF of the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. (Seal.)

C. D. (Seal.)

E. F. (Seal.)

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

G. H.
J. K.

FORM G.—See Clause 89.

COMMISSION AS DEPUTY SURVEYOR OF DOMINION LANDS.

This is to certify to all whom it may concern that A. B., of
hath duly passed his examination before the Board of
Examiners, and hath been found duly qualified to fill the office and
perform the duties of Deputy Surveyor of Dominion lands, he
having complied with all the requirements of the law in that behalf:
Wherefore he the said A. B. is hereby duly admitted to the said
office, and commissioned for the discharge of the duties thereof, and
is by law authorized to practice as a Surveyor of Dominion lands
in Manitoba and the North-West Territories.

In Witness whereof We, the President and Secretary of the said
Board, have signed this Commission, at _____, on this _____
day of _____, one thousand eight hundred
and _____

C. D.,
Surveyor General.
E. F.
Secretary.

5th Session, 1st Parliament, 35 Victoria, 18

B

BILL.

An Act respecting the Public Lands of
Dominion.

Received and read, First time, Tuesday,
April, 1872.

Second reading, Tuesday, 23rd April, 1872.

HON. MR. AIRIN

OTTAWA:

Printed by I. B. TAYLOR, 129, 31, and 33, Rideau S

BILL.

An Act for the relief of John Robert Martin.

WHEREAS John Robert Martin, of the Town of Cayuga, in Preamble.
the County of Haldimand and Province of Ontario, Bar-
rister-at-Law, hath, by his Petition, humbly set forth: That on
the twenty-seventh day of September, One thousand eight hundred
5 and fifty-five, he was lawfully married to Sophia Stinson, at
Christ Church, in the City of Hamilton, in the County of Went-
worth and Province of Ontario, in accordance with the rites and
ceremonies of the United Church of England and Ireland in
Canada, that the said marriage was by license, that the said John
10 Robert Martin and Sophia Stinson lived and cohabited together
as husband and wife from the date of such marriage up to about
the first day of March in the year of Our Lord One thousand
eight hundred and sixty-eight; that the said Sophia Stinson,
although the lawful wife of the said John Robert Martin, did
15 commit adultery with one William Lount, at various times and in
various places, and especially at the places and about the times
hereinafter mentioned, that is to say:—at the Town of Barrie,
and in several places adjacent thereto, on numerous occasions
during the months of September, October, November and December
20 in the year of Our Lord One thousand eight hundred and sixty-
seven; at the City of Toronto, at the Albion and American
Hotels, and in several other places in the said city and adjacent
thereto, in the said months of October and December, and in the
months of January, February, March, April, May and June in the
25 year of Our Lord One thousand eight hundred and sixty-eight,
and at the City of Hamilton, in the said months of January,
February and March; that the said John Robert Martin made
discovery of the said adultery about the first day of June in the
year of Our Lord One thousand eight hundred and sixty-eight;
30 that the said John Robert Martin has, since the discovery of the
said adultery so committed as aforesaid, refused to cohabit with
his said wife, and has since lived apart from her; and that the
said John Robert Martin is desirous of having the said marriage
dissolved, annulled, and put an end to, so that he may be free
35 from the same, and enabled to contract matrimony with any other
person or persons with whom it would have been lawful for him
to contract matrimony, if they, the said John Robert Martin and
Sophia Stinson had not intermarried; And whereas, the said
Sophia Stinson, since the discovery of the said adultery, departed
40 from Canada, and has since been residing in the State of New
York, one of the United States of America, and is now residing at
Lockport, in the said State of New York; And whereas the said
John Robert Martin hath, subsequent to the discovery of said
adultery, brought an action for criminal conversation in Her
45 Majesty's Court of Common Pleas for Ontario against the said
William Lount, and recovered a verdict in the said action against
the said William Lount for Two thousand dollars, and entered judg-

ment thereon, and hath compelled the said William Lount to pay the same with costs; And whereas it is expedient that the prayer of the said Petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

5

Marriage annulled,

1. The said marriage between the said John Robert Martin and Sophia Stinson, his wife, is hereby dissolved, and shall be, henceforth, null and void to all intents and purposes whatsoever.

J. R. Martin, may marry again,

2. It shall and may be lawful for the said John Robert Martin, 10 at any time hereafter, to contract matrimony, and to marry with any other woman with whom he might lawfully marry, in case the said marriage had not been solemnized.

Issue of any such marriage to be legitimate,

3. In case of the said John Robert Martin again contracting matrimony with any person or persons, with whom it would have 15 been lawful for him to contract matrimony, if they, the said John Robert Martin and Sophia Stinson had not intermarried, and having any issue born to him, the said issue so born shall be and are hereby declared to be, to all intents and purposes, legitimate, and the rights of them the said issue, and each of them, and of 20 their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if 25 the said marriage between the said John Robert Martin and Sophia Stinson had not taken place.

5th Session, 1st Parliament, 35 V:

C

BILL.

An Act for the relief of John Martin.

Received and read, First time, Wednesday, 1872.

Second reading, Thursday, 16th Ma:

Hon. Mr.

OTTAWA:

Printed by I. B. Taylor, Nos. 29, 31 and 33 J

BILL.

An Act to provide for the incorporation of Immigration Aid Societies.

FOR the purpose of encouraging and facilitating immigration Preamble.
into Canada, from the United Kingdom and other parts of
Europe; Her Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as follows:—

5 **1.** The Minister of Agriculture shall, from time to time, divide Immigration
each of the several Provinces of Canada into immigration districts; District.
in each there shall be an immigration office and an immigration
agent, and such division, and any alteration thereof shall be
notified in the *Canada Gazette*, and each such district shall be
10 known as the immigration district of the place where the immi-
gration office is kept.

2. In each immigration district, an Immigration Aid Society or Formation of
Immigration Aid Societies, for the purpose of assisting immigrants Societies.
to reach Canada from Europe, and to obtain employment on their
15 arrival in Canada, and of enabling persons in Canada in want of
laborers, artisans, or servants, to obtain them by such immigration,
may be formed under this Act: each such society consisting of not
less than *twenty-five* persons, whether resident or not in the immi-
gration district, agreeing to form such society, and to subscribe
20 among them, as the capital of the society, not less than *five hun-*
dred dollars, in shares of *twenty* dollars each, one-half of which
at least shall be paid, on subscribing the declaration of member-
ship hereinafter mentioned, into the hands of a person agreed upon
as their secretary-treasurer by the persons (not being less than
25 *twenty-five*) present at the meeting at which it is agreed to form
such society.

3. The persons agreeing to form such Society shall elect or Formalities to
agree upon a President, Vice-President, Secretary-Treasurer, and be complied
Board of Management, composed of not less than *five* members, in- with for that
30 cluding the officers above mentioned, and shall adopt a constitution purpose.
and by-laws, and shall respectively sign a declaration to the effect
following: "We, the undersigned, hereby associate ourselves to-
gether as "The Immigration Aid Society No....., of the Immigra-
tion district of", and we hereby bind ourselves
35 to observe and obey all the requirements of *The Immigration*
Aid Societies Act, 1872, and to pay respectively into the hands of
the Secretary-Treasurer the amount of stock set opposite our
respective names, one-half on subscribing this declaration, and the
other half by the instalments and in the manner hereinafter
40 provided; and we further bind ourselves to observe and obey the
constitution and by-laws of the Society, which are as follows:—
Then shall follow the constitution and by-laws, which shall declare

the object of the Society to be those mentioned in section two and such other special objects (if any) as it may be thought necessary to enumerate; and shall contain the names of the first President, Vice-President, Secretary-Treasurer, and members of the Board of Management; the place where the Society will have its office and hold its meetings; the manner in which the remainder of the stock of the Society shall be paid up; the annual subscription to be paid by members, if such subscription be deemed advisable; the admission of new members; the duties and powers of the Board of Management and officers; the time during which the officers and other members of the Board of Management shall remain in office; the regular meetings of the Society, and the mode of calling and holding special meetings, and the quorum, and mode of voting thereat; the mode of filling vacancies among the officers and members of the Board of Management, or the performance of their duties by others during their absence; the period for which the Society shall continue, and the mode of dividing its assets at the end of such period, or its profits from time to time during such period; and generally such provisions as may be deemed necessary or expedient for the well-working of the Society and the attainment of the objects for which it is formed; then shall follow the signatures of members, and in columns opposite thereto, the amounts of stock for which they respectively subscribe, and the amounts paid up: the declaration shall then be dated and attested by the signatures of the President or Vice-President and of the Secretary-Treasurer.

Duplicate of declaration to be sent to the district agent for approval and certificate.

4. The declaration shall be made in duplicate, and the duplicates shall be delivered or sent by the Secretary-Treasurer to the immigration agent of the district, who shall compare it with this Act, and with such instructions as may have been given him on the subject by the Minister of Agriculture, and who, if he has any doubt as to its being conformable to this Act and to such instructions, may forward it to the Minister for his opinion; and if it be not found so conformable, the immigration agent shall return both duplicates to the Secretary-Treasurer, informing him of the fact and of the objection to which the declaration is liable; but if it be found to be so conformable, he shall certify the fact under his hand on both duplicates, and shall retain and keep one of them in his office, and shall return the other to the Secretary-Treasurer.

Agent to give a number to the Society.

5. If there be no other Immigrant Aid Society in his district, the immigration agent shall treat the Society as number one, and shall fill the blank left in the declaration for that purpose with that number, but if there be another or others, he shall give each a number in the order in which he certifies the declarations, and shall fill the blank in each with its proper number, according to such order.

Society to become a Corporation.

6. As soon as the declaration is approved and certified as aforesaid, the Society shall be a corporation, or body politic and corporate, by the name taken in the declaration, including the number given it by the immigration agent, and shall have all the powers, rights and immunities assigned to corporations by the Interpretation Act, including the right to have a corporate seal if they think fit, but it shall not be necessary that the corporate seal (if they have one) should be affixed to any document in order to make it the act or deed of the corporation, but it shall be sufficient for that

purpose that the document be signed by the Secretary-Treasurer, and countersigned by the President or Vice-President of the Society, as such, or by the person or persons acting *pro tempore* in their stead, nor shall the authority or capacity of any person signing the
 5 same, or his signature, be called in question by any but the corporation, and if not so questioned shall be admitted in evidence without proof; and any document purporting to be the duplicate copy of the declaration signed by the proper immigration agent, shall be admitted as evidence of the facts stated therein, without
 10 proof of his signature, unless it be called in question by himself, or by the Minister of Agriculture, or by his authority.

7. The Society shall have power to enter into agreements and contracts, either with members of their corporation or with others, for any purpose relating to immigration, and to lend and to borrow
 15 money, and to take or give any security for the same, and to become a party to any promissory note, bill of exchange or other negotiable security or instrument, in the manner provided as to other documents by section *six*, and may receive assistance in money or otherwise from municipal or other corporations, or from
 20 any institution, society or person, towards enabling them to attain the objects of this Act, on such terms and conditions as may be agreed upon, not inconsistent with this Act or with law: Provided
 always, that the total amount of the liabilities of the Society shall never exceed the amount of its capital subscribed, but not paid up,
 25 and the members of the Board of Management shall be personally liable for any excess. Powers of Society.

8. The Society may receive applications from persons desiring to obtain artisans, workmen, servants or laborers from the United Kingdom, or from any part of Europe, and may enter into any
 30 lawful contracts with such persons, including the obligation on the part of such persons to employ the immigrants referred to on their arrival in Canada, in any manner, at any rate of wages, and for any period, under such penalty as damages for non-performance as may be stipulated in such contract, and may
 35 receive in advance all or any part of the money to be expended by the Society, or take security for the repayment of all or any part thereof to the Society, by instalments, or in one sum, as may be agreed upon. Society may receive applications for the employment of immigrants, and act upon them.

9. The Secretary-Treasurer shall forthwith transmit every
 40 such application, with the requisite information and details, to the immigration agent of the district, with the amount the Society has undertaken to advance towards defraying the expenses to be incurred in complying with the application, in paying or partly
 paying the cost of the ocean passage and other travelling charges
 45 of the emigrants required from their home in Europe to the place in Canada where they are required. Applications to be forwarded to district agent with report of Society's action thereon.

10. The Immigration Agent shall forthwith transmit every
 such application and the money received by reason thereof, to
 the proper Immigration Agent or Sub-agent of the Dominion, in
 50 the United Kingdom or elsewhere, who shall thereupon take the necessary steps for procuring and forwarding to the proper place in Canada, such immigrant or immigrants as may be required by the application; and the Immigration Agent shall from time to time furnish the Minister of Agriculture with such information
 55 and details respecting such applications as the said Minister may require. Applications to be transmitted to Agents in Europe with funds advanced.

Agents in Europe to take security from emigrants for re-payment of advances.

11. If it be the intention of the Society, or of the applicant, that the whole or part of the money advanced towards defraying the expenses of immigration, shall be repaid by the immigrant, either in one sum or by instalments, it shall be the duty of the Immigration Agent or Sub-agent of the Dominion in Europe 5 making the arrangements for the passage of the intending immigrant to Canada, to take from such immigrant a negotiable instrument binding him or her to repay such money to the Society in Canada in one sum or by instalments, at certain periods, and with interest or without interest, according to the instruction 10 given by the Secretary-Treasurer to the District Immigration Agent, and communicated through the Minister of Agriculture to the Immigration Agent or Sub-agent in Europe, and he shall witness the execution of such instrument; and any such negotiable instrument purporting to be witnessed by such last men- 15 tioned Immigration Agent or Sub-agent shall be received as evidence of the due execution of such instrument for value received, unless the signature or capacity of such witness be disputed, and if such signature or capacity be disputed, the evidence of any Immigration Agent in Canada or officer of the Department 20 of Agriculture that the signature of such witness is genuine, and that he was at the date of the instrument employed in the capacity of Immigration Agent or Sub-agent of the Dominion, shall be conclusive evidence of the due execution of the instrument, for value received, without calling such witness or other 25 proof; and if any sum of money has been advanced to the immigrant for like purposes, by any society, or institution, or individual in the United Kingdom, such sum may, with the consent of such society, institution, or individual, be included in the amount for which such negotiable instrument is given, and may be recovered 30 by the Canadian Society aforesaid, and being so recovered shall be paid over without charge to the society, institution, or individual by whom it was advanced, to whom as well as to the Canadian Society, the Agent or Sub-agent of Immigration witnessing the execution of the instrument shall notify any such 35 amount.

Recovery from immigrant of amount of advances.

12. Any sum due as an instalment upon any such negotiable instrument shall be recoverable, by the Society or any Indorsee thereof, in any way in which a like sum is recoverable in the place where the suit is brought, although the instrument includes 40 a further sum not then due, and it shall always be lawful for any employer of the immigrant to deduct from his or her wages any sum due on any such negotiable instrument and to pay it over to the Society, taking care that the amount so paid be indorsed on the instrument; and any such employer may indorse on the 45 instrument his promise so to pay the amount or any instalment thereof out of the wages of the immigrant or absolutely, and shall then be bound to pay the same accordingly, and if necessary it may be recovered from him in like manner as from the immigrant.

Minors may bind themselves for the repayment of advances.

13. Any such negotiable instrument as aforesaid may be made 50 by any immigrant of either sex, above the age of *fourteen* years in the estimation of the Immigration Agent or Sub-agent by whom it is witnessed, and his signature as witness shall be *prima facie* evidence that the immigrant was at the time of signing such instrument over the said age; if the immigrant making such 55 instrument declare himself or herself unable to write, he or she may make his or her mark instead of signing, and such declaration

shall be stated by the Immigration Agent or Sub-agent above his signature as witness; and any instrument executed in any manner provided by this section shall be valid and binding for all the purposes of this Act.

- 5 14. Any immigrant, except a married woman having a husband living in Canada, who might under this Act make such negotiable instrument as aforesaid, may in like manner execute an instrument, witnessed as above provided, binding himself or herself in consideration of the sum advanced by the Society therein named
- 10 to accept employment of the kind to be therein stated from any named person in the Immigration District in which the Society is formed, or with any person in such district whom the Society may designate to the immigrant on his or her arrival in such district, at a rate of wages to be named in the instrument, and for a term
- 15 to be also therein named, and to serve such person faithfully in such employment during such term, and to allow such person to deduct from his or her wages, at a period or periods to be designated in such instrument, such sum or sums as shall be also therein designated, and to pay the same to the Society, on account of any money due by the immigrant to it; and such instrument shall be
- 20 valid and binding on the immigrant, as a bond given to the Society in consideration of the money advanced to the immigrant, and accepted by the Immigration Agent or Sub-agent on its behalf, and may be enforced by the Society, accordingly, by civil suit in any court having jurisdiction to the amount then due,
- 25 against the immigrant or against any employer who, having been notified thereof, shall have refused or neglected to retain the amount of wages therein provided for, or to pay the same over to the Society; and any refusal or neglect on the part of the immigrant to perform any of the other obligations undertaken by him
- 30 or her in such instrument, shall be an offence cognizable before any one Justice of the Peace, under the *Act respecting the duties of Justices of the Peace, out of Sessions, in relation to Summary Convictions and Orders*, and punishable by a fine not exceeding *twenty dollars*, and costs, and by imprisonment until such fine
- 35 and costs be paid; and any instrument made under this section shall, in any suit or proceeding, civil or criminal, be provable and received as evidence as provided with respect to the negotiable instruments mentioned in section *eleven* and the fine if paid shall belong to the Society, and be paid over to it by the Justice of the
- 40 Peace; but the payment of such fine shall not prevent or affect any civil remedy of the Society under such instrument.

Immigrant may bind himself to serve nominee of the Society for the amount of advance.

15. In this Act the expression "Minister of Agriculture," Interpretation
- 45 includes any deputy or officer authorized to perform the duty or exercise the power in question;—the expression "Immigration" —or "Immigrant," includes "Emigration" or "Emigrant," when it refers to the act of leaving or to a person about to leave Europe for Canada;—any negotiable or other instrument authorized by this Act may be drawn in any European language understood by
- 50 the person executing it, and sums of money mentioned therein may be expressed in any currency used in the country where it is executed, and shall be held to mean equivalent sums in currency of Canada;—and the word "Society" means the Immigration Aid Society which the context indicates or refers to.

55

16. This Act may be cited as "The Immigration Aid Societies Short title, Act, 1872."

5th Session, 1st Parliament, 35 Victoria, 1872.

D

BILL.

An Act to provide for the incorporation of
Immigration Aid Societies.

Received and read, First time, Wednesday, 1st
May, 1872.

Second reading, Monday, 6th May, 1872.

HON. MR. CAMPBELL.

OTTAWA:

Printed by I. B. TAYLOR, [29, 31, and 33, Rideau Street,

E

BILL.

An Act to amend the St. Francis and Megantic Railway Act.

WHEREAS the St. Francis and Megantic International Railway Company have by their petition asked that the Act incorporating said Company may be amended, so as to enable said Company to increase their capital stock, and to issue their bonds to a larger amount than is now permitted by their charter, and to have power to establish a telegraph line on their road, and it is expedient to grant the prayer of said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

10 **1.** The Directors of the St. Francis and Megantic International Railway Company, upon being thereto authorized by a vote of a majority of the shareholders present at any annual meeting whereof notice shall have been given as hereinafter mentioned, may increase the capital stock of said Company to a sum not to
15 exceed in the whole Two Millions of Dollars, and under the provisions of the thirteenth section of "The St. Francis and Megantic Railway Act," and in the manner and for the purposes therein mentioned, issue their bonds for any amount required for the purpose of prosecuting their works permitted by their charter,
20 provided the whole sum represented by such bonds shall not exceed One Million of Dollars.

Capital may be increased to \$2,000,000, and bonds for \$1,000,000 may be issued.

2. Whenever it is intended to ask authority from the shareholders of said Company to increase the capital stock of the Company, or to issue bonds beyond the amount now permitted by
25 their Charter, a notice stating that such proposition will be made to the shareholders at their annual meeting shall be inserted for at least two weeks in one or more newspapers published in the City of Montreal, and the Town of Sherbrooke, prior to the time when such annual meeting will take place.

Two weeks previous notice of meeting for either purpose to be given.

30 **3.** The St. Francis and Megantic International Railway Company may, whenever their Directors consider it necessary for their purposes to do so, erect, establish, and operate an electric telegraph on the line of their road, and make arrangements to connect the same with other railway or telegraph companies, and
35 such telegraph may be used by the public for general purposes under such rules and regulations as said Company may adopt.

Company may erect and work an electric telegraph.



BILL.

An Act to amend "The St. Francis and
Megantic Railway Act."

Received and read, First time, Monday, 6th
May, 1872.

Second reading, Wednesday, 8th May, 1872.

HON. MR. SANBORN.

OTTAWA :

Printed by L. B. Taylor, 29, 31, & 33, Rideau Street,
1872.

F

BILL.

An Act relating to Quarantine.

NOTE.—The clauses printed between brackets, thus [], are proposed to be struck out at the third reading.

HER MAJESTY, by and with the advice and consent of Preamble.
the Senate and House of Commons of Canada, enacts as follows :

1. In this Act, unless there be something in the context in- Interpretation
5 consistent with such interpretation, the word "master" shall apply "Master."
to any person in command of a vessel; the word "vessel" shall "Vessels."
include all ships, vessels or craft of any kind carrying passengers; "Passengers."
the word "passengers" shall apply to all passengers as well as to
immigrants usually and commonly known and understood as such,
10 but not to troops or military pensioners and their families, who
are carried in transports or at the expense of the Imperial Govern- "Quarantine
ment; the words "Quarantine Station" shall apply to *Grosse Isle*, station."
Lawlor's and *Partridge Islands*, or other place at which quarantine
is directed to be performed.
- 15 2. The Governor in Council may from to time make such Governor in
Regulations as he thinks proper, for enforcing compliance with Council may
all the requirements of this Act, and concerning the entry make Qua-
or departure of vessels at the different ports or places in rantine
Canada, and concerning the landing of passengers or cargoes Regulations.
20 from such vessels, or the receiving of passengers or cargoes on
board of the same, as may be thought best calculated to preserve
the public health, and for ensuring the due performance of Quar-
antine, by and in respect of vessels, passengers, goods or things
arriving at or in the neighbourhood of any port or place within
25 Canada, to which he thinks it right for the preservation of the
Public Health that such regulations should apply and for the
thorough cleansing and disinfecting of such vessels, passengers,
goods or things, so as to prevent, as far as possible, the introduc-
tion or dissemination of disease into or in Canada, and may appoint
30 or remove such officers as he may deem necessary for so doing, and
assign to them respectively such powers as he may think requisite
for carrying out the provisions of such Regulations, and may from
time to time revoke or amend the same or any of them, and may
make others in their stead, and impose penalties, forfeitures and
35 punishments for the breach thereof; and such Regulations shall
be notified by proclamation published in the *Canada Gazette* at
least twice, and the production of the copies of the *Gazette*
containing any such proclamation shall be evidence of the making,
date and contents of such regulations.
- Publications
and proof of
Regulations.

Quarantine Regulations to have the force of law.

3. Such Regulations shall have the force of law, during the time they respectively remain unrevoked, unless they be expressly limited to be in force only during a certain time or at certain times or seasons, in which case they shall have the force of law during the time and at the times and seasons during or at which they have been limited to be in force ; and any person disobeying any such Regulation shall be held guilty of and may be prosecuted for a misdemeanor, punishable by fine or imprisonment or both, as the Court may direct, or otherwise such person may be sued for the penalties contained in such Regulation.

Punishment of persons disobeying them.

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Vessels from sea, &c., may be required to perform quarantine.

4. By such Regulations, the Governor in Council may require the master of every vessel coming up the River St. Lawrence from below the Quarantine Station at *Grosse Isle*, or arriving by sea at or in the neighbourhood of any Port or Place in Canada, (except only such vessels as are therein designated and referred to as 15 excepted), to bring his vessel to anchor, at the anchorage at the proper Quarantine Station designated in the Regulations, and report such vessel in writing to the officer at such station designated for that purpose in such Regulations, with all the particulars relative to the same, and to the voyage, passengers and cargo 20 thereof, required by such Regulations, or by any officer duly authorized under them to require the same, and to allow the proper officer to visit and inspect such vessel and every part thereof and the passengers and crew and the cargo and other articles on board the same,—and to answer truly all questions asked of him touching 25 the same,—and to send on shore at such station and at the places there pointed out by the officer thereunto authorized by such Regulations, any or all of the passengers, crew, cargo or other articles on board such vessel, as such officer thinks necessary for preventing the introduction of contagious or infectious disease, and 30 to allow such passengers, crew, cargo or other articles, and also the vessel itself, to remain so long at such station and at such places thereat respectively, and to be so treated, cleansed and purified, as such officer shall think necessary for the purpose aforesaid.

Obligations of masters of vessels coming to Quarantine Station.

Powers of officers at Quarantine Station, under the Regulations.

5. And by such Regulations the Governor in Council may 35 assign to the several officers and persons to be employed at any such Quarantine Station the powers and duties necessary for carrying the said Regulations and this Act fully into effect, and may declare that any such officer or person shall, by virtue of his office or employment, be a Justice of the Peace or a Constable or 40 Peace Officer for such Quarantine Station, and for the space around the same described in such Regulations ; and such officer shall accordingly be such Justice of the Peace or Peace Officer, whether he be otherwise qualified or not, for the purpose of carrying out the criminal laws and other laws of the Dominion ; and 45 by such Regulations the Governor in Council may impose penalties, not exceeding *four hundred dollars* in any case, on persons contravening the same, and may provide that the offender shall be imprisoned until such penalty be paid, and may direct that no vessel shall be entered or cleared at any Custom House in Canada 50 until all the requirements of such Regulations are fully complied with, and may direct that any person, vessel, or thing, who or which has passed or departed or been removed from any Quarantine Station, before all the requirements of such Regulations are fully complied with in respect of such person, vessel, or thing, or 55 without the written permission of the officer empowered to authorize such passing or departure, may be compelled to return or be carried back to such Station, and by force, if necessary.

Penalties for contravention of Regulations.

6. The Governor in Council may appoint one or more medical officers at Quebec to board, visit and inspect vessels arriving in the Harbor of Quebec from sea, and to perform such other duties and have such power as the Governor in Council may by any regulations direct.

Medical officers at Quebec.

7. Every penalty or forfeiture, imposed or declared under the authority of this Act, shall be a special lien upon the vessel by reason whereof it has become payable, and the master whereof has become liable in such penalty, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the Justices, or Court, before whom it has been sued for and recovered, and shall be preferred to all other liens or hypothecations except mariners' wages.

Penalties, &c., to be special liens upon vessels.

8. [When any vessel not originally bound for any port in the Dominion shall arrive at the Port of Halifax, or the Port of St. John, New Brunswick, or any other sea port of the Dominion, with contagious or infectious disease on board, and be allowed to remain in quarantine at or near such Port, the master of such vessel shall pay to the Collector of the Customs at the port the sum of *two dollars*, head money, for each person on board the said vessel at the time of her arrival. The said sum shall be a lien on the vessel, and shall be paid before she shall be allowed to leave the port.]

As to vessels arriving at Ports to which they were not originally bound, with infectious disease on board.

9. A vessel shall have the right, before breaking, bulk or putting to sea, in preference to being quarantined; in the exercise of this right, if the vessel has not arrived at her port of destination, the bill of health shall be returned; the Inspecting Physician, however, shall mention upon the said bill, the length and circumstances of the detention, and the condition of the vessel upon re-putting to sea; but before the exercise of this right, the Inspecting Physician must satisfy himself that the sick of such vessel will be taken care of for the remainder of the voyage, and take care of such sick as prefer to remain.

Vessels may on certain conditions put to sea instead of being quarantined.

10. [All sums and pecuniary penalties levied under the authority of this Act shall be paid into the hands of the Receiver General, to form part of the Consolidated Revenue Fund of Canada.]

Sums and penalties to form part of Con. Rev. Fund.

11. Chapter sixty-three of the Statutes of Canada passed in the thirty-first year of Her Majesty's Reign is hereby repealed, but no Act or enactment thereby repealed shall be revived, and all Acts and enactments inconsistent with this Act are hereby repealed.

31 V., c. 63 repealed.

5th Session, 1st Parliament, 35 Victoria, 1872.



BILL.

An Act relating to Quarantine.

Received and read, First time, Monday, 6th
May, 1872.

Second reading, Monday, 13th May, 1872.

HON. MR. CAMPBELL.

OTTAWA:

BILL.

An Act to amend the Act respecting copyrights.

(Note.—The words and clauses printed between brackets, thus [] are proposed to be struck out at the third reading.)

WHEREAS it is expedient to make provision for securing and Preamble.
 protecting in Canada the rights of authors in works
 wherein the copyright is subsisting in Great Britain ; and whereas
 5 under Imperial Acts anterior in date to the British North America,
 Act, 1867, copyrights granted in the United Kingdom were declared
 to extend to Her Majesty's colonial Possessions and the importa-
 tion into the British Dominion for sale, of foreign reprints of copy-
 right works was absolutely prohibited, but provision was made
 10 that in case the Legislature of any British Possession should be
 disposed to make due provision for securing or protecting the rights
 of British authors in such Possession, and should pass an Act for
 that purpose, it should be lawful for Her Majesty if she should
 approve of the nature of such provision to issue if She should
 15 think fit an Order in Council removing the prohibition to import
 foreign reprints of copyright works in such Possession so long as
 such provision for securing or protecting British authors should
 remain in force therein ; and whereas Her Majesty has seen fit,
 with reference to the Dominion of Canada, to act upon the au-
 20 thority so conferred upon Her, and foreign reprints of British
 copyright works are now permitted to be imported into Canada
 upon the payment of a duty collected on behalf of the owners of
 such copyrights of twelve and one-half *per centum ad valorem* ;
 but nevertheless reprints in Canada of such British copyright
 25 works have not heretofore been permitted ; and whereas by the
 British North America Act, 1867, express power is given to the
 Parliament of Canada to legislate upon the subject of copyright ;
 and whereas provision for securing and protecting authors of
 British copyright works can be much more effectually made by
 30 authorizing the reprinting and publication of such works in Canada
 on the terms in this Act contained ; and whereas it is but just that
 Her Majesty's subjects in Canada should be allowed, on such con-
 ditions as will sufficiently protect and secure the authors of such
 copyright works, the advantages accorded to aliens and foreigners
 35 in respect of the reprinting of British copyright works ; Therefore
 Her Majesty, by and with the advice and consent of the Senate
 and House of Commons of Canada, enacts as follows :—

1. Works of which the copyright has been granted and is sub-
 40 sisting in the United Kingdom, and copyright of which is not
 subsisting in Canada, may be reprinted, published and sold in
 Canada, but only on the conditions and under the restrictions
 hereinafter contained. What works may be reprinted in Canada.

2. No person shall reprint or publish any such copyright work
 without the license of the Governor General for that purpose. On what condition.

The Governor
in Council
may make
regulations.

3. The Governor General in Council may make regulations for the licensing of persons to engage in the work of reprinting and publishing in Canada British copyright works; [but before obtaining such license every such person shall enter into bonds with sufficient sureties to the satisfaction of the Minister of Inland Revenue, for the payment to Her Majesty of all duties of excise, which, under this or any other Act of the Parliament of Canada, may be payable in respect of such reprints.] 5

Registration
of reprints of
British copy-
rights.

4. Any copyright work re-printed in Canada and intended to be published under this Act, shall before publication be registered in the office of the Minister of Agriculture, who shall for the purpose of this class of registrations, cause to be kept in his office, a book to be called the "Register of reprints of British Copyrights," [and the sum of *one dollar* shall be payable to Her Majesty in respect of every such registration by the person desiring the same.] 10 15

Excise duty
on reprints in
Canada of
British copy-
right works.

5. [There shall be imposed, levied and collected for the account and benefit of the owners of the British copyright therein on all reprints in Canada of works wherein or whereof the copyright is subsisting in Great Britain an *ad valorem* duty of excise of *twelve and one-half per centum* on the retail value of such works, under and in accordance with such rules and in such manner and at such times as regards publication as may be laid down by regulations to be made by the Governor General in Council.] 20

Payment of
amounts, &c.,
collected to
parties inter-
ested.

6. [The duty of excise so to be imposed, levied and collected shall be paid to the party or distributed among the parties beneficially interested in the British copyright under regulations in that behalf to be made by the Governor General in Council and approved of by one of Her Majesty's principal Secretaries of State.] 25

Importation
of certain
foreign re-
prints pro-
hibited.

7. [From and after the passing of this Act the importation into Canada of foreign reprints of works of which the copyright is subsisting in Great Britain and which have been registered here under section four for re-publication in Canada shall be and is hereby prohibited.] 30

Interpreta-
tion.

8. The word "work" in this Act shall include every volume, part or division of a volume, pamphlet, sheet of letter press, sheet of music, map, chart or plan separately published. 35

Commence-
ment of Act.

9. This Act shall come into force only from and after the date of any Proclamation by the Governor General to that end. 35

