





46 VICTORIA, CHAPTER 17.



# DOMINION LANDS ACT

1883,

With the amendments and additions thereto, authorized by 47 Vic.,  
Cap. 25, (1884.)



46 VICTORIA.



CHAP. 17.

An Act further to amend and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned.

[Assented to 25th May, 1883.]

[As amended by 47 Victoria, chap. 25; assented to 19th April, 1884.]

**W**HEREAS it is expedient, with a view to the proper and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers Acts have been passed for that purpose which it is expedient further to amend and to consolidate as so amended: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PRELIMINARY—INTERPRETATION.

1. This Act applies exclusively to the public lands included in Manitoba and the several Territories of the Dominion, which lands shall be styled and known as *Dominion lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act, 1883*;" and the following terms and expressions 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:—

Extent of Act.

Short title.

Interpretation of terms.

1. The term *Minister of the Interior* means the Minister of the Interior of Canada;

Minister of Interior.

2. The term *Surveyor-General* means the officer of the Department of the Interior bearing that designation, or the chief clerk performing his duties for the time being;

Surveyor General.

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

Agent, Officer.

Local Agent.

- Land Office. as aforesaid, with respect to the lands in question ; and the term *Land Office* means the office of any such Agent ;
- Dominion Land Surveyor. 4. The term *Dominion Land Surveyor* means a Surveyor duly authorized under the provisions of this Act, to survey Dominion lands ;
- Crown Timber Agent. 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 ;
- Clause. 6. The term *Clause* means a section of this Act. or of any Act herein cited, distinguished by a separate number ; and
- Sub-Clause. the term *Sub-Clause* means a sub-division of any clause distinguished by a separate number or letter, in smaller type ;
- Canada Gazette. 7. The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa.
- Pre-emption entry and right. 8. The term "*pre-emption entry*" means the entering on the books of a Local Agent of a preferential claim to acquire by purchase, in connection with a homestead entry, and on becoming entitled to a patent for the homestead, a quarter section or part of a quarter section of land adjoining such homestead ; and the term "*pre-emption right*" means the right of obtaining a patent for such quarter section or part of a quarter section on the said condition and on payment of the price fixed by the Governor in Council at the time of entry in the class of lands in which such pre-emption is comprised, in respect of land subject to pre-emption entry.

## DEPARTMENT OF THE INTERIOR.

- Administration and management. 2. The Department of the Minister of the Interior shall be charged with the administration and management of the Dominion lands ;
- How effected. 2 Such administration and management shall be effected through a branch of the said Department, to be known and designated as "*The Dominion Lands Office*" ;
- Governor in Council may appoint certain officers and boards. Their powers and duties. 3. The Governor in Council may appoint an officer to be styled "*The Commissioner of Dominion Lands*," and an officer to be styled "*The Inspector of Dominion Lands Agencies*," and such officers shall respectively have the powers, not inconsistent with the provisions of this Act, and perform the duties that may be, from time to time, conferred upon and assigned to them by order of the Governor General in Council ; the Governor in Council may also establish a "*Dominion Lands Board*" to investigate and settle all disputed questions arising out of the duties imposed

upon the Commissioner of Dominion Lands and the Inspector of Dominion Lands Agencies, and all matters connected with the administration of the Dominion lands system in Manitoba and the North-West Territories; and such Dominion Lands Board shall be composed of such persons, and shall have such powers and authority, not inconsistent with this Act, and shall perform such duties as shall, from time to time, be prescribed by Order of the Governor in Council;

4. Copies of any records, documents, plans, books or papers belonging to, or deposited in, the Dominion Lands Office, attested under the signature of the Minister of the Interior or of the Surveyor-General, or any chief clerk or officer authorized thereto, and of plans or documents in any Dominion lands or surveys office in Manitoba or the North-West Territories, attested under the signature of the Agent or Inspector of Surveys, or other officer in charge of such office, shall be competent evidence in all cases in which the original records, documents, books, plans or papers would be evidence; and lithographed or other copies of maps or plans purporting to be issued or published by the "*Dominion Lands Office*" of the Department of the Interior, and to have a lithographed or copied signature of the Minister of the Interior or of the Surveyor-General thereto attached, shall be received in all courts and proceedings as *prima facie* evidence of the originals, and of the contents thereof;

Certified copies of certain documents to be evidence.

As to lithographed copies, &c.

5. No person employed in or under the Department of the Interior, including the Geological Survey branch thereof, shall purchase any Dominion lands except under authority of an Order in Council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other person in such behalf; nor shall any person so employed disclose to any person except his superior officer any discovery made by him or by any other officer of the Department of the Interior, nor any other information in his possession in relation to Dominion lands, until such discovery or information has been reported to the Minister of the Interior, and his permission for such disclosures has been obtained.

Employees of Department not to purchase Dominion lands.

Or give information without permission of Minister.

3. None of the provisions of this Act shall be held to apply to territory the Indian title to which shall not, at the time, have been extinguished.

As to lands still under Indian title.

#### DOMINION LANDS—TOWNSHIPS.

4. The Dominion lands shall be laid off in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits,

System of survey. Townships.

with such road allowances between sections, and of such width, as the Governor in Council may fix ;

Sections.

2. The sections shall be bounded and numbered as shown by the following diagram :—

N.

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

S.

Lines bounding townships.

5. The lines bounding townships on the east and west sides shall be meridians ; and those on the north and south sides shall be chords to parallels of latitude.

How townships shall be numbered from principal meridian.

6. 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 ; and in ranges numbered from such other initial meridians throughout the North-West Territories as the Minister of the Interior may, in his direction of the land surveys, order to be established ; such meridians to be styled the Second, the Third, the Fourth Meridian, and so on, according to their order in number westward from the Principal Meridian.

From other meridians.

Width on base lines.

7. Townships shall be given their prescribed width on the base lines hereinafter mentioned ; and the meridians between townships shall be drawn across such bases, northward and southward to the depth of two townships therefrom, that is to say, to the correction lines hereinafter mentioned.

Base lines of townships.

8. The said forty-ninth parallel, or international boundary, shall be the first base line, or that for townships numbered one. 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.

Correction lines.

9. The correction lines, or those upon which the "jog" resulting from the convergence of meridians shall be al-

lowed, shall 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 lines running east and west between townships and midway between the bases.

10. Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made. Divisions of a section.

11. In the survey of a township, the deficiency or surplus, resulting from convergence of meridians shall be allowed in the range of quarter sections adjoining the west boundary 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 : Provided, that such deficiency or surplus, and such north and south error, or either of them, may, by the Governor in Council, be ordered to be equally distributed among all the quarter sections involved. Allowances for deficiency or surplus. Proviso.

12. The dimensions and area of irregular quarter sections shall, in all cases, be returned by the surveyor at their actual measurements and contents: Irregular quarter sections.

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 ; Blocks of four townships to be first laid out.

2. 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. Corners to be marked.

14. Except as hereinafter provided, only a single row of posts or monuments, to indicate the corners of townships or sections, shall be placed on any survey line thereof. These posts or monuments shall, on north and south lines, be placed in the west limit of the road allowances and on the east and west lines, in the south limit of road allowances, and in all cases shall fix and govern the position of the boundary corner between the adjoining townships, sections, or quarter sections, on the opposite side of the road allowance ; Posts and monuments at corners.

2. Provided, that in the case of 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 town- Proviso : as to corners on correction lines.

ships north of the line, in the north limit of the road allowance, and those for the townships south of the line, in the south limit.

Surveys to be given out by contract or tender.

Proviso.

Legal sub-divisions of townships.

**15.** The township sub-division surveys of the Dominion lands, according to the system above described, shall be performed under contract at a certain rate per township, per mile, or per acre, fixed from time to time by the Governor in Council, or by competitive tender, as may be fixed from time to time by the Governor in Council: Provided, that in special cases, where circumstances may render it advisable to effect otherwise the survey of a township, or townships, the Governor in Council may order the same to be done.

**16.** To facilitate the descriptions for letters patent of less than a quarter section, every section shall be supposed to be divided into quarter quarter sections, or forty acres, and such quarter quarter sections shall be numbered as shown in the following diagram, which is intended to show such sub-divisions of a section, which shall be styled legal sub-divisions:

		N.					
		13	14	15	16		
		12	11	10	9		
W.		5	6	7	8	E.	
		4	3	2	1		
		S.					

Areas to be more or less.

Proviso: as to laying out and describing lands in certain sections.

**2.** The area of any legal sub-division as above set forth shall, in letters patent, be held to be more or less, and shall in each case be represented by the exact quantity as given to such sub-division in the original survey.

**17.** Provided, that nothing in this Act shall be construed to prevent the lands upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three; or to prevent fractional sections or lands bordering on any river, or lake, or other water course, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as may appear desirable, or to prevent the sub-division of sections or other legal sub-divisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such sub-divisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient.



## DISPOSAL OF DOMINION LANDS.

## LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

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

2. And whereas by the terms of the said deed, the right to 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; Recital.

3. 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: therefore— Recital.

4. In every fifth township in the said territory, that is to say: 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 numbers 8 and 26, and in each and every of the other townships, the whole of section number 8, and the south half and the north-west quarter of section number 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company; Certain sections and parts of sections in certain townships to be Hudson's Bay Company's lands.

5. Provided, that the Company's one-twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships—the allotment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorized by them respectively; Company's lands in fractional townships.

6. 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 *bonâ fide* settled on under the authority of any Order in Council, or Company may select lands in lieu of any found settled upon by authority.

of this Act, then, if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied ;

Company's  
lands not to  
be included in  
timber limits.

7. Provided also, as regards the sections and parts of sections as above mentioned, 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 such township, but shall be held to be the property of the Company ;

Company to  
have one-  
twentieth of  
revenue from  
timber limits  
in unsurveyed  
lands in fer-  
tile belt.

8. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company, such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed, in which event the Company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted : Provided nevertheless, that on such sections being surveyed as aforesaid, should the same, or either of them, prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township ;

Proviso : as  
to lands found  
denuded of  
timber.

Title to lands  
to pass to  
Company  
without pa-  
tent in certain  
cases, but by  
patent in  
others.

9. 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 said Company shall be duly notified thereof by the Minister of the Interior, 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 this clause, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands ; and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth in townships other than the above, as provided in sub-clauses five and six, returns thereof shall be made in due course by the Local Agent or Agents, to the Dominion Lands Office, and patents shall issue for the same accordingly.

#### EDUCATIONAL ENDOWMENT.

Sections 11  
and 29 in each

10. And whereas it is expedient to make provision in aid of education 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 lands, shall be and are hereby set apart as an endowment for purposes of education, and shall be designated school lands; and they are hereby withdrawn from the operation of the clauses of this Act, which relate to the sale of Dominion lands and to homestead rights therein; and no right to purchase or to obtain homestead entry shall be recognized in connection with the said sections, or any part or parts of them.

township set apart.

And withdrawn from sale or homestead entry.

**20.** The school lands shall be administered by the Governor in Council, through the Minister of the Interior;

How to be administered.

2. Provided, all sales of school lands shall be at public auction, and an upset price fixed from time to time by the Governor in Council; but in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands may be situate;

Sale to be by public auction, and upset price.

Proviso.

3. Provided also, that the terms of sale of school lands shall be at least one-fifth in cash at the time of sale, and the remainder in four equal successive annual instalments, with interest at the rate of six per cent. per annum, to be paid with each instalment on the balance of purchase money from time to time remaining unpaid;

Terms of payment.

4. Provided also, that all moneys from time to time realized from the sale of school lands shall be invested in Dominion securities, to form a school fund, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the Government of the Province or Territory within which such lands are situated, towards the support of public schools therein—the moneys so paid to be distributed for that purpose by the Government of such Province or territory in such manner as may, by it, be deemed most expedient.

Investment of purchase moneys, and disposal of interest thereon.

#### MILITARY BOUNTY LAND SCRIP.

**21.** In all cases in which land scrip has heretofore been earned, or shall hereafter be given by the Dominion, for military services, warrants therefor shall be granted in favor of the parties entitled thereto by the Minister of Militia and Defence; and such warrants shall be recorded in the Department of the Interior;

Warrants instead of scrip for military services.

2. Such warrants shall be received, at the value shewn upon their face, in payment for any Dominion lands open for sale: Provided always, that no greater area in any township than twenty per cent. of the land, exclusive of school and

May be given in payment for lands.

Proviso.

Hudson's Bay Company's lands, shall be open for entry by military bounty warrants ;

As to acceptance of warrants as purchase money.

3 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 of the amount of the purchase money, any such excess shall not be returned by the Government.

Assignments not allowed, but warrants to be payable to bearer,

And to pass to legal representatives.

22. Assignments of military bounty warrants, or of the expectancy of the same, shall not be recognized ; but the warrants shall, similarly to other land scrip, be considered payable to bearer ; and the warrantees shall be at all risk of their loss, as no warrant shall be duplicated. In cases where any person entitled to a military bounty warrant dies before its issue, the warrant shall issue in favor of the legal representative or representatives of such deceased person.

Recital of Order in Council of 25th April, 1871, and grant under it confirmed.

23. And whereas by Order of the Governor in Council, dated the twenty-fifth April, one thousand eight hundred and seventy-one, it was declared that the officers and soldiers of the first, or Ontario, and the second, or Quebec, Battalion of Rifles, then stationed in Manitoba, whether in the service or depot 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 grants under such Order, attested as herein mentioned, recognized.

2. 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 meantime 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 SALE OF LANDS.

As to sale of surveyed lands.

Proviso.

24. Dominion lands, as the surveys thereof are duly made and confirmed, shall, except as otherwise herein-after provided, be open for purchase at such prices, and on such terms and conditions, as may be fixed from time to time by the Governor in Council ; Provided, that no purchase shall be permitted at a less price than one dollar per acre ;

Provided also, that except in special cases where otherwise Proviso.  
 ordered by the Governor in Council, no sale to one person  
 shall exceed a section, or six hundred and forty acres;  
 Provided further, that, where deemed expedient by the Proviso.  
 Governor in Council, sales shall be restricted to the odd-  
 numbered sections in each township; And provided also, Proviso.  
 that whenever so ordered by the Minister, such unoccupied  
 lands as may be deemed by him expedient, from time to  
 time, may be withdrawn from ordinary sale and settlement, Sale by auc-  
 and sold at public auction to the highest bidder—an upset tion.  
 price being fixed for the same;

2. Provided further, that any legal sub-division or other Proviso: as to  
 portion of Dominion lands, which may include a water water powers,  
 power, harbor or stone quarry, is hereby reserved from ordi- &c.  
 nary sale, and shall be disposed of in such manner, and on  
 such terms and conditions, as may be fixed by the Governor  
 in Council on the report of the Minister of the Interior.

#### TOWN PLOTS, ETC.

**25.** The Minister of the Interior shall have power to Minister may  
 withdraw from sale or homestead entry any tract or tracts reserve tracts  
 of land, and to lay the same out into town or village lots, for town  
 the lots so laid out to be sold, either by private sale and for plots, &c.  
 such price as he may see fit, or at public auction—an upset  
 price being fixed for the same;

2. When the lands withdrawn from sale or homestead And arrange  
 entry, to be laid out into town or village lots, are adjacent with any rail-  
 to lands to which any railway company is entitled, the way company  
 Minister of the Interior may arrange with such Company that as to sale of  
 the lands so withdrawn, and such lands of the Company in such lands.  
 the town or village as may be agreed upon, shall be sold on  
 joint account and on such terms as may appear just and  
 equitable, and the lands so withdrawn may be granted to  
 the Company or to such person as the Government and the  
 Company shall agree upon for the purposes of such sale. A  
 deed from the grantee to the purchaser of any lands so with- Conveyance  
 drawn and sold, shall give the latter a good and valid title, from grantee.  
 free from all charges, incumbrances and trusts not expressed  
 in the deed of conveyance executed by the grantee.

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

## HOMESTEAD RIGHTS.

Entry for homestead rights: area limited.

27. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall, on making application in the form A in the schedule to this Act, be entitled to obtain homestead entry for any quantity of land not exceeding one quarter section, and being of the class of land open, under the provisions of this Act, to homestead entry;

Pre-emption entry therewith.

2. Such person shall also, in connection with such homestead entry, be entitled to the privilege of obtaining at the same time, but not at a later date, a pre-emption entry for an adjoining unoccupied quarter-section or part of a quarter-section of land of the said class;

Effect of such homestead and pre-emption entry.

3. The entry for a homestead and for its attached pre-emption, if any, shall entitle the recipient to take, occupy and cultivate the land entered for, and hold possession of the same to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed on the said land; the title to the land shall remain in the Crown until the issue of the patent therefor, and the said land shall not be liable to be taken in execution before the issue of patent;

Exemption from execution.

To apply only to agricultural and surveyed lands.

4. The privilege of homestead and pre-emption entry shall only apply to surveyed agricultural lands; no person shall be entitled to such entry for land valuable for its timber, or for hay land, or for land on which there is a stone or marble quarry, or coal or other mineral having commercial value, or whereon there is any water power which may serve to drive machinery, or for land which by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station, it will be in the public interest to withhold from such entry.

As to rights of persons having settled on lands before survey

28 Whenever the survey of any township has been finally confirmed and such township opened for homestead entry, any person who has *bonâ fide* settled and made improvements before such confirmed survey on land in such township, shall have a prior right to obtain homestead entry for the land so settled on, provided such right be exercised within three months after the land is open for settlement; and provided that such land has not been reserved or the right to homestead entry is not excepted under the provisions of this Act. No homestead entry shall be granted to any other person in respect of such land until three months after notice in writing shall have been given by the Local Agent to such *bonâ fide* settler that such land is open for settlement.

Proviso.

As to homestead entry thereafter.

29. To obtain homestead entry it shall be necessary for the person applying therefor to appear and make affidavit before the Local Agent according to form B, C, D, or E, in the schedule to this Act, as the circumstances of the case require. Upon filing such affidavit with the Local Agent, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the Local Agent according to the form F in the schedule to this Act; and such receipt shall be a certificate of entry, and shall be authority to the person obtaining it, to go into possession of the land described in it;

*Affidavit to be made by applicant for homestead entry.*

*Fee.*

2. If a person obtaining homestead entry applies for and obtains at the same time a pre-emption entry, he shall pay to the Local Agent a further office fee of ten dollars, and shall receive therefor from him a receipt in like form, and having like effect to that prescribed for homestead entry;

*Further fee on pre-emption entry.*

3. Provided, that in the case of intending immigrants or other persons proposing to settle together, the Minister of the Interior or the Land Board, on requisition signed by them, may authorize any person they name to obtain homestead and pre-emption entries for them, before their arrival in the territory in which the land they desire to occupy is situate;

*As to immigrants or others intending to settle together.*

4. The person so authorized shall, to obtain such entries, make application in the form G in the schedule to this Act on behalf of each of those whom he represents, and shall make affidavit before the Local Agent according to form H, J, K, or L, in the schedule to this Act, as the circumstances require, and pay for each homestead and for each pre-emption entry, the office fee of ten dollars hereinbefore prescribed for such entry;

*Application in such case.*

*Fees.*

5. Persons occupying land owned by them may obtain homestead entry, or homestead and pre-emption entry, as the case may be, for any contiguous lands open for such entry; but the whole extent of land so entered shall not exceed one quarter section as a homestead, or two quarter sections as a homestead and a pre-emption, as the case may be;

*As to entry by occupants of contiguous lands. Clause 1, Art. 1, Sec. 25.*

6. A person applying for such entry for contiguous land must, when making the affidavit prescribed for homestead entry, also describe therein the tract he owns and lives upon; and his residence upon and cultivation of the whole shall thereafter be of the kind and for the term required by the provisions of this Act in the case of ordinary homestead entry, before he shall be entitled to patent for the part so entered for: Provided that such residence and cultivation may be upon and of either the land originally occupied by him, or that for which homestead entry has been obtained, or both.

*Affidavit in case of application by owner of contiguous land.*

*Proviso: as to residence, &c.*

Investigation in case of dispute between persons claiming entry for the same land.

**30.** In case a dispute arises between persons claiming the right to homestead entry for the same land, the Local Agent, or any person thereto authorized by the Minister of the Interior, shall make investigation and obtain evidence respecting the facts, and his report thereon, together with the evidence taken, shall be referred to the Minister of the Interior for decision, or to the Dominion Lands Board, Commissioner of Dominion Lands, or such other person as may be appointed by the Governor in Council to consider and decide in cases of such disputes ;

First settler entitled to entry, unless contrary to public interest.

2. Provided, that when two or more persons have settled upon and seek to obtain homestead entry for the same land, the one who settled first thereon, shall be entitled to such entry, if the land be of the class open to homestead entry, and if it be not in the opinion of the Minister of the Interior otherwise inexpedient, in the public interest, to entertain any application therefor ;

Provision in case contending parties have made valuable improvements.

3. Provided further, that where contending parties have made valuable improvements on the land in dispute, the Minister of the Interior, if the application to acquire the land by homestead entry is entertained by him, may order a division thereof, in such manner as shall preserve to each of them, as far as practicable, his improvements ; and the Minister may, at his discretion, direct that what the land so allotted to each of them may be deficient of a quarter-section shall be made up from unoccupied land adjoining if there be any such of the class open to homestead entry.

Delay for perfecting entry limited.

**31.** Any person who has obtained homestead entry shall be allowed a period of six months from its date within which to perfect the entry by taking, in his own person, possession of the land and beginning continuous residence thereon and cultivation thereof ; and if the entry be not perfected within that period, it shall be void, and the land shall be open to entry by another person, or to other disposition under this Act, by the Minister of the Interior ;

Proviso: as to entry obtained after 1st September.

2. Provided, that any person who has obtained entry on or before the first of September in any year, and whose term for perfecting the same expires before the first day of June following, shall be allowed an extension of time to the latter date within which to perfect his entry ;

Proviso: in case of immigrants from places out of N. A.

3. Provided further, that in the case of immigrants from elsewhere than the North American Continent, the Governor in Council may extend the time for the perfecting of entry, to twelve months from the date thereof.

Case of immigrants form-

**32.** In case a certain number of homestead settlers, embracing not less than twenty families, with a view to



greater convenience in the establishment of schools and churches, and to the attainment of social advantages of like character, ask to be allowed to settle together in a hamlet or village, the Minister of the Interior may, in his discretion; vary or dispense with the foregoing requirements as to residence, but not as to the cultivation of each separate quarter-section entered as a homestead.

**33.** At the expiration of three years from the date of his perfecting his homestead entry, the settler, or in case of his death, his legal representatives, upon proving to the satisfaction of the Local Agent, that he, or they, or some of them have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent for the land, provided such proof is accepted by the Commissioner of Dominion Lands, or the Land Board; Provided also, that the patent therefor shall not issue to any person not then a subject of Her Majesty by birth or naturalization;

When and on what conditions a settler may obtain his patent.

Provide: must be subject of H. M.

2. Provided, that in the case of a settler who may have obtained homestead entry for land occupied by him previous to survey thereof, in manner hereinbefore mentioned, residence upon and cultivation of the land for the three years next preceding the application for patent, shall, for the purpose of the issue of patent, be held equivalent to that prescribed in the foregoing sub-clause, if such residence and cultivation be otherwise in conformity with the provisions of this Act;

Case of settler obtaining entry before survey.

3.-Any person proving that he has resided on the land for which he has homestead entry, for twelve months from the date of his perfecting his entry therefor, and that he has brought under cultivation at least thirty acres thereof, may, before the expiration of the three years defined in sub-clause one, of this clause, obtain a patent by paying the Government price at the time for the land;

Or: residing 12 months and performing other duties before end of three years.

4. Proof of the residence, erection of a habitable house and cultivation required by this clause, shall be made by the claimant by affidavit and shall be corroborated by the evidence on oath of two disinterested witnesses, resident in the vicinity of the land affected by their evidence, and accepted as sufficient by the Commissioner of Dominion Lands or the Land Board: such affidavit shall be sworn and such testimony given before the Local Agent or some other person named for that purpose by the Minister of the Interior;

How proof of compliance with conditions is to be made. Clause 3, 47 Vic., Cap. 25.

5. And if, in connection with the homestead entry, the settler has heretofore obtained, or hereafter obtains, a pre-emption entry in accordance with the provisions of this Act, he shall, on becoming entitled to a patent for his homestead, be also entitled to a patent for the land in-

Right of settler who has also obtained pre-emption entry and pays the price.

Proviso.

cluded in such pre-emption entry, on payment of the price fixed in accordance with the provisions of this Act by the Governor in Council; but such pre-emption right, if not exercised and payment made within six months after the settler shall have become entitled to claim a patent under his homestead entry, shall be forfeited, and such pre-emption shall not thereafter be open to homestead entry without the consent of the Minister of the Interior;

Other conditions on which a patent may be obtained.

6. In addition to the cases hereinbefore mentioned, any person claiming a patent for a homestead, or for a homestead and pre-emption, shall be entitled thereto upon proving that he has erected upon his homestead a habitable house and has *bonâ fide* resided therein for not less than three months next prior to the date of his application for his patent; that for the period between the time within which, by clause thirty-one of this Act, it is provided that a homesteader shall perfect his entry, and the commencement of his said three months' residence upon his homestead, he has been *bonâ fide* resident within a radius of two miles from his homestead quarter section; that within the first year after the date of his homestead entry he had broken and prepared for crop not less than ten acres of his homestead quarter section; that within the second year he had cropped the said ten acres and broken and prepared for crop not less than fifteen acres additional—making not less than twenty-five acres; and that within the third year after the date of his homestead entry, he had cropped the said twenty-five acres and broken and prepared for crop not less than fifteen acres additional, making in all not less than twenty-five acres of the said homestead cropped, and fifteen acres additional thereof broken and prepared for crop, within three years of the date of perfecting his homestead entry; and the residence described in this sub-clause shall be sufficiently fulfilled if the applicant has not been absent from his residence for more than six months in any one year.

Construction of and residence in a house; residence with relations; and cropping and breaking land on homestead. Clause 2, 47. Vic, Cap. 25.

Forfeiture of right by non-residence.

31. In case it is proved to the satisfaction of the Minister of the Interior that a settler has not resided upon and cultivated his homestead, except as herein provided for, at least six months in any one year, the right to the land shall be forfeited, and the entry therefor shall be cancelled; and the settler so forfeiting his entry shall not be eligible to obtain another entry except in special cases in the discretion of the Minister of the Interior;

Proviso: in case of sickness, &c.

2. Provided, that in cases of illness, vouched for by sufficient evidence, or in the cases of immigrants requiring to return to their native land to bring out their families to their homesteads, or in other special cases, the Minister of the Interior may, in his discretion, grant an extension of time, during which a settler may be absent from his homestead, without prejudice to his right therein; but the time so granted shall not count as residence.

**35.** A homestead, the entry of which has been cancelled, may, at the discretion of the Minister, be held for sale of the land with the improvements, if any—or of the improvements only, in connection with homestead entry thereof—to another person.

Sale of homestead of which entry is cancelled.

**36.** Any assignment or transfer of homestead or pre-emption right or any part thereof, and any agreement to assign or transfer any homestead or pre-emption right or any part thereof after patent, which shall have been obtained, made or entered into before the issue of the patent, shall be null and void; and the person so assigning or transferring or making an agreement to assign or transfer, shall forfeit his homestead and pre-emption right, and shall not be permitted to make another homestead entry: Provided, that a person whose homestead or homestead and pre-emption may have been recommended for patent by the Local Agent and who has received from such Agent a certificate to that effect in the form M, in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, may legally dispose of and convey, assign or transfer his right and title therein.

Assignments before patent to be void.

Forfeiture.

Proviso: in case of recommendation for patent by Local Agent.

**37.** Any person who has obtained a homestead patent after three years' residence, or a certificate countersigned by the Commissioner of Dominion Lands, as in the next preceding clause mentioned, with the additional statement that there has been three years' residence, may obtain another homestead and pre-emption entry.

Condition on which a patentee may obtain another homestead entry.

**38.** If any person or persons thereunto authorized by the Minister of the Interior place immigrants as settlers on homestead lands in Manitoba or the North-West Territories, free of expense to the Government, the Governor in Council may order that the expenses, or any part thereof, incurred by such person or persons, for the passage money or subsistence in bringing out an immigrant, or for aid in erecting buildings on his homestead, or in providing horses, cattle, farm implements or seed grain for him, may, if so agreed upon by the parties, be made a charge upon the homestead of such immigrant; and in such case the claim for expense incurred on behalf of such immigrant, as above, together with interest thereon, must be satisfied before a patent or certificate for patent shall issue for the land; Provided as follows:—

Governor in Council may order advances to immigrants for certain purposes to be a lien upon their homesteads.

Proviso.

(a) That the sum or sums charged for the passage money and subsistence of such immigrant shall not be in excess of the actual cost of the same, as proved to the satisfaction of the Minister of the Interior;

Conditions on which such lien may be allowed.

(b) That an acknowledgment by such immigrant of the debt so incurred shall have been filed in the office of the Local Agent;

(c) That in no case shall the charge against such homestead for principal moneys advanced exceed in amount the sum of five hundred dollars ;

(d) That no greater rate of interest than six per cent. per annum shall be charged on the debt so incurred by such immigrant ;

Provision in case the immigrant forfeits his right to the homestead.

His right to pass to the party making the advance.

Provision when right to patent has been acquired.

2. If an immigrant to whom an advance has been made, as in this clause provided, and by whom or for whom a homestead entry, or homestead and pre-emption entries, has been obtained, forfeits such entry or entries under the provisions of this Act, the Minister of the Interior may, in his discretion, treat the person by whom such advance was made as if he were the person who had obtained such entry or entries, or his legal representative, and as if, up to the time of his being so treated, no forfeiture of the entry had taken place ; and if, under like circumstances, the immigrant by or for whom a homestead entry or homestead and pre-emption entries has been obtained, has acquired a right to receive a patent for the land forming the subject of such entry or entries after three years' residence, and does not apply for the issue of the same, the person or persons by whom the advance was made may obtain such patent or certificate for patent in the name of the person so entitled to obtain the same, or of his legal representatives, and thereupon the advance made shall be a statutory mortgage on such homestead.

#### DISCONTINUANCE OF PRE-EMPTIONS.

Pre-emption to be discontinued after 1887.  
Clause 4, 47  
Vic., Cap. 25.

39. The privilege of pre-emption in connection with a homestead entry shall be discontinued from and after the first day of January, A.D. 1887.

#### GRAZING LANDS.

Special provisions as to lease of grazing lands.

Condition for cancellation of lease.

40. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons, for such term of years and at such rent in each case, as may be deemed expedient ; and every such lease shall contain a condition by which the Governor in Council may authorize the Minister of the Interior, at any time during the term of the lease, to give the lessee notice of cancellation thereof ; and, at the end of two years from the service of such notice, such lease shall cease and determine.

#### HAY LANDS.

Leases of hay lands.

41. A settler in the vicinity of unoccupied hay lands may obtain a lease, for an area thereof not exceeding a quar-

ter quarter section, or forty acres, for such term and at such rent as the Minister of the Interior may deem expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land. In the case of either, the lessee shall be paid by the purchaser or settler for fencing, or other improvement made, such sum as the Local Agent may fix; and the lessee shall be allowed to remove any hay he may have cut.

Proviso.  
In case of sale or settlement.

#### MINING AND MINING LANDS.

42. Lands containing coal or other minerals, whether in surveyed or unsurveyed territory, shall not be subject to the provisions of this Act respecting sale or homestead entry, but shall be disposed of in such manner and on such terms and conditions as may, from time to time, be fixed by the Governor in Council, by regulations to be made in that behalf.

Mineral and coal lands to be disposed of under Order in Council

43. It is hereby declared that no grant from the Crown of lands in freehold or for any less estate has operated or will operate as a conveyance of the gold or silver mines therein, unless the same are expressly conveyed in such grant.

Gold or silver mines not to pass by grant containing them.

44. Any discoverer of minerals upon surveyed or unsurveyed lands, or his assigns and associates, who had applied for a grant of such lands before the passing of the Act forty-third Victoria, chapter twenty-six, shall be held to have the same rights as if that Act had not been passed.

Rights of discoverer of minerals.

#### TIMBER AND TIMBER LANDS.

##### WOOD FOR SETTLERS.

45. Whereas it is expedient that the timber in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers, it is therefore enacted as follows:—

Recital

1. The Minister of the Interior may direct that in the subdivision of townships which consist partly of prairie and partly of timber land, the timber lands shall be divided into wood lots of not less than ten, and not more than twenty acres each, in such manner as to afford, as far as practicable, one such wood lot to each quarter-section prairie farm;

Minister may set apart land for wood lots.

2. Provided, that if a quarter section be found to contain timber land not exceeding in extent twenty-five acres, such timber land shall be appurtenant to such quarter-section and shall not be divided into wood lots;

Proviso: as to quarter sections having wood on them.

**Assignment of wood lot to each homestead.** 3. Out of any wood lots set apart under sub-clause one of this clause, the Local Agent shall, on application, apportion a wood lot to each settler on a homestead quarter section not having on it more than ten acres of wood land; and such wood lot shall be paid for by the applicant at the price for wood lots fixed at the time by the Minister of the Interior, and shall be entered in the books of the Local Agent, and be given by him, in his returns, as appertaining to such homestead quarter-section; and on the homestead claimant fulfilling all the requirements of this Act in that behalf, but not otherwise, a patent shall issue to him for such wood lot: Provided always, that any person to whom a wood lot was apportioned, in connection with a homestead under the provisions of sub-clause five of clause forty-six of "*The Dominion Lands Act of 1872*," having duly fulfilled the conditions of such homestead grant, shall receive a patent for such wood lot as a free grant, as provided in the said sub-clause, notwithstanding the repeal of the said sub-clause by the Act thirty-seventh Victoria, chapter nineteen: Provided further, that the cancellation of a homestead entry shall carry with it the cancellation of the entry of the wood lot which may have been apportioned thereto, and also the forfeiture of the purchase money of such wood lot;

**Prices to be paid by settler.**

**Proviso for free grants in certain cases.**

**Proviso: if homestead entry is cancelled.**

**Proviso: against sale of timber to saw-mills, &c. before patent.** 4 Provided, that any holder of a homestead entry, who previously to the issue of the patent, shall sell any of the timber on either his homestead or pre-emption quarter section, or on the appurtenant wood lot, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission to do so from the Minister of the Interior, 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 not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment, at the discretion of the Court; and further, such person shall forfeit his homestead and pre-emption rights, and the timber so sold shall be subject to seizure and confiscation in the manner provided by clause sixty-four of this Act.

**Punishment for so doing.**

#### TIMBER BERTHS.

**"Timber" defined.** 46 In the enactments and provisions in the twenty-three next following clauses, the word "*timber*" means all wood products thereof.

**Timber districts.** 47. The Governor in Council may, from time to time, declare districts of territory to be timber districts, and no lease of a timber berth shall be granted except within timber districts so set apart.

**Division of such districts** 48. The Minister of the Interior may set apart any tract of land in any timber district, and may cause the same to be

divided into timber berths not exceeding in area fifty square miles each; and the same shall be reserved from sale and settlement; and, under such regulations as may be made by the Governor in Council respecting the ground rents, royalties, or other dues which are to be paid in connection therewith, leases of the right to cut timber on such berths may be granted as hereinafter provided.

into timber berths by Minister.

Regulations respecting grant of such berths.

49. The Governor in Council may, from time to time, order that leases of the right to cut timber on certain timber berths defined in the Order shall be offered at public auction at an upset bonus fixed by the Order, and given to the person bidding, in each case, the highest bonus therefor—such bonus to be paid in cash at the time of sale. The Governor in Council may also authorize the lease of the right to cut timber on any timber berth to any person who is the sole applicant for it—the bonus to be paid by such applicant to be fixed in the Order authorizing the lease to him, and to be paid in cash at the time of its issue;

Sale of leases of such berths; conditions thereof.

2. When one or more persons apply for the right to cut timber upon the same berth, the Governor in Council may authorize the Minister of the Interior to invite tenders from the applicants, or the public; and the person tendering the highest cash bonus therefor shall be entitled to the lease.

When there is more than one applicant for a berth.

50. Leases of timber berths shall be for a term not exceeding one year, and the lessee of a timber berth shall not be held to have any claim whatever to a renewal of his lease unless such renewal is provided for in the Order in Council authorizing it, or embodied in the conditions of sale or tender, as the case may be, under which it was obtained;

Duration of leases; and as to renewal.

2. Renewal of a lease shall not be given in any case where the lessee has failed to pay any ground rent, royalty, or other dues in connection therewith.

No renewal in certain cases.

51. The lease shall describe the lands upon which the timber may be cut, and shall, during its continuance, vest in the lessee all right of property whatsoever in all trees, timber, wood or other products of wood, cut within the limits of the leasehold, whether such trees, timber and wood or products be cut by his authority or by any person 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, and to prosecute all persons cutting timber in trespass upon his lease, 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.

Form and effect of lease.

Rights of lessee in the timber, and enforcement thereof.

Further conditions of lease.

**5.** The lease shall contain, in addition to such other provisions as may be in the Order in Council granting it, or in the conditions of sale or tender under which it was obtained, provisions binding the lessee,—

Erection of saw-mills, &c

1. To erect in connection with the berth leased, and to have in operation within a time prescribed in the lease, a saw mill or mills of capacity to cut in twenty-four hours a thousand feet, board measure, for every two and a-half square miles of the area leased; or to establish such other manufactory of wood goods as may be accepted by the Minister of the Interior as equivalent thereto;

Payment of ground rent and royalty

2. To pay in advance, in addition to the bonus, an annual ground rent of five dollars per square mile, and further, to pay in cash, at each time of his making the return prescribed in sub-clause four of this clause, a royalty of five per cent. on his sales of the products of the berth, as shown by such return;

Accounts to be kept

3. To keep correct books of account of his business, and to submit the same for the inspection of any authorized agent of the Minister of the Interior, whenever required;

Returns to be made at stated periods

4. To make monthly, or at such other interval of time as they may be required of him, by regulations under this Act, or by the Minister of the Interior, returns sworn to by him or by his agent or employee cognizant of the facts, declaring the quantities taken from the berth, and those sold, of all timber or products of wood, in whatever form the same may be sold or otherwise disposed of by him during such month or other period, and the amount received by him therefor;

Preventing waste.

5. To prevent any unnecessary waste of timber in the process of cutting it, and to prevent, when it can be avoided, the destruction of growing trees which have not yet attained a size fitting them to be used for merchantable timber;

Precautions against fire.

6. To exercise strict and constant supervision to prevent the origin and spread of fire.

As to cases of error in survey, &c.

**53.** If, in consequence of any incorrectness in survey, or other error or cause whatsoever, a lease is found to comprise lands included in another lease of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under this Act, the later lease shall be void in so far as it interferes with any previous lease, sale, grant or setting apart.

Reservation of right of Government as to coal and minerals.

**54.** Every lease of a timber berth shall be subject to the right of the Government to deal, in accordance with the provisions of this Act and regulations made under it by the



Governor in Council, with any and all coal and other minerals which may be found within the limits of the berth leased ; and the Government shall have the right in dealing, as above provided, with any coal or other minerals in lands leased as timber limits, to authorize the persons to whom such coal or other minerals may be granted, to take possession of and occupy such extent of the land so leased as may be necessary to work such coal or other minerals, and to open necessary roads through any such timber berth—paying the lessee of the berth the value of any and all timber necessarily cut in making such roads or in working the mines ; and the provisions of this clause shall operate retrospectively ; that is to say, they shall apply to all leases of timber berths heretofore granted under any Act respecting Dominion lands, as if they had been contained in such Act when it was passed.

And for roads to the same.

Retroactive effect of this clause.

**55.** Every 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 Minister of the Interior 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 Minister of the Interior, 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 by this Act provided.

Forfeiture of lease for infraction of conditions.

Proviso.

**56.** Any ground rent, royalty, or other dues, on timber cut within the limits of any timber berth, which are not paid at the time when they become due, shall bear interest at the rate of six per cent. per annum until paid, and shall be a lien on any timber cut within such limits ; and in case of such non-payment—whether, in consequence, the lease of the berth has or has not been cancelled—the Crown timber agent or other person authorized thereto may, with the sanction of the Minister of the Interior, seize so much of the timber cut on such berth as will, in his opinion, be sufficient to secure the payment of such rent or royalty, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof ; and if payment be not made within three months after such seizure, he may, with the sanction of the Minister of the Interior, 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, if the timber was in his possession at the time of seizure, or if it was not so, to the person who had possession thereof at that time.

Lien of the Crown for dues, and enforcement thereof.

Seizure and sale of timber.

**57.** All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as, and whereso-

Timber liable for dues

whenever  
found.

ever the said timber, or any part of it, may be found, whether it be, or be not, converted into deals, boards or any other manufacture of wood; 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 it be found, until the dues thereon are paid or secured as provided in the next preceding clause.

Enforcement  
of payment in  
case of re-  
moval out of  
Canada.

**58.** 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 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 any timber berth by the lessee or by his authority, and may be levied and collected or secured on such timber, together with such last-mentioned dues, in the manner provided by clause fifty-six; or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law in the name of the Minister of the Interior, or his agent, in any court having jurisdiction in civil cases to the amount.

Bonds or notes  
may be taken  
without  
affecting lien.

**59.** The Minister of the Interior may take, or authorize the taking of bonds or promissory notes for any money due to the Crown, as aforesaid, or in his discretion, for double the amount of any dues, fines and penalties and costs incurred or to be incurred, and may, if it be under seizure, then release any timber upon which the same would be leviable; but the taking of such bonds or notes shall not affect the right of the Crown to enforce payment of such money, and the debt shall be a lien on any timber cut on the same or any other berth, by the lessee or by his authority, if the sums for which such bonds or notes are given are not paid when due.

#### LIABILITY OF PERSONS CUTTING TIMBER WITHOUT AUTHORITY

Penalty for  
cutting tim-  
ber without  
authority on  
Dominion  
lands.

**60.** 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 Dominion lands, 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, he shall not acquire any right to such timber, 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 it, he shall, in addition to the loss of his labor and disbursements, pay a fine not exceeding three dollars for each tree which, or any part of which, he is proved to have cut or carried away, or assisted to cut or carry away; and such

Additional  
penalty for  
removal out  
of reach of  
officers.

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 cases the burden of proof of 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.

**61.** 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, 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 any such lands, he 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 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, at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber so cut without authority, from the other timber, the whole shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until the holder shall have separated, to the satisfaction of the Crown Timber Agent, the one timber from the other.

**62.** Whenever any Crown Timber Agent, or other officer or agent of the Minister of the Interior, 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 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 Minister of the Interior, or of such Crown 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 paid, according to the circumstances of the case; and the dues thereon may be recovered as provided in the fifty-sixth clause.

Burden of proof, &c.

Seizure of timber on affidavit before a J.P.

Provision if the timber has been mixed with other timber.

In absence of satisfactory explanation timber may be seized as cut without authority.

Recovery of dues.

Release of timber on security being given.

**63.** In case any timber, 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, in his discretion, for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon, as the case may be.

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

**61.** All timber seized under this Act on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the owner thereof, or the person for whom it was seized, 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 intends to contest the seizure. If, within fifteen days thereafter, 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 Minister of the Interior, after notice on the spot of at least thirty days: Provided nevertheless, that the Minister of the Interior, should he see cause for doing so, may, instead of confiscating timber cut without authority on Dominion lands, impose a fine or penalty which, in addition to all costs incurred, shall be levied on such timber; and, in default of payment of the whole on demand, he may, after a notice of fifteen days, sell such timber by public auction, and may, at his discretion, retain the whole proceeds of such sale, or the amount of penalty and costs only.

Confiscation and sale in case of default to contest seizure.

Proviso Minister may impose a fine instead of confiscation in certain cases, &c.  
Sale in default of payment.

Burden of proof to be on the claimant.

**65.** And whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is instituted for any penalty or forfeiture under this Act, and any 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 of proving 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 same, or the party instituting such prosecution.

Officer seizing may call in assistance.

**63.** An 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.

**67.** 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 or 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, the property of the Crown, and to be guilty of felony, and, being convicted thereof, shall be punishable accordingly.

Carrying away timber seized, to be felony.

#### SLIDES, ETC.

**68.** 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 previously constructed on such land, or on any stream passing through or along it, for the purpose of facilitating the descent of timber or saw-logs, 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;

Right to slides &c, not to pass by sales or grants of land unless expressly mentioned.

**2.** The free use of slides, dams, piers, booms or other works on 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 lands made subsequent to the construction of such works.

Free use of slides, &c, not affected.

**69.** The free use, for the floating of saw-logs or other timber, of all streams and lakes that may be necessary for the descent thereof from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or along the land on either side, and whenever 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, as owing to natural obstacles, may be necessary for taking out timber 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.

Free use of streams and lakes and access thereto not affected.

Clause 5, 47.  
Vic., Cap. 25.  
Preservation  
of forest trees  
and mainte-  
nance of rain-  
fall under  
regulations  
by O.C.

Forest parks.

Returns to  
Parliament.

Penalty for  
destroying  
trees.

Summary  
proceedings  
under 32-33  
V., c. 31.

**69a.** The Governor in Council may, from time to time, for the preservation of forest trees on the crests and slopes of the Rocky Mountains, and for the proper maintenance throughout the year of the volume of water in the rivers and streams which have their sources in such mountains and traverse the North-West Territories, reserve from sale, lease or license, such portions of the land in the North-West Territories, on, adjacent to, or in the vicinity of the Rocky Mountains, as to him appears expedient so to reserve, and may define the limits or boundaries of such reserves; and may set aside and appropriate such lands for a forest park, or forest parks, as he deems expedient, and may appoint officers for the preservation of such reserves and forest parks;

2. Statements showing such reserves and appropriations, with the necessary maps, shall be laid before Parliament within fifteen days after the commencement of the Session next after such reserves or appropriations have been made;

3. Whoever wilfully cuts down, breaks, barks, roots up, removes or destroys, or causes to be cut down, broken, barked, rooted up, removed or destroyed—any tree, sapling, shrub, underwood or timber, growing in and upon any such reserve or forest park shall, for every such offence, incur a penalty not exceeding one hundred dollars, and not less than ten dollars, to be recovered, with costs of prosecution, in a summary manner, before a Stipendiary Magistrate, Commissioner of Police, or any two Justices of the Peace, under the provisions of the Act passed in the thirty-second and thirty-third years of the reign of Her present Majesty, chaptered thirty-one, and intituled: "*An Act respecting the duties of Justices of the Peace out of sessions in relation to summary convictions and orders,*" and in default of immediate payment of the said penalty, and of the costs of prosecution, the offender may be imprisoned for any period of time not exceeding three months.

## PATENTS.

Deputy  
Governor  
for signing  
patents.

**70.** A Deputy Governor may be appointed by the Governor General, who shall have the power, in the absence of or under instructions of the Governor General, to sign letters patent 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;

Patents and  
leases, &c., to  
be prepared in  
Department  
of Interior.

2. Every patent for land shall be prepared in the Department of the Interior, and shall be signed by the Minister of the Interior or his Deputy, or by some other person thereunto specially authorized by order of the Governor General in Council, and when so signed shall be registered

by an officer specially appointed for that purpose by the Registrar-General, and then transmitted to the Secretary of State of Canada, by whom, or by the Under Secretary of State, the same shall be countersigned, and the great seal of Canada thereto caused to be affixed : Provided, that every patent for land shall be signed by the Governor or Deputy Governor, as hereinbefore provided.

To be signed  
by Governor  
or Deputy.

**71.** Whenever, through error in survey or in the books or plans of a Dominion Lands Office, any grant of land is found to be deficient, the Minister of the Interior may order a free grant equal in value, at the time such land was granted or sold, to the ascertained deficiency ; or he may order the purchase money of so much land as is deficient, with interest thereon at the rate of six per centum per annum, from the time of the purchase thereof, to be paid back to the purchaser : but no claim respecting any such deficiency shall be entertained unless it be made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described in the patent as being contained in the lot or parcel of land granted.

Remedy in  
case of  
deficiency of  
quantity men-  
tioned in  
patent.

Limitation of  
time for  
claim.

**72.** Whenever a patent has been issued to, or in the name of, a 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 Minister of the Interior may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead— which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent.

Patent issued  
in error may  
be cancelled.

**73.** In all cases in which, through error, grants or letters patent have issued for the same land, inconsistent with each other, and in all cases of sales or appropriations of the same land inconsistent with each other, the Minister of the Interior may order a new grant to the person thereby deprived, of land of value equal to that of the original grant, at the time the same was granted, or may, in case 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 Minister of the Interior may assign land, or grant such amount of scrip for the purchase of Dominion lands, as to him may seem just and equitable under the circumstances ; but no claim under this clause shall be entertained unless it is preferred within one year after the discovery of the error.

Remedy in  
case of grants  
or patents in-  
consistent  
with each  
other.

Limitation of  
time for  
claim.

**74.** In all cases wherein patents, leases or other instruments respecting lands have issued through fraud or in

Provision in  
case of pa-  
tents issued

through  
fraud, &c.

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, lease or other instrument, to be void; and upon the registry of such decree in the office of the Registrar-General of Canada, such patent, lease or other instrument shall be void.

Avoidance on  
registry of  
decree.

Remedy in  
case of refusal  
to deliver up  
possession of  
forfeited land,  
or to vacate  
land wrong-  
fully held.

**75.** 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 Minister of the Interior 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 is situate, 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, or is wrongfully in possession of such person, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Minister of the Interior or to the 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 a petitory action.

Order to  
sheriff to give  
possession.

#### ASSIGNMENTS.

Assignments  
of Dominion  
lands to be  
registered.

**76.** The Minister of the Interior shall cause to be kept in his Department books for registering, at the option of the parties interested, assignments of any right to Dominion lands which is 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 assignment unregistered or subsequently registered: 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 Minister of the Interior, before the assignment is registered.

Condition of  
registration.

Patent to  
legal rep-  
resentative of  
party dying  
entitled  
thereto.

**77.** On any application for a patent by the legal representative of a person who died entitled to such patent, the Minister of the Interior may receive proof of the facts 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.



## TOWNSHIP PLANS AND PATENT LISTS.

**78.** The Minister of the Interior shall transmit to the Registrar of every county and registration district or division in Manitoba and the North-West Territories, as early as possible in each year, a certified copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a certified list of the lands in such county, district or division, patented during such year.

Minister to transmit certain information to Registrars.

## LAND SCRIP.

**79.** Whereas by the fifth sub-clause of the thirty-second clause of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay, held and enjoyed by the settlers in the Province of Manitoba, may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land, is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, the Orders of the Governor in Council, dated respectively the sixth day of September, one thousand eight hundred and seventy-three, and the seventeenth day of April, one thousand eight hundred and seventy-four, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed.

Certain Orders in Council authorizing issue of scrip for land-rights confirmed.

**80.** The Governor in Council may, if deemed by him expedient, satisfy any claim to grants of Dominion lands, respecting which no provision is otherwise made by law, by an issue of scrip redeemable only by its receipt in payment for such land.

Further authority to issue scrip.

## GENERAL PROVISIONS.

**81.** The following powers are hereby delegated to the Governor in Council:—

Powers delegated to Governor in Council as to—

(a.) To withdraw from the operation of this Act, subject to existing rights as defined or created under the same, such lands as have been or may be reserved for Indians, or such as may be required to satisfy half-breed claims created under clause thirty-one of the Act thirty-third Victoria, chapter three;

Lands reserved for Indians

(b.) To reserve from general sale and settlement, Dominion lands to such an extent as may be required to aid in the construction of railways in Manitoba or in the Territories owned by the Dominion, and to provide for the disposal of the

Land required for railways.

lands so reserved, notwithstanding anything contained in this Act, in such manner, at such price and on such terms as may be deemed expedient ;

Encourage-  
ment of drain-  
age, &c.

(c.) To encourage works undertaken with a view of draining and reclaiming swamp lands, by granting to the promoters of such works, remuneration in the way of grants of the lands so reclaimed or of such portions thereof as may be deemed fair and reasonable ;

Schools of  
instruction in  
agriculture.

(d.) To grant land—in no case, however, to exceed in extent one section and one half section—to any person or persons who will establish and keep in operation thereon, for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, having, during that period, an average attendance of thirty pupils, and otherwise meeting the approval of the Minister of the Interior ;

Claims  
arising out of  
Indian title.

(e.) To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba, previous to the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions as may be deemed expedient ;

Certain  
claims to  
lands outside  
of Manitoba,  
prior to 1st  
July, 1870.

(f.) To investigate and adjust claims preferred to Dominion land situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, eighteen hundred and seventy, and to grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to the said date, and, being by their own residence, or that of their servants, tenants or agents, or of those through whom they claim, in actual peaceable possession thereof at the said date, so much land in satisfaction of such claims, as may be considered fair and reasonable, but not exceeding in any case one quarter section, unless there has been cultivation of more than that area ;

Orders in  
Council for  
carrying out  
the provisions  
of this Act.

(g.) To make such orders as may be deemed necessary from time to time 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 in this Act ; and further to make and declare any regulations which may be considered necessary to give the provisions in this clause contained full effect ; and from time to time to alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead ;

Powers given  
to Governor  
in Council  
as to—  
Penalties.

(h.) To impose penalties not exceeding two hundred dollars or not exceeding three months' imprisonment for contravention of regulations under this Act ;

(i.) To provide that any statement or returns required to be made by such regulations, shall be verified on oath.

Returns on oath.  
Clause 6, 47  
Vic., Cap. 25.

2. Every order or regulation made by the Governor in Council, in virtue of the provisions of this clause, or of any other clause of this Act, shall, unless otherwise specially provided in this Act, have force and effect only after the same has been published for four successive weeks in the *Canada Gazette*; and all such orders or regulations shall be laid before both Houses of Parliament within the first fifteen days of the Session next after the date thereof.

Such orders must be published in *Canada Gazette*.

81a. The Governor in Council is hereby authorized, in aid of the construction of a railway from some point on the Canadian Pacific Railway to Hudson's Bay, to make a free grant of not more than six thousand four hundred acres for each mile of railway within Manitoba and not more than twelve thousand eight hundred acres for each mile in the North-West Territories.

Free grant of land for construction of railway to Hudson's Bay.  
Clause 7, 47  
Vic., Cap. 25.

82. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act, except as otherwise herein provided, may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any commissioner for taking affidavits, or Notary Public, or any Dominion Lands Agent or officer, or any person specially authorized to take such affidavits by this Act or by the Minister of the Interior.

Before whom affidavits, &c., may be made.

83. The Dominion Lands Board, the Commissioner of Dominion Lands, and the Inspector of Dominion Lands Agencies, and any person specially authorized to that effect by the Governor in Council, shall have power to summon, before them or him, any person by subpoena issued by them or him, to examine such person under oath and to compel the production of papers and writings before them or him, and—if any person duly summoned neglects or refuses to appear at the time—and place specified in the subpoena upon him legally served, or refuses to give evidence or to produce the papers or writings demanded of him—may, by warrant under their or his hands or hand, cause such person, so neglecting or refusing, to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a period not exceeding fourteen days.

Certain boards and officers may summon and examine persons on oath.

Punishment for contempt.

84. In any case where an affidavit or oath is required by this Act, a solemn affirmation may be administered to, 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.

"Oath" to include "solemn affirmation."

Entry receipt,  
&c., to give  
right to main-  
tain suits.

**85.** Every receipt or certificate of entry or sale issued by an agent of Dominion lands shall, unless such entry or sale shall have been revoked or cancelled by the Minister of the Interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrong doer or trespasser on the lands to which such receipt or certificate relates, as effectually as he could do under a patent of such land from the Crown.

#### PREVIOUS ORDERS IN COUNCIL.

Proceedings  
under certain  
Orders in  
Council con-  
firmed.

**86.** 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 the provision therein respecting pre-emption rights, which is hereby repealed and done away with (and 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: Provided, that this enactment shall in no way affect the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-eight.

Provido.

#### SURVEYS AND SURVEYORS.

##### WHO SHALL BE COMPETENT TO SURVEY DOMINION LANDS.

Qualifications  
required of  
Dominion  
Surveyors.

**87.** No person shall act as surveyor of Dominion lands unless he shall, before the fourteenth day of April, one thousand eight hundred and seventy-two, 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:

Official style.

2. Persons qualified under the said provisions shall be styled "*Dominion Land Surveyors*," or "*Dominion Topographical Surveyors*," as the case may be.

##### BOARD OF EXAMINERS.

Board to  
consist of  
Surveyor  
General and  
eight col-  
leagues.

Meetings.

**88.** There shall be a Board of Examiners for the examination of candidates for commissions as Dominion Land Surveyors, or as articulated pupils, to consist of the Surveyor-General and eight other competent persons to be appointed from time to time by Order in Council, and the meetings of the Board shall commence on the second Monday in the months of May and November in each year, and may be adjourned from time to time; and the place of meeting shall be at Ottawa, or at some place in Manitoba or the North-

West Territories, as the same shall, from time to time, be fixed by the Minister of the Interior, and made public by notice in the *Canada Gazette* ;

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

Members to be sworn.

3. 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.

4. Should it be found expedient, local Boards of Examiners may be established under Order in Council for the Provinces of Manitoba or British Columbia, or for the North-West Territories,—such Boards to consist of not less than three and not more than six members each, and to hold their meetings at such time and place as the Minister of the Interior may, from time to time, direct.

Local boards under Order in Council.

89. No person shall be admitted as an articulated pupil with any Dominion Land Surveyor unless he has previously passed an examination before the Board of Examiners, or before one of the members thereof, or before some surveyor deputed by the Board for the purpose, as to his ability to write English correctly, and also as to his knowledge of vulgar and decimal fractions, the extraction of the square and cube roots, the first three books of Euclid, the rules of plane trigonometry, the mensuration of superficies and the use of logarithms, and has obtained a certificate of such examination and of his proficiency from such Board, member or surveyor.

Examination for articles as pupils.

90. Applicants for such examination, previous to being articulated, shall give notice to the Secretary of the Board of their desire to present themselves for examination ; whereupon that officer shall instruct them accordingly as to the mode in which they must proceed.

Notice by applicants to secretary.

91. No pupil shall be entitled to be examined before the Board for admission as a Dominion Land Surveyor 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 O, duly executed before two witnesses, as pupil to a Dominion Land Surveyor, nor unless he shall produce a certificate from such surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety ;

Conditions precedent to examination for admission.

Alteration of form O when the pupil is an adult.

2. Provided always, that whenever the pupil of a Dominion Land Surveyor is, at the time of his entering into articles in writing, in compliance with the provisions of this clause, a person of full age, the said Form O may be altered to suit the case by leaving out so much as relates to the father or other person by whose consent and approbation the pupil enters into articles, by making the pupil himself take upon himself the obligation in the said form imposed on such father or other person, by stating that the consideration money has been paid by the pupil, and by otherwise so varying the form as to suit the circumstances of the case.

Transfer of a pupil.

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

Completion of term with another surveyor.

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

Duplicate of articles to be transmitted to Secretary.

94. Articled pupils must transmit to the Secretary of the Board, within three months of the date of their articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the same; and the said Secretary shall acknowledge the receipt of such papers, and shall carefully file and keep the same with the records of the Board.

As to admission of persons commissioned as surveyors of lands in any Province.

95. Any person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, shall have been duly qualified by certificate, diploma or commission, to survey lands in any Province of the Dominion, in which, in order to be so qualified, a course of study, including the subjects prescribed by clause ninety-nine of this Act, is required by the law of such Province, shall be entitled to obtain a commission as Dominion Land Surveyor without being subjected to any examination other than as regards the system of survey of Dominion lands: Provided, that it shall rest with the Board of Examiners to decide whether the qualifications required of a surveyor of Crown lands in such Province are sufficiently similar to those set forth in the said clause ninety-nine of this Act, to entitle him, under the foregoing provisions, to such commission: And provided further, that it must be shown that such Province has reciprocated the privilege hereby granted, by granting to Dominion Land Surveyors, on their application, and without subjecting them to an examination, except as regards a knowledge of the survey laws of such Province, diplomas, certificates or commissions, as the case may be, as surveyors of land within such Province;

Provide: Board to judge of requirements of qualification in such Province.

Provide for reciprocity as to such admission.

2. Land surveyors holding diplomas, certificates or commissions for Provinces of the Dominion in which the qualifications required by law for surveyors are not similar to those prescribed by this Act, must undergo examination by the Board, and satisfactorily pass the same, in order to obtain commissions as Dominion Land Surveyors.

Examination in certain cases.

96. 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 Dominion Land Surveyor, that such person has within the previous two years served for one year with him continuously engaged in surveying Dominion lands, and that he considers such person as in every way qualified to pass an examination for a commission as a Dominion Land Surveyor.

Surveyors in Her Majesty's dominions, other than Canada, may be admitted after one year's service.

97. 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 Dominion Land 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 thereupon 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 Dominion Land Surveyor.

Graduates of colleges may be examined after one year's service.

98. Every person desiring to be examined before the said Board shall give due notice thereof in writing to the Secretary at least one month previous to the meeting of the Board, enclosing with such notice the fee hereinafter prescribed.

Notice to Secretary.

Fee.

99. No person shall receive a commission from the said Board authorizing him to practise as a Dominion Land Surveyor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said Board on the following subjects: that is to say:—Euclid, first four books, and propositions first to twenty-first of the sixth book; plane trigonometry, so far as it includes solution of triangles; the use of logarithms; mensuration of superficies, including the calculation of the area of right-lined figures by latitude and departure, and the dividing or laying off land; a knowledge of the rules for the solution of spherical triangles, and of their use in the application to surveying of the following elementary problems of practical astronomy:—

Examination for admission as surveyor.

In mathematics.

1. To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star;

In practical astronomy.

2. To obtain the local time and the azimuth, from an observed altitude of the sun or a star;

3. From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter;

Surveying operations and use of instruments.

System of Dominion surveys.

Examination may be on oath as to practice.

Successful candidates to receive commissions and give security.

The oath.

Commission subject to above formalities.

Deposit of oaths.

Deposit of bond.

He must be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments, and must also be perfectly conversant with the system of survey as embodied in this Act, and with the manual of standing instructions and regulations published by the authority of the Minister of the Interior, from time to time, for the guidance of Dominion Land Surveyors.

**100.** The Board may examine any candidate on oath (which oath may be administered by any one of the examiners) as to his actual practice in the field, and with regard to his instruments.

**101.** Each person passing the examination prescribed by this Act shall receive a commission from the Board in accordance with Form P in the Schedule of this Act, constituting him a Dominion Land Surveyor, and 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,—any member of which is hereby empowered to administer the same:—

“ I, \_\_\_\_\_, do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties of a Dominion Land Surveyor according to law, without favor, affection or partiality. So help me God. ”

2. Until the above formalities shall have been gone through the said commission of Dominion Land Surveyor shall have no effect;

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

4. 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 of Canada.

**102.** Any person entitled to receive or already possessing a commission as Dominion Land Surveyor and having previously given the notice prescribed in clause ninety-eight of this Act, may be examined as to the knowledge he may possess of the following subjects relating to the higher surveying, qualifying him in addition to the performance of the duties declared by this Act to be within the competence of Dominion Land Surveyors, for the prosecution of extensive governing or topographic surveys or those of geographic exploration, that is to say :—

Voluntary examination in higher branches of study.

1. Algebra, including quadratic equations, series and calculation of logarithms; Mathematics.

2. The analytic deduction of formulas of plane and spherical trigonometry;

3. The plane co-ordinate geometry of the point, straight line, the circle and ellipse, transformation of co-ordinates, and the determination either geometrically or analytically, of the radius of curvature at any point in an ellipse;

4. Projections,—the theory of those usually employed in the delineation of spheric surfaces;

5. Method of trigonometric surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, having a regard to the effect of the figure of the earth;

6. The portion of the theory of practical astronomy relating to the determination of the geographic position of points on the earth's surface, and the directions of lines on the same, that is to say :— Practical astronomy.

Methods of determining latitude —

- a. By circum-meridian altitudes;
- b. By differences of meridional zenith distance, (Talcott's method);
- c. By transits across prime vertical;

Determination of azimuth—

- a. By extra meridional observations;
- b. By meridian transits;

Determination of time—

- a. By equal altitudes;
- b. By meridian transits;

## Determination of differences of longitude—

- a. By electric telegraph ;
- b. By moon culminations.

**Theory of instruments.** 7. The theory of the instruments used in connection with the foregoing, that is to say, the sextant or reflecting circle, altitude and azimuth instrument, astronomic transit, zenith-telescope and the management of chronometers ; also of the ordinary meteorological instruments, barometer, mercury and aneroid, thermometers, ordinary and self-registering, anemometer, and rain gauges,—and on his knowledge of the use of the same ;

**Mineralogy and geology.** 8. Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence ; the ores of the common metals and the classification of rocks ; and the geology of North America, so far as to be able to give an intelligent outline of the leading geological features of the Dominion.

**Designation of those passing such examination.** 103. Persons who pass the above mentioned examination in the higher branches of surveying, shall have the fact certified by the Board, and shall be designated Dominion Topographical Surveyors.

**Tariff of fees.** 104. The following fees shall be paid under the provisions of this Act :—

1. To the Secretary of the Board, by each pupil, on giving notice of his desire for examination preliminary to being articulated, one dollar ;

2. To the Secretary of the Board, as the fee due on such examination, ten dollars, and a further sum of two dollars for certificate ;

3. To the Secretary of the Board, by each pupil, at the time of transmitting to such Secretary the indentures or articles of such pupil, two dollars ;

4. To the Secretary of the Board, by each candidate for either the ordinary or the higher examination for a commission, with his notice thereof, two dollars ;

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

**Admission fee.** 6. To the Secretary of the Board, as an admission fee by any candidate receiving a commission, twenty dollars, which sum shall also cover the certificate by the Board in the case

of a candidate passing the higher examination; but such amount, as also the ten dollars required to be paid under sub-clause two of this clause, shall be paid to the Receiver-General, to the credit of Dominion lands.

**105.** 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 Minister of the Interior 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; and in the case of the examination of a pupil previous to being articulated, by a member of the Board, or by a surveyor deputed by the Board for such purpose, such member or such surveyor shall be paid five dollars for such examination.

Allowances to members of the Board of Examiners.

Proviso.

For special examination of a pupil.

**106.** The said Board may, in their discretion, suspend or dismiss from the practice of his profession, any Dominion Land or Topographical 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 surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint and on behalf of such surveyor.

Board may suspend or dismiss negligent or corrupt surveyor.

**107.** The Surveyor-General shall require every Dominion Land or Topographical Surveyor, in addition to the oath by this Act required to be administered to him on receiving his commission as such, to take and subscribe an oath, or make and subscribe an affirmation, on the return of his surveys of Dominion lands, that the same have been faithfully and correctly executed according to law and the instructions of the Surveyor-General; and if it is proved on satisfactory evidence before any court of competent jurisdiction that such surveys or any part thereof have not been so executed, the Surveyor taking such false oath or making such false affirmation shall be deemed guilty of perjury, and shall be punishable accordingly; and thereupon Her Majesty's Attorney-General for Canada shall, upon the application of the Surveyor-General, immediately institute a suit upon the bond of such surveyor, and the institution of such suit shall act as a lien on any property owned or held by such Surveyor, or his sureties, at the time the suit is instituted.

Surveyors to add to their returns of survey an affidavit of the faithful and correct execution thereof.

False statement to be perjury, and to create a lien on surveyor's property.

#### CHAIN BEARERS.

**108.** Every chain-bearer employed in the survey of Dominion lands shall, before he commences his chaining or

Chain-bearers to be sworn.

measuring, take an oath or affirmation that he will discharge such duty with exactness according to the best of his judgment and abilities, and render a true account of his chaining or measuring to the surveyor by whom he has been appointed to such duty; and every Dominion Land Surveyor is hereby authorized to administer such oath or affirmation.

#### STANDARD OF MEASURE.

Standard to be English measure of length.

**109.** The measure of length used in the surveys of Dominion lands shall be the English measure of length, and every Dominion Land Surveyor shall be in possession of a subsidiary standard thereof—which subsidiary standard, tested and stamped as correct by the Department of Inland Revenue, shall be furnished him by the said Department, on payment of a fee of three dollars therefor; and all Dominion Land 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.

Provision where the original mound or post is lost.

**110.** In all cases where a Dominion Land Surveyor is employed to run any dividing line or limit between sections or other legal sub-divisions, and the mound, post or monument erected, marked or planted in the original survey to define the corner of such section or other legal sub-division, 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 position of the same cannot be satisfactorily so ascertained, then he shall proceed as follows:—

If a township corner.

1. If the lost corner mound, post or monument, is that of a township corner, he shall report the circumstances of the case to the Surveyor-General, who will instruct him how to proceed;

If on one of the outlines of a township.

2. If the lost corner mound, post or monument is on one of the outlines of a township, he shall join, by a straight line, the nearest undisputed section or quarter-section corners on such outline, and divide such straight line into such number of sections or quarter-sections or other legal sub-divisions as the same contained in the original survey, giving to each an equal breadth;

Exception as to correction lines.

3. Except where in re-establishing the east or west boundary of a township, one of the nearest undisputed corners is on a correction line, in which case all quarter-sections are to be made exactly forty chains, and the deficiency or surplus, as the case may be, left in the quarter-section adjoining the correction line;

4. Except also where in re-establishing the north or south boundary of a township surveyed under the first system of survey, one of the nearest undisputed corners is the western corner of the township, in which case all quarter-sections are to be made exactly forty chains, and the deficiency or surplus, as the case may be, left in the western quarter-section ; Where a deficiency shall be left.
5. When the position of the township corner is also lost, it shall be re-established as aforesaid, previous to re-establishing the outline of the township ; Township corner to be re-established.
6. When the lost corner is in the interior of a township on the limit of a meridian road allowance, the surveyor shall connect the two nearest undisputed corners on such limit by a straight line, and divide the distance into such number of sections or other legal sub-divisions as the same contained in the original survey, giving to each an equal breadth ; Where the lost corner is in the interior of a township.
7. Except when one of the nearest undisputed corners is on a correction line, in which case he shall make each quarter-section exactly forty chains and leave the deficiency or surplus, as the case may be, in the quarter-section adjoining the correction line ; When nearest undisputed corner is on a correction line.
8. When the nearest undisputed corners on the said limit of a meridian road allowance are in different townships, the outline between such townships shall be re-established previous to re-establishing the meridian ; When nearest undisputed corners are in different townships.
9. When the lost corner is that of a quarter section on a line running east and west, the surveyor shall join, by a straight line, the opposite section corners on the meridians on each side, and give to each quarter-section an equal breadth ; When of a quarter section on a line running east and west.
10. Except where in townships surveyed under the first system of survey, the lost corner is in the western row of sections of a township, in which case the first quarter-section is to be made exactly forty chains, and the deficiency or surplus, as the case may be, left in the western quarter-section ; Exception.
11. When the position of one of the corners on the meridians is also lost, such meridian shall be re-established previous to re-establishing the east and west line ; When meridian shall be re-established.
12. In all cases where a surveyor erects, plants or places a mound, post or monument as aforesaid, to renew a lost or obliterated corner, he shall duly take into account any allowance for road or roads, and the corner, or division or limit so established shall be the true corner or division or limit of such section or other legal sub-division. Allowance for road to be considered.  
Effect of such survey.

## HOW LEGAL SUB-DIVISIONS ARE TO BE SURVEYED.

Method of proceeding in laying out a half or quarter section or other legal sub-division.

**111.** When, in the survey of legal sub-divisions, a Dominion Land Surveyor has to establish the division line between two sections, he shall effect this by connecting, by a straight line, the opposite original section corners, should these exist, and should they not, by similarly connecting the points established in renewal thereof, in accordance with the preceding clause, giving, in either case, the quarter-sections involved an equal breadth. In laying out a half or quarter-section he shall connect the opposite quarter-section posts by straight lines. In laying out other and minor legal sub-divisions he shall give to any such sub-division its proportionate share of frontage and interior breadth, and connect the resulting terminal points by a straight line. The lines or limits so drawn on the ground in the manner above prescribed shall, in the respective cases, be the true lines or limits of such section, half section or other legal sub-division, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands.

## TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

Dividing lines to be drawn from original corners.

**112.** The dividing lines or limits between legal sub-divisions, in fractional sections, shall be drawn from the original 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 the lot;

2. Northerly or southerly lines shall be drawn due north or due south;

3. Easterly or westerly lines shall be drawn at an angle with the meridian equal to the mean of the angles formed with the same meridian by the lines which are the northern and the southern boundaries respectively of the section.

## ORIGINAL BOUNDARY LINES.

Boundaries placed under this Act are to be deemed the true ones.

**113.** All boundary lines of townships, sections or legal sub-divisions, towns or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, as defined by mounds, posts or monuments, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal sub-divisions, blocks, gores, 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 sub-divisions, blocks, gores, commons and lots or parcels of land respectively, whether the same, upon admeasurement, 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 sub-division, block, gore, common, lot or parcel of land.

**114.** Every township, section or other legal sub-division, town, village, block, gore, common, lot or parcel of land, shall consist of 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.

Townships and other legal sub-divisions to comprise all the space within their boundaries.

**115.** 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 in such patent, grant or instrument.

As to aliquot parts of townships, &c.

**116.** 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, 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 Dominion Land Surveyors employed to make surveys in such town or village, shall follow and pursue the same rules and regulations in respect of such surveys, as are, by law, required of them when employed to make surveys in townships.

Road allowances in towns, &c., to be public highways.

#### EVIDENCE BEFORE SURVEYORS.

**117.** With respect to all matters relating to the settlement, occupation or possession of Dominion lands, and to the survey of lands, and for better ascertaining the original corner or limits of any township, section or other legal sub-division, lot or tract of land, every Dominion Land Surveyor acting in that capacity, may examine witnesses on oath, and administer such oath or oaths to each and every person whom he may examine concerning the same.

Dominion Land Surveyors may examine witnesses on oath.

**118.** When any Dominion Land 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 that any person is possessed of any

How Dominion Land Surveyors shall proceed to ascertain

boundaries  
when doubt-  
ful

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 surveyor, or does not willingly produce to him such writing, plan or document, such surveyor may apply to any Justice of the Peace for an ordinary subpoena 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, of the facts on which the application is founded; and such Justice may issue a subpoena accordingly, commanding such person to appear before the surveyor at a time and place to be mentioned in the subpoena, and (if the case require it) to bring with him any writing, plan or document mentioned or referred to therein;

Subpœna may  
be issued.

How served.

2. Such subpoena 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;

Penalty for  
disobeying it.

3. If the person commanded to appear by such subpoena, 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 subpoena, 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.

Evidence  
taken by D.L.  
Surveyor to  
be reduced to  
writing and  
signed.

**119.** All evidence taken by any Dominion Land 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 shall also the Dominion Land Surveyor; and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any Dominion Land 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 relate are situate, subject to be produced thereafter in evidence in court.

Power to  
enter upon  
private lands.

**120.** Any Dominion Land 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 governing line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person.

PROTECTION TO SURVEYORS.

**121.** If any person in any part of the Dominion lands interrupts, molests or hinders any Dominion Land Surveyor, while in the discharge of his duty as a 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 Dominion Land Surveyor or any other party may have against such offender for damages occasioned by such offence.

*Penalty for molesting D. L. Surveyor in discharge of his duty.*

**122.** If any person knowingly and wilfully 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 shall be punishable accordingly; and if any person knowingly and wilfully defaces, alters, or removes any other mound or land-mark, post or monument placed by any Dominion Land Surveyor to mark any limit, boundary or angle of any township, section or other legal sub-division, 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, 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 occasioned by reason of such offence: Provided, that nothing in this Act shall extend to prevent Dominion Land 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.

*Penalty for pulling down or destroying land marks placed by D. L. Surveyor.*

*proviso: as to examining posts.*

**123.** Every Dominion Land Surveyor shall keep exact and regular 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 four hundred,—but if the number of words therein exceeds four

*D. L. Surveyors to keep journals and field notes and furnish copies to parties concerned.*

hundred, he is allowed ten cents additional for every hundred words over and above four hundred words.

Allowance to  
D. L. Sur-  
veyor for  
attendance as  
witness.

**124.** There shall be allowed to every Dominion Land Surveyor summoned to attend any court, civil or criminal, for the purpose of 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.

#### TARIFF OF FEES.

Fees for docu-  
ments fur-  
nished.

To form part  
of revenue  
from Domin-  
ion lands.

**125.** The Governor in Council may establish a tariff of fees to be charged by the Minister of the Interior for all copies of maps, township plans, field notes and other records, and also for registering assignments; and all fees received under such tariff shall form part of the revenue from Dominion lands. •

#### REPEAL.

Acts 42 V., c.  
31.

43 V., c. 26,  
and  
44 V., c. 16  
repealed.

Proviso: as  
to effect of  
such repeal.

How this Act  
shall be con-  
strued.

**126.** Subject to the provisions hereinafter made, the Act passed in the forty-second year of Her Majesty's reign and intituled: "*An Act to amend and consolidate the several Acts respecting the Public Lands of the Dominion,*" and the Act passed in the forty-third year of Her Majesty's reign, and intituled: "*An Act to amend the Dominion Lands Act, 1879,*" and the Act passed in the forty-fourth year of Her Majesty's reign, and intituled, "*An Act to amend the Dominion Lands Acts,*" are hereby repealed, and this Act is substituted for them,—the Acts repealed by the Act first mentioned, and for which it was substituted, remaining so repealed: Provided always, that all enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under this Act, which shall not be construed as a new law, but as a consolidation and continuation of the Acts hereby repealed, subject to the amendments hereby made and incorporated with them; and anything heretofore done under any provision in any of the said repealed Acts which is repeated without alteration in this Act, may be alleged or referred to as having been done under the Act in which such provision was made, or under this Act.

## SCHEDULE.

## FORM A.

## APPLICATION FOR A HOMESTEAD ENTRY.

I, \_\_\_\_\_ of \_\_\_\_\_ do hereby apply for a homestead entry, under the provisions of the "*Dominion Lands Act, 1883*," for the \_\_\_\_\_ quarter-section of section number \_\_\_\_\_ of the \_\_\_\_\_ township, in the range \_\_\_\_\_ of the \_\_\_\_\_ meridian.

## FORM B.

AFFIDAVIT in support of claim for homestead entry by a person who has *bonâ fide* settled and made improvements upon land in advance of survey.

I, A. B., do solemnly swear (or affirm, *as the case may be*) that I am over eighteen years of age ; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead and pre-emption entry ; that I became resident upon and began to cultivate the said land on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, before the same was surveyed ; that I have resided upon and cultivated the said land continuously ever since ; that there is no other person residing, or having improvements upon it, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever ; and that I have not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn } (*Signature.*)  
to, this \_\_\_\_\_ day }  
of \_\_\_\_\_, 18\_\_\_\_, before me }

*Local Agent.*

## FORM C.

AFFIDAVIT in support of claim for homestead entry by a person who has not previously obtained homestead entry.

I, A. B., do solemnly swear (or affirm, *as the case may be*) that I am over eighteen years of age ; that to the best of my knowledge and belief the land in respect of which my ap-

plication is made is of the class open for homestead and pre-emption entry ; that there is no person residing on the said land, nor are there any improvements thereon, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever ; and that I have not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn ) (Signature.)  
to, this day }  
of , 18 , before me }

*Local Agent.*

---

FORM D.

AFFIDAVIT in support of a claim for homestead entry by a person who has previously obtained, and has forfeited, his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age ; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead and pre-emption entry ; that there is no person residing on the said land, nor are there any improvements thereon ; that I obtained homestead entry on the day of , 18 , for the quarter-section of section township range of the meridian, but forfeited the same ; that by order of the Minister of the Interior, which I now produce, I have been permitted to make application for and receive another homestead entry ; and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the land applied for, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever.

Subscribed and sworn ) (Signature.)  
to, this day }  
of , 18 , before me }

*Local Agent.*

---

## FORM E.

AFFIDAVIT in support of a claim for homestead entry by a person who has previously obtained a recommendation for patent for a homestead, after three years' residence and cultivation.

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead and pre-emption entry; that there is no person residing upon the said land, nor are there any improvements thereon; that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever; that I obtained entry for the \_\_\_\_\_ quarter-section of section \_\_\_\_\_ township \_\_\_\_\_ range \_\_\_\_\_ of the \_\_\_\_\_ meridian as a homestead, on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_; that I resided upon and cultivated the same for three years, and that my said homestead has been recommended for patent, certificate of which fact, signed by the proper agent of Dominion Lands, and countersigned by the Commissioner of Dominion Lands, I now produce.

Subscribed and sworn } (Signature.)  
to, this \_\_\_\_\_ day }  
of \_\_\_\_\_, 18 \_\_, before me }

*Local Agent.*

---

## FORM F.

I certify that I have received from \_\_\_\_\_ the sum of ten dollars, being the office fee for homestead entry (or pre-emption entry in connection with homestead entry, as the case may be), for (describe the land), and that the said \_\_\_\_\_ is, in consequence of such entry and payment, vested with the rights conferred in such cases by the provisions of the "Dominion Lands Act, 1883," respecting homestead rights.

*Local Agent.*

(Place—Date ).

---

## FORM G.

## APPLICATION FOR A HOMESTEAD ENTRY BY AN AGENT.

I, A. B., do hereby apply on behalf of  
 , of , for homestead entry  
 under the provisions of the " *Dominion Lands Act, 1883,*"  
 for the quarter-section of section number  
 of the township, in the range  
 of the meridian.

## FORM H.

AFFIDAVIT by an agent in support of a claim for homestead  
 entry on behalf of a person who has *bond fide* settled  
 and made improvements upon land in advance of sur-  
 vey.

I, A. B., do solemnly swear (or affirm, as the case may be)  
 that , for whom I am acting herein as agent, is over  
 eighteen years of age; that to the best of my knowledge and  
 belief the land in respect of which the application is made is  
 of the class open for homestead and pre-emption entry; that  
 the said became resident upon and began to cultivate the  
 said land on the day of , 18 , before  
 the same was surveyed; that he has resided upon and cul-  
 tivated the said land in conformity with the requirements of  
 the homestead provisions of the Dominion Lands law ever  
 since; that there is no other person residing on, or claiming,  
 or having improvements upon it, and that this application  
 is made for his exclusive use and benefit, with the inten-  
 tion of his residing upon and cultivating the said land, and  
 not directly or indirectly for the use or benefit of any other  
 person or persons whomsoever, and that he has not hereto-  
 fore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn ) (Signature.)  
 to, this day }  
 of , 18 , before me }

*Local Agent.*

## FORM J.

AFFIDAVIT by an agent in support of claim for homestead  
 entry on behalf of a person who has not previously  
 obtained homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be)  
 that , of , for whom I am acting

herein as agent, is over eighteen years of age ; that to the best of my knowledge and belief the land in respect of which the application is made is of the class open for homestead and pre-emption entry ; that there is no person residing upon the said land, nor are there any improvements thereon, and that the application is made for the exclusive use and benefit of the said \_\_\_\_\_, with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn } (Signature.)  
to, this \_\_\_\_\_ day }  
of \_\_\_\_\_, 18 \_\_\_\_\_, before me }

*Local Agent.*

---

#### FORM K.

**AFFIDAVIT** by an agent in support of a claim for homestead entry on behalf of a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A.B., do solemnly swear (or affirm, as the case may be) that \_\_\_\_\_, for whom I am acting herein as agent, is over-eighteen years of age ; and to the best of my knowledge and belief the land in respect of which application is made is of the class open for homestead and pre-emption entry ; that there is no person residing on the said land, nor are there any improvements thereon ; that he obtained homestead entry on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, for the \_\_\_\_\_ quarter-section of section \_\_\_\_\_ township \_\_\_\_\_ range of the \_\_\_\_\_ meridian, but forfeited the same ; that by an order of the Minister of the Interior, which I now produce, he has been permitted to make application for and receive another homestead entry, and that his application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the land applied for, and not directly or indirectly for the use or benefit of any other person or persons whomsoever.

Subscribed and sworn } (Signature.)  
to, this \_\_\_\_\_ day }  
of \_\_\_\_\_, 18 \_\_\_\_\_, before me }

*Local Agent.*

---

## FORM L.

AFFIDAVIT by an agent in support of a claim for homestead entry on behalf of a person who has previously obtained a recommendation for patent for a homestead after three years' residence and cultivation.

I, A.B., do solemnly swear (*or affirm, as the case may be*) that \_\_\_\_\_, for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is of the class open for homestead and pre-emption entry; that there is no person residing upon and cultivating the said land nor are there any improvements thereon; that the application is made for the exclusive use and benefit of the said \_\_\_\_\_, with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; that the said \_\_\_\_\_ obtained entry for the \_\_\_\_\_ quarter-section of section \_\_\_\_\_ township \_\_\_\_\_ range \_\_\_\_\_ of the \_\_\_\_\_ meridian, as a homestead on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_; that he resided upon and cultivated the same for three years, and that his said homestead has been recommended for patent, certificate of which fact, signed by the proper agent for Dominion lands, and countersigned by the Commissioner of Dominion Lands, I now produce.

Subscribed and sworn } (*Signature.*)  
to, this \_\_\_\_\_ day }  
of \_\_\_\_\_, 18 \_\_, before me }

*Local Agent.*

---

## FORM M.

I certify that \_\_\_\_\_, who is the holder of a homestead entry (*or homestead and pre-emption entry, as the case may be*) for (*describe the land*) has complied with the provisions of the law required to be conformed to, in order to entitle him to receive a patent for such land, and that I have recommended the issue of such patent.

(*Place—Date* .)

*Local Agent.*

Countersigned :

*Commissioner of Dominion Lands.*

---



## FORM N.

## OATH OF MEMBER OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duty of an Examiner of candidates for commissions as Dominion Land or Topographical Surveyors according to law, without favor, affection or partiality. So help me God.

## FORM O.

## ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

THESE ARTICLES OF AGREEMENT, made the      day of , one thousand eight hundred and      , between A. B., of of , Dominion Land Surveyor, of the one part, and C. D., of      , and E. F., son of the said C. D., of the other part, witness :—

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B., to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended ;

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well and faithfully, and diligently, according to the best and utmost of his power, serve the said A. B. as his pupil, in the practice or profession of a Dominion Land Surveyor, which he, the said A. B., now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years ;

And that he, the said E. F., shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A. B., his executors, administrators or assigns, or of any of his employers ; and that in case the said E. F. shall act contrary to the last mentioned covenant, or if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehavior, neglect or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value 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 moneys 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 \_\_\_\_\_ 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 course of study prescribed by clause ninety-nine of the "*Dominion Lands Act, 1883,*" in practical surveying operations, and in the use of instruments, and generally in the art, practice and profession of a Dominion Land Surveyor, which he, the said A. B., now doth, and shall, at all times during the said term, use and practise, 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 endeavors, at the request, cost 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 Dominion Land Surveyors: 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 and administrators, unto the other, his heirs, executors, administrators, and assigns, in the penal sum of five hundred dollars, firmly by these presents.

IN WITNESS WHEREOF 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 P.

COMMISSION AS DOMINION LAND SURVEYOR.

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 Dominion Land Surveyor, 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 practise as a Surveyor of Dominion lands.

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.



# INDEX.

	Clause.	Sub- Clause.	Page.
ACTS repealed .....	128		48
Advances to immigrants.....	38		17
Affirmations, solemn, who may take .....	82		33
do when may be made.....	84		33
Affidavits. <i>See</i> Forms.			
do Who may take .....	82		33
Agent, meaning of the term.....	1	3	1
Agriculture, schools of, aid to.....	81	1d	32
Applications. <i>See</i> Forms.			
Articled pupils to Surveyors. <i>See</i> Surveys and Surveyors.			
Assiniboine River lands (Lord Selkirk), Special survey provided for .....	17		6
Assignments—			
Of homesteads and pre-emptions—When legal.....	36		17
Books for registration of, to be kept in Department.....	76		30
What assignments may be registered therein, and effect of registration...	76		30
Issue of patent to legal representatives of deceased person.....	77		30
Tariff of fees for registering.....	125		48
BASE lines as governing township surveys .....	7 & 8		4
Benevolent institutions, Setting apart of lands for.....	26		11
Block survey of townships.....	13	1	5
Boom. <i>See</i> Slides.			
Boundary posts or monuments of townships and sections.....	14	1 & 2	5
Bounty warrants. <i>See</i> Scrip.			
Bridge sites, withheld from entry.....	27	4	12
Burying grounds, setting apart of lands for.....	26		11
"CANADA GAZETTE," meaning of the term .....	1	7	2
Canal sites withheld from entry .....	27	4	12
Cancellations—			
For neglect to perfect entry within period prescribed .....	31	1	14
For non-residence.....	34	1	16
Sale of land and improvements jointly or severally.....	35		17
In case of assignment prior to recommendation of issue of patent.....	36		17
Of wood lot entry .....	45	3	20
Of homestead, pre-emption or wood lot entry for cutting timber.....	45	4	20
Of lease for timber berth .....	55		23
(Of defective patent.....	72		29
Procedure against person wrongfully holding land after forfeiture.....	75		30
Certificate of recommendation for issue of patent (Form M.), effects of.....	36		17
Clause and sub-clause, meaning of the terms.....	1	6	2
Coal lands. <i>See</i> Mining and Mining lands.			
Common rights, Manitoba, issue of scrip.....	79		31
Commissioner of Dominion Lands, powers and duties of. <i>See</i> Land Board..	2	3	2
Copies of Departmental Records, &c., for use in Court, how certified.....	2	4	3
Courts, what copies of Departmental Records may be used in.....	2	4	3
Correction lines as governing township surveys .....	9		4
Convergence of meridians resulting in "jogs," how corrected.....	9		4
Contract surveys .....	15		6
Court Houses, setting apart of lands for .....	26		11
Colonization companies, advances to settlers .....	38	1	17
Crown Timber Agent—			
Meaning of the term.....	1	5	2
Powers and duties of .....	56 to 67		23 to 27
<i>See</i> Timber berths.			

## INDEX.

	Clause.	Sub- Clause.	Page.
DAM. <i>See</i> Slides.			
Declaration, solemn, who may take .....	82		33
Deficiency in area of sections, how allowed for .....	11		5
Dominion lands, what are known as .....	1		1
do do how administered .....	2		2
do land surveyor, meaning of the term .....	1	4	2
do lands office .....	3	2	2
do do Commissioner of .....	2	3	2
do do agencies, Inspector of .....	2	3	2
do do Board, appointment, of whom composed, and duties of. <i>See</i> Land Board .....	2	3	2
do do how laid off <i>See</i> Survey.			
Drainage, grants to encourage .....	81	1c	32
EDUCATIONAL endowment. <i>See</i> School lands.			
Ejectment of persons wrongfully holding lands .....	75		30
Evidence of departmental records, what copies may be used as .....	2	4	3
FIELD NOTES, tariff of fees for copies of .....	125		48
Fractional sub-sections, how divided in certain cases .....	17		6
Forests, preservation of—			
Reservation of lands on or near the Rocky Mountains .....	69a	1	28
Forest park, and officers to protect .....	69a	1	28
Statement of reservations made, to be laid before Parliament .....	69a	2	28
Penalty for cutting or destroying timber in such parks .....	69a	3	28
Summary proceedings .....	69a	3	28
Forms:—			
Affidavits in support of claims for homestead entry—			
B. By settler in advance of survey .....			49
C. By person who has not previously obtained entry .....			49
D. By person who has forfeited first, but is permitted by Minister to make second, entry .....			50
E. By person who has previously obtained recommendation for pa- tent after three years residence and cultivation .....			51
H. By an agent on behalf of a person who settled in advance of survey .....			52
J. By an agent on behalf of a person who has not previously ob- tained entry .....			52
K. By an agent on behalf of a person who has forfeited first, but is permitted by Minister to make second, entry .....			53
L. By an agent on behalf of a person who has previously obtained a recommendation for patent after three years residence and cultivation .....			54
A. Application for homestead entry .....			49
F. Land agent's certificate of receipt of entry fee .....			51
G. Application for homestead entry by an agent .....			52
M. Certificate of recommendation for patent .....			54
N. Oath of member of Board of Examiners .....			55
O. Articles of pupil to Dominion land Surveyor .....			55
P. Commission as do .....			57
GAOLS, setting apart of lands for .....	26		11
Grazing lands, lease of unoccupied Dominion lands as .....	40		18
HALF-BREED claims under 33 Vict, cap. 3, withdrawal of lands to satisfy do outside of Manitoba under Indian title .....	81 81	1a 1c	31 32

## I N D E X .

	Clause.	Sub- Clause.	Page.
Hamlets, settlement in.....	32		14
Harbors, lands including, reserved from sale .....	24	2	11
	27	4	12
Hay lands—			
Settler in vicinity may obtain lease of certain unoccupied.....	41		18
Rights of lessee in case of sale or settlement of.....	41		18
Commutation of rights to cut hay in Manitoba by issue of scrip .....	79		31
Homestead entries. <i>See</i> Homestead rights.			
Homestead rights—			
Who is entitled to .....	27	1	12
Form of application (Form A) .....	27	1	12
Area and class of land open to .....	27	1 & 4	12
Pre-emption entry to adjoining lands included.....	27	2	12
Homestead and pre-emption entries to be concurrent.....	27	2	12
Homesteader entitled to quiet possession of land and to maintain action for trespass.....	27	3	12
Title to land to remain in Crown until issue of patent .....	27	3	12
To apply only to surveyed agricultural lands .....	27	4	12
Exclusion of lands valuable for mineral, commercial, and other purposes	27	4	12
Squatters' rights to lands settled upon prior to survey.....	28		12
Notice to squatter by local agent.....	28		12
Affidavits (Forms B, C, D and E) to be made by applicants for home- stead entry.....	29	1	13
Homestead entry fee, and receipt for (Form F).....	29	1	13
Effect of receipt.....	29	1	13
Pre-emption entry fee, receipt and effect of.....	29	2	13
Entries in advance .....	29	3	13
Forms of application, &c., and fees in such cases.....	29	4	13
Entry to contiguous lands by a patentee.....	29	5	13
Requirements as to residence and cultivation in cases of such entry .....	29	6	13
Procedure where there are two or more applicants for same land. ....	30	1	14
Applicant who first settled to have precedence .....	30	2	14
Minister may divide disputed lands improved by applicants between them and supplement deficiencies from adjoining lands.....	30	3	14
Time allowed to perfect entry after obtaining same .....	31	1	14
Effect of neglect to perfect entry within time.....	31	1	14
Extension of time to persons whose time for perfecting expires before the 1st June.....	31	2	14
Extension of time to perfect entry granted to immigrants.....	31	3	14
Hamlets, settlement in.....	32		14
Death of homesteader before issue of patent .....	33	1	15
Issue of patent upon fulfilment of settlement conditions .....	33	1	15
Settlement by squatters in advance of survey, when patent to issue .....	33	2	15
Right to purchase after twelve months' residence and cultivation.....	33	3	15
Proof of residence and cultivation, how to be made.....	33	4	15
Patent for pre-emption, when to issue, and restriction as to time.....	33	5	15
Requirements in case of person residing within two miles of homestead.	33	6	16
Forfeiture from non-compliance with requirements as to residence and cultivation .....	34	1	16
Second entry not allowed in such cases. Exception .....	34	1	16
Extension of time of absence, when to be granted.....	34	2	16
Sale of land and improvements when entry cancelled.....	35		17
Cancellation of entry in case of assignment prior to recommendation of issue of patent.....	36		17
When land may be assigned by homesteader.....	36		17
Second entry, who entitled to.....	37		17
Seed grain mortgages.....	38	1	17
Advances to immigrants .....	38		17
When advances become statutory mortgages.....	38	2	18
Discontinuation of pre-emptions.....	39		18
Rights of settlers in regard to hay lands.....	41		18
Freehold or other grant of land does not include gold or silver mines unless so specified.....	43		19
Apportionment of wood lots to homesteaders.....	45	3	20
Payment therefor.....	45	3	20
Punishment for sale of wood from homestead, pre-emption, or wood lot..	45	4	20
Return to be made by local agent .....	45	3	20
Issue of patent for wood lot.....	45	3	20

## INDEX.

	Clause.	Sub- Clause.	Page.
<b>Homestead rights—Continued.</b>			
Free grants of wood lots under Act of 1872.....	45	3	20
Cancellation of entry to homestead carries with it cancellation of entry to wood lot.....	45	3	20
Claims of settlers outside of Manitoba prior to the 15th July, 1870.....	81	f	32
Receipt or certificate of entry entitles holder to maintain suits for trespass, &c.....	85		34
Hudson's Bay, grant for construction of railway to.....	81a		33
<b>Hudson's Bay Company—</b>			
Recitals as to agreement with .....	18	1 & 3	7
Quantity and situation of lands reserved by Company .....	18	1	7
What sections, and parts of, and in what townships reserved.....	18	4	7
Satisfaction of Company's share in fractional townships.....	18	5	7
Squatters on Company's lands.....	18	6	7
Company's sections not included in timber limits .....	18	7	8
Company's right to revenue from timber limits in unurveyed territory.	18	8	8
Right to sale of sections in lieu of those denuded of timber.....	18	8	8
What lands vested in Company by patent .....	18	9	8
do without patent .....	18	9	8
Company to be duly notified of survey of townships and reservation of timber lands.....	18	9	8
Local agent to make returns of allotted and selected lands after survey.	18	9	8
IMMIGRANTS, advances to, how secured. ....	38		17
Indian title, lands under, not affected by Act.....	3		3
do Half-breed claims outside of Manitoba .....	81	1e	33
Indian Reserves, lands may be withdrawn for.....	81	1a	31
Inspector of Dominion lands agencies, powers and duties .....	2	3	2
See Land Board.			
Interpretation clause.....	1		1
Interior, Department of, in charge of Dominion lands .....	2	1	2
do employees restricted from personal dealings with Dominion lands, &c.....	2	5	3
JOG, resulting from convergence of meridians. ....	9		4
<b>LAND BOARD—</b>			
Establishment, composition, and duties of.....	2	3	2
Reference of disputed cases to, or to Commissioner, &c.....	30	1	14
Proof that settlement duties complied with to be accepted by Com- missioner or Board.....	33	1	15
Manner of making such proof.....	33	4	15
Agents' recommendation for issue of patent to be countersigned by Commissioner .....	36		17
Land board, Commissioner, Inspector, &c., may summon and examine persons on oath.....	83		33
Land office, meaning of the term .....	1	3	2
Land scrip. See Scrip.			
Legal subdivisions, constitution and area of .....	16	1 & 2	6
Letters Patent. See Patent.			
Local agent, meaning of term.....	1	3	1
<b>MANITOBA—</b>			
Red and Assiniboine River lands.....	17		6
Hay and common rights, issue of scrip.....	79		31
Indian and Half-breed claims.....	81		31
Confirmation of certain Orders in Council respecting public land in.....	86		34



## INDEX.

	Clause.	Sub- Clause.	Page.
Maps, fees for copies of .....	125		48
do to be used in court.....	3	4	3
Market places, setting apart of lands for.....	26		11
Meridians <i>See</i> Surveys.			
Military bounty warrants. <i>See</i> Scrip.			
Mining and mining lands—			
Lands containing coal or other minerals withdrawn from sale or home- stead.....	42		19
Manner of their disposal to be fixed by Governor in Council under regu- lation.....	42		19
Freehold or other grant of land does not convey right to gold or silver mines therein unless so specified.....	43		19
Rights of discoverer before passage of 43 Vic., cap. 26... ..	44		19
Coal or other mineral lands within timber berths.....	54		22
Mineral lands reserved from entry .....	27	4	12
Minister of the Interior, meaning of the term.....	1	1	1
Mortgage, advance to immigrants to become statutory mortgage in certain event .....	38	2	18
NATURALIZATION, patent to issue to British subject only .....	33	1	15
ODD-NUMBERED sections, reserve and disposal of .....	24	1	10
Officer, meaning of the term.....	1	3	1
Old claims, settlement of.....	81		31
Ordinary sale of lands. <i>See</i> Sale of lands.			
Orders. <i>See</i> Regulations.			
PATENTS—			
Trusts and uses of lands granted for town site purposes to be expressed in	26		11
Legal sub-divisions described to facilitate description in .....	16	1	6
For certain Hudson's Bay Co.'s lands.....	18	9	8
Rights of homesteaders before issue of .....	27	3	12
do do to obtain .....	33	1	15
Death of do issue of in case of.....	33	1	15
Issue of, to settlers before survey .....	33	2	15
For homestead after twelve months' residence.....	33	3	15
For pre-emption, when to issue .....	33	5	15
For homestead and pre-emption in case of residence within two miles of homestead .....	33	6	16
Assignment prior to issue of .....	36		17
Issue of, in case of assisted immigrants.....	38		17
To assisted immigrant. Disposal of patent to, when he fails to comply with conditions of Act, and advance not returned .....	38	2	18
Gold and silver mines not to vest in patentee unless expressly conveyed in	43		19
For wood lots. ....	45	3	20
Not include slides, &c., unless so expressed .....	68	1	27
Free use of slides, &c., not affected by sale or grant made subsequent to construction .....	68	2	27
Free use of streams and lakes, and access thereto, not affected by sale or grant of land.....	69		27
Deputy-Governor may be appointed to sign .....	70	1	28
General mode of preparation, issue, and registration .....	70	2	28
Compensation for deficiency of land as mentioned in .....	71		29
Cancellation of defective patent and issue of correct one .....	72		29
Remedy in case of inconsistent grants or patents.....	73		29
Court of competent jurisdiction to declare void for fraud—Registration of decree .....	74		29
Procedure to obtain possession of land forfeited or wrongfully held.....	75		30
Issue of, to legal representatives of deceased person.....	77		30
Lists of, to be transmitted to registrars .....	78		31
Relating to aliquot parts of legal sub-divisions .....	115		45

## INDEX.

	Clause.	Sub- Clause	Page.
Piers. <i>See</i> Slides.			
Plans of Dominion lands—			
What copies to be evidence in court .....	2	4	3
Certified copies of township plans to be sent annually to registrars.....	78	.....	31
Tariff of fees for copies of .....	125	.....	48
Pre-emption entry—meaning of the term. <i>See</i> Homestead rights .....	1	8	2
do right— do do .....	1	8	2
Pre-emptions, discontinuance of .....	39	.....	18
Preservation of forests. <i>See</i> Forests.			
Principal meridian .....	6	.....	4
Public squares and public purposes, reserves for .....	26	.....	11
Purchase of lands. <i>See</i> Sale of lands.	27	4	12
QUARTER-SECTIONS, survey of. <i>See</i> Survey.			
Quarries, lands including, reserved from sale.....	24	2	11
	27	4	12
RAILWAYS—			
Lands in town plots, sale of, on joint account of Government and com- pany .....	25	.....	3
Lands to assist in construction of, reserve of.....	81	.....	3
Termini, lands valuable as, reserved.....	27	2	11
Ranges, townships to lie in.....	6	1b	31
Records of Department, what copies may be used as evidence .....	2	4	12
do do tariff of fees for copies of.....	125	.....	4
Red River expedition, 1871. <i>See</i> Scrip.			
do lands (Lord Selkirk), special survey provided for.....	17	.....	48
Regulations—			
Making and revoking of, for purposes of Act .....	81	.....	6
Publication in <i>Gazette</i> and presentation to Parliament .....	81	.....	6
Penalties for contravention of.....	81	1g	32
Statements and returns required by, to be under oath .....	81	2	33
Mining. <i>See</i> Mining and Mining Lands.		1A	32
Registrar of patents .....	70	1i	33
Registrars to receive annual lists of patents issued, and copies of township plans .....	78	2	28
Registration of assignments, &c. <i>See</i> Assignments.			
Repeal of former Dominion Lands Acts .....	126	.....	31
Reserves. <i>See</i> Indian title, Hudson's Bay Co., School lands, Mining, Town plots, &c .....			48
Rivers, lands bordering on, special survey provided for.....	17	.....	6
Roads do do do .....	17	.....	6
Road allowances between sections, how fixed .....	4	1	5
SALE OF LANDS—			
Restriction as to employees of Department of the Interior.....	2	5	3
When open for sale .....	24	1	10
Terms and conditions, how fixed .....	24	1	10
Minimum price per acre.....	24	1	10
Maximum area to be sold to one person .....	24	1	10
Governor in Council may restrict sales to odd-numbered sections .....	24	1	10
Lands may be withdrawn from ordinary sale or settlement and disposed of by auction.....	24	1	10
Withdrawal of lands for town plot purposes .....	25	1	11
Reservation of lands, including water-powers, harbors, stone quarries, &c. .....	24	2	11
Purchase of homesteads after twelve months residence, &c. ....	33	3	15
Purchase of pre-emption upon fulfilment of homestead conditions .....	33	5	15
For timber berths.....	49	1	21
Not to include slides, &c., unless so expressed. ....	68	1	27
Subsequent to construction of slides, &c., not to affect. ....	68	2	27
Free use of streams and lakes not affected by sales or grants of land.....	69	.....	27
<i>See also</i> Patents.			

## INDEX.

	Clause.	Sub- Clause.	Page.
Schools, setting apart of lands for.....	26		11
Schools of agriculture, grants to persons establishing, &c .....	81	1d	32
School lands—			
What sections set apart as .....	19		8
Withdrawn from sale or homestead entry .....	19		8
How administered .....	20	1	9
Sales of, by public auction, at fixed upset price.....	20	2	9
Purchase money, how paid .....	20	3	9
Revenue from, how invested, and disposed of.....	20	4	9
Scrip—			
Warrants for military services to be issued instead of land scrip.....	21	1	9
Who issued by, and how recorded .....	21	1	9
Value of, in payment for <i>Dominion</i> lands .....	21	2	9
Deficiency in face value to be paid in cash.....	21	3	10
Surplus in face value to be retained by Government .....	21	3	10
Restriction as to area of land in any townships to be paid for by.....	21	2	9
Employees of Department of Interior not to locate .....	21	5	3
Assignments of, not recognized .....	22		10
Payable to bearer, and not to be duplicated. ....	22		10
To issue to legal representatives in case of decease of person entitled to	22		10
Grant to members of expeditionary force of 1871 .....	23	1	10
Assignments of interests in such free grants.....	23	2	10
Confirmation of Orders in Council authorizing issue of scrip in commuta-			
tion of hay and common rights in Manitoba.....	79		31
Certain claims to <i>Dominion</i> lands may be satisfied by issue of scrip .....	80		31
Second entry—			
In case of forfeiture of land first entered.....	34	1	16
In case of compliance with homestead conditions.....	37		17
Slides, &c.—			
Right to slides, &c., not to pass by sales or grants unless specially			
mentioned .....	68	1	27
Free use of, not affected by sale or grant of lands subsequent to con-			
struction .....	68	2	27
Free use of streams and lakes, and access thereto, not affected by land			
grants .....	69		27
Squatters—			
Rights to lands settled upon prior to survey .....	28		12
Notice to squatter by local agent .....	28		12
Time within which conditions are to be considered as fulfilled before			
survey.....	33	2	15
Statutory mortgage, advance to immigrants, when to become.....	38	2	18
Stone quarries, lands including, reserved from sale.....	24	2	11
	27	4	12
Surplus in area of sections, how provided for .....	11		5
Surveyor-General, meaning of the term .....	1	2	1
Survey, system of—			
Townships, Size and contents of.....	4	1	3
How bounded.....	5		4
Provision as to numbering of, and location of, in ranges.....	6		4
Base, correction and meridian lines bounding.....	7, 9		4
Allowances for deficiency or surplus .....	11		5
Preliminary block survey.....	13	1, 2	5
Location of boundary posts and monuments .....	14	1, 2	5
Sub-division surveys of, how to be performed.....	15		6
Sub-division of, to provide wood lots .....	45	1, 2	19
Sections, Bounds and numbers of.....	4	1, 2	3
Division into quarter-sections.....	10		5
How affected by convergence of meridians.....	11		5
Preliminary block survey.....	13	1, 2	5
Location of boundary posts and monuments .....	14	1, 2	5
Quarter-sections, Area of.....	10		5
Area of irregular .....	12		5
Legal sub-division of, and area thereof.....	16	1, 2	6
Special provisions as to the cases of lands upon Red and Assiniboine			
Rivers (33 Vic., cap. 3).....	17		6
Lands bordering upon water-courses or public roads.....	17		6
Wood lots.....	17		8

## INDEX.

	Clause.	Sub- Clause.	Page.
<b>Surveys and surveyors—</b>			
Qualifications of Surveyors of Dominion lands.....	87	1	34
Official style of.....	87	2	34
Board of Examiners, composition and meetings of.....	88	1	34
Members of board to be sworn (Form N).....	88	2	35
Quorum.....	88	2	35
Secretary.....	88	3	35
Local boards.....	88	4	35
Examination to admit as articulated pupils.....	89		35
Notice by applicants for such examination.....	90		35
Conditions precedent to examination for admission as a D. L. S. (Form O)	91	1	35
Alteration in form if pupil an adult.....	91	2	36
Transfer of a pupil.....	92		36
Completion of term with another surveyor in case of death, &c.....	93		36
Duplicate of articles to be transmitted to Secretary, with fee.....	94		36
Provincial Land Surveyors to be D. L. Surveyors in certain cases, with- out examination.....	95	1	36
Provincial Land Surveyors to be D. L. Surveyors in certain cases, with examination.....	95	2	37
Qualifications as D. L. Surveyors required from British surveyors outside of Canada.....	96		37
Graduates of colleges, service, &c., required of.....	97		37
Notice to Secretary by applicant for admission as D. L. S.....	98		37
General qualifications to receive commission as D. L. S.....	99		37
Board may examine under oath as to field practice....	100		38
Commission (Form P) bond, and oaths.....	101		38
Voluntary examination of D. L. Surveyors to qualify as D. Topographical Surveyors.....	102 & 103		39
Tariff of fees.....	104		40
Allowances to members of the board.....	105		41
Board may suspend or dismiss negligent or corrupt surveyors.....	106		41
Returns of surveys to be made under oath.....	107		41
False statement to be perjury, and to create a lien on property of surveyor	107		41
Chain-bearers to be sworn as to discharge of duties.....	108		41
Standard to be English measure of length.....	109		42
Surveyors to regulate and verify the length of chains, &c.....	109		42
Lost corners and obliterated lines, method of proceeding to renew.....	110		42
Legal sub-divisions, how to survey.....	111		44
Division lines in fractional sections, how to draw.....	112		44
Boundary lines under authority of Act or of any Order in Council to be true and unalterable.....	113		44
Legal sub-divisions to comprise all the space within their boundaries....	114		45
Instruments relating to aliquot parts of legal sub-divisions.....	115		45
Road allowances in towns and villages to be public highways.....	116		45
D. L. Surveyors may examine witnesses on oath.....	117		45
D. L. Surveyors may, in case of doubt as to true corner, &c, obtain from a justice of the peace a subpoena summoning witnesses.....	118		45
Subpoena—how served.....	118	2	46
Penalty for disobeying.....	118	3	46
Evidence taken in such cases to be in writing and signed.....	119		46
Power to enter upon private lands.....	120		46
Penalty for molesting D. L. Surveyor in discharge of his duty.....	121		47
Penalty for destroying landmarks.....	122		47
D. L. Surveyors to keep journals and field notes, and to furnish copies— Fees.....	123		47
Allowance to D. L. Surveyor for attendance as witness.....	124		48
Swamp lands, grants to aid drainage of.....	81	1c	32
<b>TIMBER and TIMBER LANDS—</b>			
Wood for settlers.....	45		19
Manner of sub-dividing townships in order to set apart wood lots.....	45	1 & 2	19
Apportionment of wood lots to settlers.....	45	3	20
Payment therefor.....	45	3	20
Return to be made by local agent.....	45	3	20
Issue of patent for wood lot.....	45	3	20

## INDEX.

	Clause.	Sub- Clause.	Page.
<b>Timber and timber lands—Continued.</b>			
Free grants of wood lots, under Act of 1872.....	45	3	20
Cancellation of homestead entry carries with it cancellation of entry to wood lot.....	45	3	20
Punishment for sale of wood from homestead, pre-emption, or wood lot	45	4	20
<b>Timber berths—</b>			
Not to include Hudson's Bay Co.'s lands.....	18	7	8
Meaning of word "timber".....	46		20
Governor-in-Council may set apart timber districts.....	47		20
No timber berths shall be granted, except within such timber districts...	47		20
Area of timber berths.....	48		20
Reserved from sale or settlement.....	48		20
Regulations as to ground rents, dues, &c.....	48		20
Governor-in-Council may order sale by public auction—upset price, terms, &c.....	49	1	21
May authorize lease to any person being sole applicant. Bonus to be fixed by order .....	49	1	21
Applicants or the public may be invited to tender. Highest cash tenderer entitled to lease .....	49	2	21
Leases to be for one year only, unless otherwise provided in order, lease or tender.....	50	1	21
Renewal of lease shall not be made in case of failure to pay dues, &c ...	50	2	21
Form and effect of lease.....	51		21
General conditions as to erection of mill, payment of rent, &c., &c.....	52		22
Lease to be void when it interferes with prior lease or previous disposal of lands .....	53		22
Coal or mining lands within .....	54		22
Forfeiture of lease, for breach of conditions or fraud, at option of Minister	55		23
Seizure and sale of timber for arrears of ground rent, interest, &c.....	56, 57		23
Enforcement of payment in case of removal out of Canada .....	58		24
Bonds or notes may be taken for amount due or double, without affect- ing lien .....	59		24
Penalties for cutting or removing timber without authority. Burden of proof.....	60		24
Authority for seizure by Crown Timber agent.....	61	1	25
If timber cut without authority is mixed with other timber, all may be seized.....	61	2	25
Powers of agent to adduce information regarding suspected timber.....	62		25
Penalty in absence of satisfactory information within thirty days.....	62		25
Release of timber on security being given to timber agent.....	63		26
Provision for contesting seizure.....	64		26
Confiscation, sale, and imposition of fine, in case of default or adverse judgment.....	64		26
Burden of proof to be on claimant .....	65		26
Crown timber officer making seizure may call in aid.....	66		26
Penalty for assault of officer or his assistants.....	66		26
Penalty for carrying away timber seized.....	67		26
Right to, and free use of, slides, streams, &c.....	68, 69		27
<b>Town plots—</b>			
Withdrawal and disposal of lands for town plot purposes.....	25	1	11
Sale on joint account by railway companies and Crown.....	25	2	11
Conveyance of such joint lands.....	25	2	11
Lands for public purposes.....	26		11
<b>Townships. System of survey of. See Survey.</b>			
<b>Township plans. See Plans.</b>			
<b>Transfers. See Assignments.</b>			
Trespass upon homestead and pre-emption lands .....	27	3	12
	85		34
<b>VILLAGE PLOTS. See Town Plots.</b>			
Villages, settlements in, or hamlets.....	32		14

## INDEX.

	Clause.	Sub- Clause.	Page.
WARRANTS. <i>See</i> Scrip.			
Water lots, survey of.....	17	.....	6
Water powers, lands including, reserved from sale .....	{ 24	2	11
	27	4	12
Wood lots, survey of.....	17	.....	6
<i>See</i> Timber and Timber Lands.			
Worship, places of public, setting apart lands for.....	26	.....	11