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NOTICE

RG 15, Series D-II-1

Department of the Interior
Dominion Land Branch

Correspondence, Headquarters
1871-1946

Volumes 227-1176

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AVIS

RG 15, Séries D-II-1

Ministère de l'Intérieur
Direction des terres fédérales

Correspondance, administration centrale, 1871-1946

Volumes 227-1176

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RG 15, D-II-1

Department of the Interior
Dominion Lands Branch

Correspondence, Headquarters
1871-1946

Volumes 227-1176

This is series of subject files concerning almost every aspect of Dominion lands administration by the Department of the Interior. The files contain correspondence addressed both to and from various officials of the department, as well departmental memoranda, reports, rulings and policy statements. The series contains useful sources on western settlement in general and on the settlements established by special groups and colonization companies. Also included in the series are files dealing with natural resource management, departmental organization and western political affairs. The files are arranged numerically from 1 to 5,644,152.

The finding aid for this series is available in electronic format.

RG 15, D-II-1

Ministère de l'Intérieur
Direction des terres fédérales

Correspondance, administration centrale, 1871-1846

Volumes 227-1176

Série de dossiers-matières concernant l'administration, sous presque tous ses aspects, des terres fédérales par le ministère de l'Intérieur. Ces dossiers renferment des lettres adressées à divers employés du Ministère ou expédiées par eux, ainsi que des notes de service, des rapports, des décisions et des énoncés de politique du Ministère. Cette série renferme de précieuses sources d'information sur le peuplement de l'Ouest en général et sur les colonies établies par des groupes spéciaux et des compagnies de colonisation. Il y a aussi des dossiers portant sur la gestion des ressources naturelles, l'organisation du Ministère et les affaires politiques de l'Ouest. Les dossiers sont numérotés de 1 à 5 644 152 et ils sont classés en ordre numérique.

L'instrument de recherche pour cette série existe sous forme électronique.

DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 721	
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384394	HALFBREED CLAIMS OF THE HEIRS OF JOACHIM TEWANATANAHOW	1893-1895
384418	LAND COMMISSIONER, WINNIPEG, RE APPLICATION OF RODERICK ROSS MCBETH, DESCENDANT OF AN O.W.S.	1895-1899
384432	R.G. BRETT RE MINERAL WATER FOR ANALYSIS	1895-1897
384541	D.L. COMMISSIONER, WINNIPEG, RE HALFBREED CLAIMS OF THE HEIRS OF MARIE KOLAHASH OR WANIYANDE. CLAIM NO. 9909	1893-1895
384543	D.L. COMMISSIONER, WINNIPEG, RE. HALFBREED CLAIMS OF MADELEINE FRAZER. CLAIM NO 9907	1893-1900
384592	HARRIET JAMES SINCLAIR RE RESERVATION IN PATENT	1895-1896
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384687	APPLICATION OF THE HEIRS OF JONAS BOTTINEAU FOR HALFBREED SCRIP	1889-1899

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384686

National Archives of Canada
Archives nationales du Canada

No. 384686

DEPARTMENT OF THE INTERIOR,

1895

From Land Comr

14/4

Date 8/July

" (when rec'd.) /18

Subject. Papenau HB scrip appln of Bruno Azure

Action.

GENERAL

00000

Form No. 7.

No. 241204

189

DEPARTMENT OF THE INTERIOR

COMMISSIONER'S OFFICE,

WINNIPEG, MAN.

From Bruno Oblate.

Date

" (when rec'd.)

Subject.

DEPT. OF THE INTERIOR OTTAWA RECEIVED JUL 15 1895

Action.

Action continued.

Action continued

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol 721
File/dossier 184686

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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER.

FILE. 384686.

Department of the Interior,

Ottawa, 2nd August, 1895.

DEPT OF THE INTERIOR
RECEIVED
AUG 29 1895
OTTAWA.

PAT. BCH.
AUG 30 1895
RECEIVED

Sir,

I am directed to inform you that the claim preferred by you to share in the Half-breed grant of scrip has been disallowed, as you were a resident of the United States of America on the 15th July, 1870.

I am, Sir,

Your obedient servant,

Assistant Secretary.

Mr. Bruno Azure,

Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384686

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(Copy for the Commissioner).

Address your reply "To the Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM. Sept 16

LETTER.....

FILE.....384686.....

Department of the Interior,

Ottawa, 2nd August, 1895.

Sir,

I am directed to inform you that the claim preferred by you to share in the Half-breed Grant of scrip has been disallowed, as you were a resident of the United States of America on the 15th July, 1870.

I am, Sir,

Your obedient servant,

[redacted]

Assistant Secretary.

Mr. Bruno Azure,

Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 721
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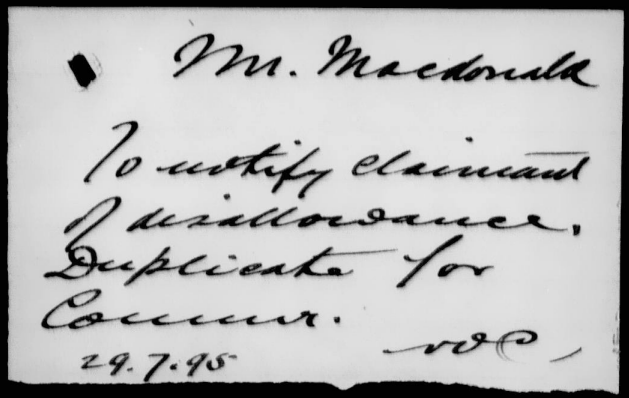

Mr. Macdonald

To notify claimant of disallowance. Duplicate for Commr.

29.7.95 vdC

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 721
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PAT. BCH.
JUL 27 18[illegible]
RECEIVED

Ref 384686

Memorandum.

Department of the Interior,
Patent Branch,
Ottawa, 24th July 1895

A. M. Burgess, Esq.,
Deputy of the
Minister of the Interior,

For your disallowance
of the claim to share in the Half Breed grant of scrip of
Bruno Azure

Done and Dist.
26 July 95
Noted
[illegible]

Respectfully submitted,

[illegible]

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384686

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J 384686

No. 332556
Ref. 241204

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 8th July, 1895. 18

☞ Do not write about more than one subject in the same letter.
☞ Write legibly your full name and address.
☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

DEPT. OF THE INTERIOR OTTAWA. RECEIVED JUL 13 1895

PAT. BCH. JUL 16 1895 RECEIVED

Sir,

I beg to hand you the accompanying File of this Office, No. 241204, relating to the Half-breed scrip application of Bruno Azure, and to call your attention to the memorandum by Mr. Goulet which is attached thereto.

1 Encl.

I am, Sir,

Your obedient servant,

Secretary.

The Secretary,
Department of the Interior,
Ottawa, Ont.

R.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384686

National Archives of Canada
Archives nationales du Canada

384686

Form No. 26.

Memorandum.

To.....

.....

.....

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg,.....189

This claim of Bruno Azure to scrip as a half breed child for the N.W. Terr. was applied for in June 1892, but being a child of a family whose claim was suspicious since the beginning, it was kept for further evidence & as it is still not sure on what side of the American Line that family was living on the 15th July 1870 & seeing that the father of this man lived at St Joe Dacota since 1850 to spring 1870, it can not be allowed as it is now anyway. - For further explanation see my memo of this date, also evidence attached on his father Antoine Azure alias Tootoosh claim, Winnipeg file No 189895 -

Ref No 0706

R. Goulet

Winnipeg 14th March 1895 -

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
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Form No. 26.

384686

MEMORANDUM.

To .....

Department of the Interior,
DOMINION LANDS COMMISSION,
Winnipeg, ... 189

This claim of Bruno Azure to scrip as a half breed child for the North west Territory is one of these suspicious cases of people who lived the most of their lives in the United States, though living for short time about the 15th July 1870 as plain hunters at wood mountain or Cypress Hills, coming back to Dacota U.S. where they are still living - This man was very young on the 15th July 1870 + even if he has been living for a longer time than his father on English side of the Boundary he has to follow the residence of his father at that time, and as according to the declaration of his father though that family lived at wood mountain on the 15th July 1870 for some time they as buffalo hunters, they are now back at Turtle Mountain in Dacota where they get rations as american indians from the United States government in an indian Reserve in said Turtle Mountain - He, the applicant says that his family might take rations from the American Government, he is not sure, but I really believe that living with the family of the applicants father, that they are also taking said rations - so this case, as in the cases of the father family, can not be finally considered now -

Winnipeg 18 May 1893 - N. Girard

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
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241204

Indexed: No other appln. [illegible] 3/7/95

Declaration by Bruno Azure

Concerning his Claim

to participate in any grants to Half-Breeds living in the N. W. Terr on 15th July 1870 -

Disallowed as a claimant was a resident of the United States on 15th July 1870 see Mr Coutts's report dated 14th Mch. 1895 [illegible]

1. What is your name and P. O. Address? my present address is Winnipeg -

2. Where and when were you born? in about 1862 or 63

3. What was the name of your father? Antoine Azure, alias Tootoosh

4. What was the name of your mother? Victoire Larivée

5. Was your father a Half-breed or Indian or either? Half breed

6. Was your mother a Half-breed or Indian or either? Do Do

7. Where were you living each year since you were born? I lived when young in a place near a River, I do not know if it is along the Red River or the Pembina River at St Joe, I was too young to be sure where it was, from there I know that we went to Devil Lake, now Fort Totten Dacota for 4 or 5 years then from there we went to Wood Mountain where we lived on the 15th July 1870, we lived there 3 years, then to Milk River, to Sun River + Rocky Mountains + to Turtle Mountain, Dacota, I lived myself in Manitoba + NW Ter for the past 5 years, my family living in Dacota for those past years where they are still living — I was married at Sun River, Montana to Madeleine Gariepy in 1882 - I have 2 children living - Justine born in Montana aged 8 years - Moise born in Montana aged 6 years -

8. What has been your occupation?

9. Where were you living in the Spring of 1870?

10. How many children have you living?

11. Give their names, and dates of birth?

12. What was the name of their respective mothers or fathers as the case may be?

13. How many had you who died? two died -

14. Give dates of birth and death of those who died. Marie Ste Anne born at Turtle Mountain Belcourt, Dacota, in 1889, died there in 1889 - St Pierre born in Montana in 1883 died there aged 8 days -

DEPARTMENT OF THE INTERIOR
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15. Can you produce baptismal certificates of the birth of your children? If so produce them, if not, state reasons? I will produce my baptism as I do not know where I was born my baptism will show that —

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not

17. Have you ever had a homestead entry? never

18. If so, what became of it?

19. Have you ever had any land claims in Manitoba and the North-West? If so, state nature of them, when and how acquired and what disposal did you make of them? none, I only built a small house at Turtle mountain Dacota in Indian Reserve, but even my family, though living in Indian Reserve with my father, do not live in that house —

20. What do you consider the value of all your property, land, implements, building, horses, cattle, &c.?

21. Did you ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? never

22. Mention any names by which you have been called, other than your name given above none, except that I was baptised "Louis Bruno", but I am commonly called Bruno —

23. Do you receive any annuity as an Indian, or in any way participate in grants to Indians? I never was in treaty, my family might get ration with my father who get ration from the Indian Reserve in Dacota — I am not sure my family does not get ration in said Reserve —

24. State anything bearing on your claim that you may wish to make

25. Where have you been since 15th day of March 1885, and how have you been employed in the interval?

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 384686

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I, Bruno Azure 24126 384686 within named make oath (or declare) and say that the within answers given by me are true in every particular. So help me God.

Sworn (or declared) before me, at City of Winnipeg this 21st day of June A.D., 1892 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence. made his mark

his
Bruno X Azure
mark

R Goulet

DEPARTMENT OF THE INTERIOR COMMISSIONERS OFFICE JUN 21 1892 WINNIPEG CANADA

DEPARTMENT OF THE INTERIOR COMMISSIONERS OFFICE JUN 21 1892 WINNIPEG CANADA

I, ... of .....

make oath (or declare) and say that I know ..... who has made oath to the correctness of the within answers, and so far as his answers to questions numbered ..... are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (or declared) before me , at ....

..... this .....

day of ..... A. D., 189.....

having been first read over and explained in the .....language to the deponent, who seemed perfectly to understand the same, and in my presence.

.....

I, ... of .....

make oath (or declare) and say that I know ....., who has made oath to the correctness of the within answers, and so far as his answers to questions numbered .....are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384686

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 721

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384686	HALFBREED SCRIP CLAIM OF BRUNO AZURE	1892-1895
384687	APPLICATION OF THE HEIRS OF JONAS BOTTINEAU FOR HALFBREED SCRIP	1889-1899

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
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No. 384687

DEPARTMENT OF THE INTERIOR,

1895

From Land Com

Date 8/July

" (when rec'd.) /13

Subject. Papers re H B scrip appl^n of heirs of Jonas Bottineau

Action.

GENERAL

0000014

Form No. 7.

No. 171735.

189

DEPARTMENT OF THE INTERIOR
COMMISSIONER'S OFFICE,
WINNIPEG, MAN.

From Jonas Rottinson (deceased)

Date

" (when rec'd.)

Subject.

DEPT OF THE INTERIOR * OTTAWA * RECEIVED JUL 1895

Action.	Action continued.	Action continued

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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BB

Duplicate

Department of the Interior,

Ottawa, 20th December, 1899

Memorandum :- 222260 -

To the Deputy Minister,

PAT. B'CH. JAN 26 1900

As my report of the 23rd February last with regard to the Half-breed claim to which this file relates, that of Joseph Bottineau, a son of Jonas Bottineau and Suzanna Poitras, to scrip as a Half-breed child, contains full particulars with regard to it, it is unnecessary for me to repeat them again. Since that report was made a solemn declaration made by one William Morrisette of Winnipeg, laborer, has been furnished. According to this declaration the claimant's parents resided in British Territory at the time of the Transfer, and were British Half-breeds and if it is accepted this claim should be allowed. But in such case not only is this claimant entitled to scrip but the other members of his family are also entitled.

Outside of this declaration and those which were received with Mr. Chaffey's letter of the 24th January last, the other papers on this file and the accompanying files show that this claim is an ordinary "St. Joe" case. If it is allowed upon evidence obtained by interested persons, then the same action will have to be allowed and followed in other similar cases.

The

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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The Department of Justice have more than once pointed out the risk of accepting, without question, evidence such as that to which I am now referring, but I am not able at present to submit any file containing an opinion to that effect. So far as my own opinion goes it is against the allowance of any of these old Half-breed claims upon such evi - dence without corroborative evidence obtained from a disinterested source.

Of course if it be decided that the declara - tions before referred to are to be accepted and recognized then this man's claim should be allowed, and scrip to satisfy it should be issued and be delivered to his attorney, and the same action should be followed with regard to the claims of the other members of his family.

Perhaps it would be well before taking any further action with regard to this case, or similar cases which were disallowed by the Half-breed Commission, or upon the report of Mr. Goulet, Half-breed Commissioner to submit the question of accepting evidence such as I have referred to in this report, to the Deputy Ministerof Justice and obtain his views

In closing this report I may state that a memorandum, dated the 10th May, 1898, on file 384687 addressed to the Secretary by Mr. Goulet is more favourable to the recognition of the claims of this family than his previous reports. But unless it is ruled that the declarations which have been

furnished

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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furnished by Mr. Chaffey and Mr. Stafford may be accepted without question, the claim cannot be allowed. If, however, these declarations are to be accepted the claim should be allowed and scrip should be issued to satisfy it, and be delivered to Mr. Chaffey, the claimant's attorney.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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[illegible] your reply
[illegible] the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to the letter quote its file number.

BB

LETTER 504462
FILE 222260

Department of the Interior,

Ottawa, 24th February, 1899.

Sir,

I am directed to inform you that all papers on file here which in any way relate to the claim of Joseph Bottineau, son of Jonas Bottineau and Suzanne Poitras to scrip, as a Half-breed child, including the two affidavits which you forwarded with your letter of the 24th ultimo, have been carefully considered and that the conclusion arrived at is that the former decision, disallowing this claim, must stand, as although the evidence submitted to establish the British citizenship of Jonas Bottineau and his residence in British Territory is stronger than that which has been submitted in most of the "St. Joe plain-hunter cases," it is not sufficient to warrant the allowance of his claim, and, therefore the claim of his son, Joseph.

I am, Sir,
Your obedient servant,
Lyndwode Pereira
Assistant Secretary.

B.E.Chaffey, Esq.,
Barrister,
Winnipeg,
Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384687

National Archives of Canada
Archives nationales du Canada

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BB

Department of the Interior,
Ottawa, 23rd February, 1899.

Memorandum :- 222260-

To the Deputy Minister,

This file relates to the claim of Joseph Bottineau, son of Jonas Bottineau and Suzanna Poitras to scrip as a Half-bteed child. He made application for scrip, under oath, on the 2nd December 1889, before Mr. Goulet, having on the 29th November of the same year executed a power of attorney in favour of Mr. B.E.Chaffey to receive such scrip if his claim was allowed. His parents never received scrip, and his claim was disallowed in 1895 upon the ground that he was an American Half-breed. The case is a St. Joe case, as is clearly established in my opinion by the evidence on file 384687 with regard to the claim of the father Jonas Bottineau, and in evidence on file 367406 herewith, all of which I have carefully examined.

A very lengthy report would be necessary if I was to summarize in it all the evidence on file in this Department. The pith of it is that this family lived at St. Joe from about the year 1850 to the fall of 1869, or spring on 1870 ; that he and his family with other St. Joe plain hunters moved to the Wood Mountain District and adjacent territory at the date of the Transfer and afterwards hunting the buffalo, sometimes on the Canadian side and, sometimes

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MINISTÈRE DE L'INTÉRIEUR
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sometimes on the American side ;

In the application (on file 222260) which Joseph Bottineau made under oath, on the 22nd December, 1889, before Mr. Goulet, and he was then and had been residing for some years in Dakota, he states that he was born at Wood Mountain in 1866, and lived there until 1886, after which he lived at St. Michel Dakota -- what part of Wood Mountain District is not stated.

In the application on file 384687, which Joseph Bottineau made before Mr. Goulet on the 3rd December, 1889, on hisown behalf and on behalf of the other heirs of his deceased father, Jonas Bottineau, he gives the places of birth of his brothers and sisters in Wood Mountains, or Cypress Hills Districts. Now Wood Mountain District is partly in the United States and partly in Canada. , (Wide Report of Mr. Goulet of 26th February, 1895, on file 367406) and taking into consideration the nature of the life these people lived, the fact that they lived in St. Joe until 1869 or 1870 when they went to Wodd Mountain District they went to hunt the buffalo, then in great numbers there and followed the buffalo into the States, it is not possible for me ot any one else to decide from the documents filed whether this Bottineau family, that is the family of Jonas Bot - tineau, which included his son Joseph, were American Half-breeds or not. It is stated that most of the brothers and sisters of Jonas Bottineau got scrip as North West Half-breeds in 1885, but that does

not

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not strengthen the claim of Jonas Bottineau or the claim of his son Joseph or any member in view of the residence of the family in St. Joe.

Mr. Chaffey has recently furnished two affidavits made by Antoine Oullette, and Xavier Fagnant, respectively, of Great Falls, Montana, before Mr. F. George Huldt, a Notary Public of that place, but these affidavits are not sufficient in my opinion to warrant a reversal of the decision in this case, action which would have been followed by an issue of scrip for $240 in this case, $160 in the father's case, and the allowance of the claims of other members of the family.

In both of these declarations the date of death of Jonas Bottineau is incorrectly given, in Ouellette's affidavit it is given as 1874 or 1876, and in Fagnant's about 1875. Now from the evidence filed here before the disallowance of the claims it is certain he died in 1879 -- "April, 1879" In fact this latter date is given in an affidavit which this same Antoine Ouellette made on the 28th November, 1893, before Mr. Goulet and which is attached to file 384687.

The strongest point in the case as submitted by the applicant for scrip is that Jonas Bottineau was buried at Qu'Appelle after his death in the Wood Mountain District in 1879. In other cases the body was taken to St. Joe and buried there. However the conclusion I have arrived at is that although the evidence that Jonas Bottineau was a British

Half-breed

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Half-breed and was a resident of British Territory in 1870 is stronger than that submitted in most of the St. Joe plain hunter cases I have examined, it is not sufficient to warrant the allowance of either Joseph Bo tineau's claim or his father's.

I recommend accordingly, and that Mr. Chaffey be so advised.

Approved
J.S.D.
23/7/99

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384687

Memo.
Mrs Lee
A copy of this memo. of Mr Goulet please. I will compare.
T. G. Rothwell
6.7.98

Done
9-7-98.
MMT

copy placed on file 468304 re St Joe H.B.
R

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Dominion Lands Office,

Winnipeg 10th May 1898

The Secretary
Dept. of the Interior
Ottawa

PAT. BCH.
MAY 26 1898
RECEIVED

DEPT. OF THE INTERIOR
RECEIVED
MAY 25 1898
OTTAWA

re Jonas Bottineau & family

Sir,

I have the honor to acknowledge the receipt of your letter of 25th April last on the Joseph Laverdure file No 367406, transmitting me said file and to inform you that after reading the papers on it, also the papers on late Jonas Bottineau family files, I concluded for myself that, although this claim of the said Jonas Bottineau & family, is one of the St Joe cases of roving people, who were originally from british territory before the year 1850 and who lived as hunters sometime on british & most of the time on american side between 1850 & spring 1870 when they left St Joe in may 1870 to go & hunt buffaloes at Wood Mountain where they arrived before the 15th July 1870 on british side sure & went south afterward not being sure where they lived on british or on american side on the

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the said 15th July 1870, though they lived ten or twelve years after that date on british soil, it is not easy to recommend to allow or disallow them.

In my memo of the 26 February 1895 on the Joseph Lavendure file No 367406 aforesaid, I had said it was better to ascertain exactly where the whole of these people lived on said 15 July 1870 before disallowing or allowing them.

There is one thing certain, it is the fact that they were born & brought up british subjects who went to St Joe, Dacota in about 1850 & lived there in and out as hunters until the latter end of the month of May 1870 and left that place for good then & went to live at Wood Mountain for 10 or 12 years after.

I was thinking in this case of this Jonas Bottineau & family (his name, I underlined with red, appears in evidence on said file No 367406 as living at Wood Mountain in winter 1870-1871) that because they were originally british subjects though they lived at St Joe Dacota from 1850 to May 1870 as buffalo hunters, if that was not enough to make them american citizens, specially if they temporarily lived on british soil on

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on the 15th July 1870, that their claims should be allowed, but I see on a Memorandum of Mr Coté dated Ottawa, 13th March 1895 on said Laverdure file No 36406 that late Mr Burgess wrote on it, "These claims must all be disallowed". In fact it has been the rules with the whole Department of the Interior, with the Half breed Commissions & myself as a half breed Commissioner to disallow all the claims of half breeds who lived in the United States on the 15th July 1870, taking no account of their being still british or real american subjects, taking for granted because they lived in United States, one, ten or twenty years before on the 15th July 1870 was the law to disallow them. I remember in 1874, when late Mr Donald Codd was Dominion Lands Agent at Winnipeg, on my inquiring about it, to have said that the law about the 15th July 1870, had been passed passed purposely to exclude the St Joe half breeds, who being American half-breeds, not having been included in the Census of 1870, could not participate in scrip, or, in

half breed

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half breed lands - On being told so, I thought in myself that, so far, it was reasonable, because there was a distinction between the St Joe + the Manitoba half breeds, that amongst ourselves, the former were classed american half breeds + the latter english half breeds; but I also thought in myself; if these St Joe people had not done enough to lose their allegiance to the British Crown, what then? - What I think now, if these claims are still subject to the 15th July 1870, it would be good to ascertain where these people lived for sure at that date; but if the broader view is taken of allowing them because they are still british subjects, then in all these and many other cases resembling them, it would of course, be good to ascertain that point - In this case of the Bottineau family, because they left St Joe for good to go to the Wood Mountain before the 15th July 1870 + lived there for 10 or 12 years after as for myself I would incline to allow them - It seems to me that they must have kept

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left St Joe before 1870, because by the baptisms
of the children when baptized it is seen they
were many months old + that they must have
been born somewhere else than St Joe,* at Wood
Mountain they claim, at least in the case of
the daughter Angelique born there in February 1870
+ was baptized at St Joe on 15th May 1870. The father
himself died at Wood Mountain in 1879 + was
buried at Qu'Appelle. Also the most of the
Bottineau brothers + sisters of this Jonas Bottineau got their scrips in 1885 from the North
West half breed Commission at Wood Mountain
and many are still there. The old mother, grand mother of all the Bottineau Angelique Cardinal is
still living at Wood Mountain with Jonas & her children, and these people have led the same life
as this family of Jonas Bottineau before + on the
15th July 1870 to about 1881; but even so, is it sure
having been St Joe people since 1850 to 1870, that they
are still british subjects? As for myself, as
said before, I rather incline to say they were so
on

* Because that was Father Le Floff a resident Priest at St Joe in February 1870 + catholics always get their children baptized when 1 or 2 days old, when near a priest.

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left St Joe before 1870, because by the baptism of some of the children when baptized it is seen they were many months old & that they must have been born somewhere else than St Joe,* at Wood Mountain they claim, at least in the case of the daughter Angelique born there in February 1870 & was baptized at St Joe on 15th May 1870 - The father himself died at Wood Mountain in 1879 & was buried at Qu'Appelle - Also the most of the Bottineau, brothers & sisters of this Jonas Bottineau got their scrips in 1885 from the North West half breed Commission at Wood Mountain and many are still there - The old mother, grand mother of all the Bottineau, Angelique Cardinal, is still living at Wood Mountain with some of her children, and these people have led the same life as this family of Jonas Bottineau before & on the 15th July 1870 to about 1881; but even so, is it sure, having been St Joe people since 1850 to 1870, that they are still british subjects? As for myself, as said before, I rather incline to say they were so on

* Because they was Father Le Floch a resident Priest at St Joe in February 1870 & catholics always get their children baptised when 1 or 2 days old, when near a priest

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RÉPÉTITI

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Dominion Lands Office,

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on the 15th July 1870 – I did not hurry to make explanations on these claims, it was in order to obtain further informations which is not easy to get as these people and those who knew them, are too far away from here now –

I have the honor to be
Sir
Your Obedient Servant

R. Goulet

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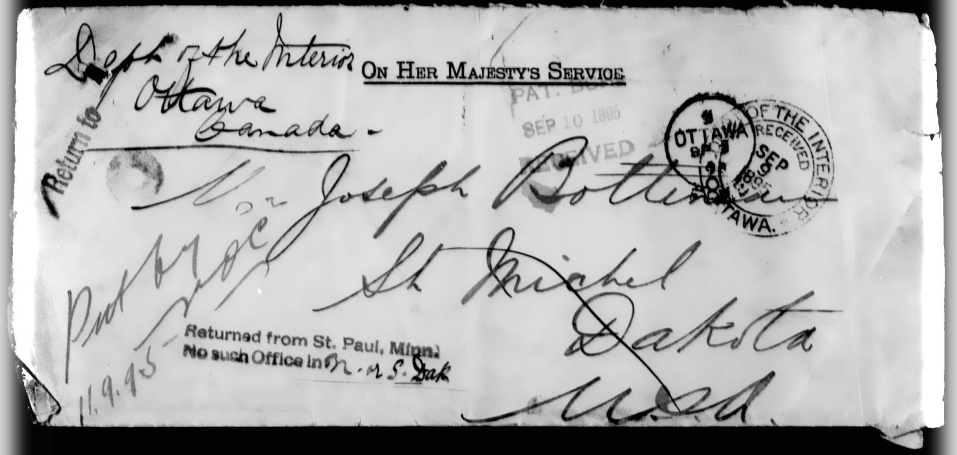

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Address your reply "To the Secretary Department of the Interior, Ottawa." Do not write about more than one subject in the same letter. Write legibly your full name and address. If you reply to this letter quote its file number.

FM.

DEPT. OF THE INTERIOR RECEIVED SEP 9 1895

LETTER.

FILE. 384687.

Department of the Interior,

Ottawa, 31st August, 1895.

Sir,

I am directed to inform you that the papers respecting the application made by you at Winnipeg in 1889 on behalf of the heirs of your deceased father, Jonas Bottineau, to share in the Half-breed grant of scrip, have recently been received here; and to state that as the evidence in this case shows that the deceased was a resident, at the Transfer, of the United States of America, the claim in question has been disallowed.

Partch
160

I am, Sir,

Your obedient servant,

Assistant Secretary.

Mr. Joseph Bottineau,
St. Michel, Dakota,
U. S. A.

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(Copy for the Commissioner).

FM.

LETTER.....

FILE. 384687.

Address your reply to "The Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

Department of the Interior,

Ottawa, 31st August, 1895.

Sir,

I am directed to inform you that the papers respecting the application made by you at Winnipeg in 1889 on behalf of the heirs of your deceased father, Jonas Bottineau, to share in the Half-breed grant of scrip, have recently been received here; and to state that as the evidence in this case shows that the deceased was a resident at the Transfer of the United States of America, the claim in question has been disallowed.

Copy sent home. 3/9/95 M.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Mr. Joseph Bottineau,

St. Michel, Dakota,

U. S. A.

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PAT. BCH.
AUG 29 1895
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Ref. 384687

Memorandum.

Mr Cote

Department of the Interior,
Patent Branch,
Ottawa, 28th Aug. 1895

John R. Hall, Esq.,
~~A. M. Burgess, Esq.,~~
Act. Deputy of the
Minister of the Interior,

For your disallowance
of the claim to share in the Half Breed grant of scrip of
the claim of the heirs of the
late Jonas Bottineau

Disallowance
noted
[illegible] 29.8.95

Respectfully submitted,

N O Cote

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DEPARTMENT OF INTERIOR.

MEMORANDUM.

To.....

Jonas Bottineau
Deceased.

No other applic
Feb 6/8/95

Ottawa.....189.

F THE INTERIOR
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McHenry

PAT. BCH.
AUG 5 1895
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I think there are other papers re claim of Jonas Bottineau

Will you please have a Search made for them

367406

Fwch
23.7.95

5/8/95

I do not find the name of Jonas other than under number 384687 — in the ~~Id~~ HB & other indexes
I del'tail

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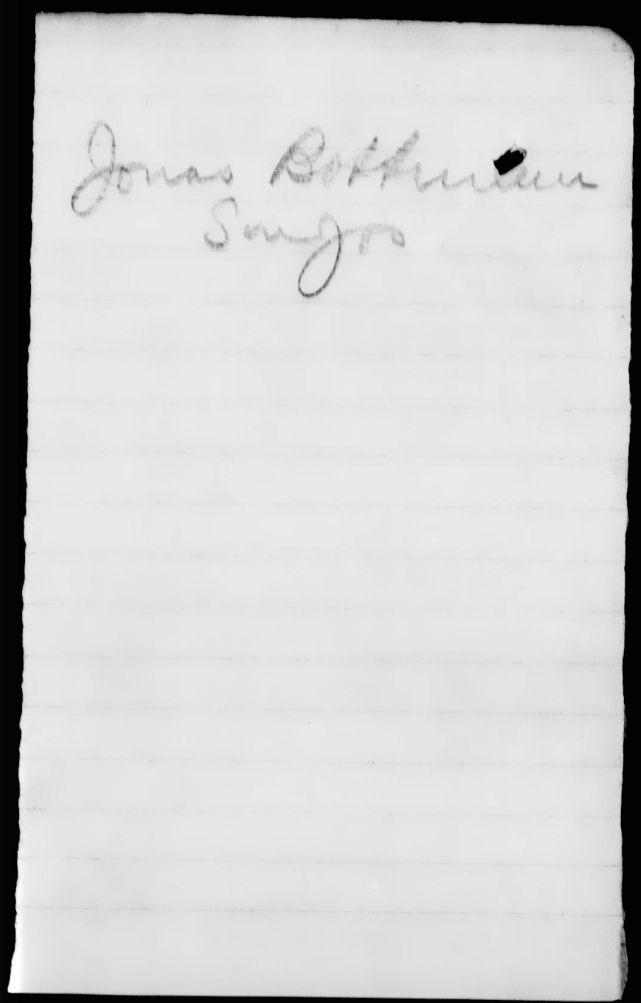

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✓ 384687 No. 332554
Ref. 171735.

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 8th July, 1895. 18

- Do not write about more than one subject in the same letter.
- Write legibly your full name and address.
- Address your reply to the Commissioner of Dominion Lands, Winnipeg.

DEPT. OF THE INTERIOR OTTAWA. RECEIVED JUL 13 1895

PAT. BCH. JUL 16 1895 RECEIVED

222260

Sir,

I beg to hand you File of this Office, No. 171735, covering papers in reference to the Half-breed scrip app-
1 Encl. ✓ lication of the heirs of the late Jonas Bottineau, and to direct your attention to the memorandum by Mr. Goulet which is attached thereto.

I am, Sir,

Your obedient servant,

J. Rempel
Secretary.

The Secretary,
Department of the Interior,
Ottawa, Ont.

R.

DEPARTMENT OF THE INTERIOR
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Form No. 26.

Memorandum. 384687

To.....

.....

.....

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg,.....189

This claim of the heirs of late Jonas Bottineau to his scrip as a half breed head of family for the N.W. Terr, was applied for by his son Joseph Bottineau at Winnipeg in December 1889, but being a suspicious case since the beginning, it can not be allowed, because it was, as yet impossible for me to ascertain on which side of the Boundary line, this family lived on the 15th July 1870 & seeing that this man lived at St Joe Dacota since about 1850 to Spring 1870, when he went to Wood Mountain to hunt buffaloes & though they were on British Ground at Wood Mountain in the early summer 1870 & for many years after, having gone so far as Milk River in Montana during that summer, as said before, it is not sure on what side of the Boundary line they lived on the 15th July 1870.

While at Turtle Mountain in January last I got the evidence of Joseph Laverdure Jr & Baptiste Latergrasse on this case, for further information see my memo of 26th February last on the claim of late Joseph Laverdure Sr. H.B. 3203 N.D. Ry. 367406 on Winnipeg file No 327201 -

Winnipeg 15th March 1895 -

R. Goulet

Claiming Joseph Laverdure referred to in Mr. Goulet's concluding remarks was [illegible]

DEPARTMENT OF THE INTERIOR
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384687

In the matter of the claim to scrip of the family of Jonas Bottineau to scrip as half breeds for the N. W. Ter., Joseph Lavendure + Baptiste Latergrasse declare + say:- We have known this family very well, they were formerly of Manitoba, they came at St Joe N.D. in about 1852 + lived there as plain hunters of buffalo on each side of the line, when in May 1870 they left St Joe with the big camps to go + hunt buffalo at Wood mountain where during summer 1870 they went to Wood mountain, at Cotton Wood creek + at Milk River + came back to Wood mountain to winter + lived there with his family until he died in april 1879- It is only last summer that his widow who is married to Napoleon Ranville came to Turtle mountain, but not to claim anything of him in this Turtle mountain Indian Reserve N.D. It is only one of the son whose name we don't remember, who is living in this Reserve aforesaid claiming right to said Reserve, just now he lives outside of said Reserve -

Joseph his X mk Lavendure

Baptist - Laterregrass

Sworn before me at Belcourt - North Dacota 21st January 1895-

R. Pouliot

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In the matter of the claim of the legal representatives of late Jonas Bottineau to his scrip as a half breed head of family for the N.W. Terr, Antoine Ouellette being sworn say:-

I am now 59 years of age, I have known Jonas Bottineau & family very well, I have known them since they were living at St Joe Dacota where he was ~~born~~ brought up, his father & mother were originally from St Francois, Quebec, they were plain hunters, they afterward went to St Joe where the son Jonas the subject of this application was born at Turtle Mountain in about 184 I do not know his age properly - anyway he was married at St Joe Dacota, where he lived as a plain hunter, and in spring 1869, we all moved to Wood Mountain where he lived with the Whole of his family & he lived there until his death in April 1879 & was buried at Qu'Appelle the same spring - His family continued to live at Wood Mountains for two years, they had their home there, when his widow got married with Napoleon Rainville and they went to Turtle Mountain St John, Dacota where they lived ever since, at least they were there in July last 1893 - They lived at Cypress Hills N.W. Terr on the 15th July 1870 as plain hunters, but their residence proper was Wood Mountain where his mother is still living - I lived there myself on the said 15 July 1870 & after-

Sworn before me at Winnipeg 28 Nov 1893 (first read over & explained to him in French)

his
Antoine X Ouellette
mark

R. Goulet

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384687

In the matter of the claim of the legal representatives of late Jonas Bottineau to his scrip as a half breed head of family for the N.W. Terr, Antoine Ouellette being sworn say:—

I am now 59 years of age, I have known Jonas Bottineau & family very well, I have known them since they were living at St Joe Dacota where he was ~~born~~ brought up, his father & mother were originally from St Francois Xavier, Manitoba they were plain hunters, they afterward went to St Joe where the son Jonas the subject of this application was born at Turtle Mountain in about 184 I do not know his age properly — anyway he was married at St Joe Dacota, where he lived as a plain hunter, and in spring 1869, we all moved to Wood Mountain where he lived with the whole of his family & he lived there until his death in April 1879 & was buried at Qu'Appelle the same spring — His family continued to live at Wood Mountains for two years, they had their home there, when his widow got married with Napoleon Rainville and they went to Turtle Mountain St John, Dacota where they lived ever since, at least they were there in July last 1893 — They lived at Cypress Hills N.W. Terr on the 15th July 1870 as plain hunters, but their residence proper was Wood Mountain where his mother is still living — I lived there myself on the said 15 July 1870 & after.

Sworn before me at Winnipeg 28 Nov 1893 (first read over & explained to him in French)

Antoine his Ouellette mk

R. Goulet

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
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384687

Extract of the register of baptisms, marriages and burials of the parish of St Joseph of Leroy, north Dakota, for the year 1867

The 20th January 1867, we the undersigned Parish priest of this parish, have baptized Joseph, born the 23th September 1866 legitimate son of Jonas Bottineau, and Suzanne Potras of this parish. The godfather was Antibued Inkin, and the godmother Mary Potras.

(Sing.) J.B.E. Richer Ptre O.M.I.

Which extract, we the undersigned, parish priest of St Joseph of Leroy north Dakota, Certify to be conformable to the original register deposited in the archives of the said parish. The 25th April 1893

M. J. A. Perron, Ptre

DEPARTMENT OF THE INTERIOR
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384687

Extract of the register of baptisms, marriages, and burials of the parish of St. Joseph of Leroy, North Dakota, for the year 1870.

The 15th may 1870, we the undersigned. Parish priest of this parish, have interred in the cemetery of this parish, the body of Jean Lucide Bottineau, son of Jonas Bottineau and of Suzanne Potras; deceased the 30th November 1869. in this parish, aged 18 months. Present Jonas Bottineau and François Ouellet.

(Sngs) J.M.J. LeFloch, Ptre ami.

Which extract, we the undersigned. parish priest of St. Joseph of Leroy, north Dakota, Certify to be conformable to the original register deposited in the archives of the said parish. The 25th April 1893.

M. J. A. Perron, Ptre

DEPARTMENT OF THE INTERIOR
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Extract of the register of baptisms, marriages, and burials of the parish of St Joseph of Leroy, north-Dakota, for the year 1870—

The 15th May 1870, we the undersigned Parish priest of this parish, have baptized Angelique, born in February 1870, legitimate daughter of Jonas Bottineau and Suzanne Potvin of this parish. The godfather was Francois Ouellet, and godmother Angelique Cardinal.

(Sing.) J. M. J. LeFloch Ptre O.M.I.

Which extract we the undersigned, Parish Priest of St Joseph of Leroy, North Dakota, Certify to be conformable to the original register deposited in the archives of the said parish. The 25th April 1893.

M. Z. A. Perron, Ptre

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In the matter of the claim of Jonas Bottineau to scrip as a half breed head of family for the N.W. Terr, Narcisse Lacerte being sworn say:

I am now 47 years of age, I lived at Wood Mountain since fall 1869, I have known Jonas Bottineau very well, I have known him long before 1870 at St Joe Dawta he used to live there & go to hunt buffalo from there, we hunted buffaloes south of Wood Mountain in summer 1869, & on each side of the Boundary line, we were at Wild horse Lake & we wintered in winter 1869-70 at Wood Mountain, & as I was absent in summer 1870, I can not say where he lived on the 15th July 1870, but I am informed that he hunted buffaloes between Wood Mountain & Cypress Hills on 15 July 1870, I am sure he wintered 1870-71 at Wood Mountain as when I came back in spring 1871 he was still at Wood Mountain & lived there with his family until he died there in April 1879 & was buried at Qu'appelle & his family continued to live at Wood Mountain until 1886 when they went to St John Turtle Mountain Dawta where they lived since, His widow is now married to Napoleon Rainville –

Sworn before me at Regina 21 October 1891 (having first been read over & explained in French) } Narcisse his mk Lacerte

R. Goulet

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Copy

No 12. Baptism of Angelique Bottineau
the 15th May 1870 at St Joe D. Lac, N.S
daughter of Jonas Bottineau + Susanne
*Laverdure, born in February 1870 -

(Sgd) Jean J. LaFloch Ptre

St Jos Dacota Lac this 15 march 1886
R. Foulet

(* this "Laverdure", must be a mistake for "Poitras"
3/2/90 - R.F.)

Copied by me, Winnipeg 3 Feb 90
R. Foulet

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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This claim of the Heirs of their father Jonas Bottineau cannot be allowed the way it is, because the certificates of Baptism of the sons Joseph Bottineau, Jean Louis, Elzear, the daughters, Angelique, Marie Rose + his son Israel - have to be produced before, to show where those people lived on 15 July 1870, if those born before + after that date, were born + baptised at Wood Mountain this claim would be good -

Winnipeg 7 Dec 89 -

R. Toutet

On 10th January 1872 they lived at Wood Mountain as the Baptism of Francois claiming it - also in April 1879 as the Burial certificate shows it -

DEPARTMENT OF THE INTERIOR
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Extrait des Registres des baptêmes, mar
et sépultures de la Mission du Sacré Coeur, Lac Qu'App
1872

"Le premier janvier mil huit cent soixante-douze, n
prêtre soussigné avons solemnellement baptisé
Marie Séraphine Botineau, née aujourd'hui du lég
mariage de Jonas Botineau et de Suzanne Poitras
Parrain Jean Louis Légaré, Marraine Marie Ouellet.
(Signé) J.P. Mestang ptre
o.m.s.

Lequel extrait nous prêtre soussigné certifion
être conforme au Registre original conservé d
les Archives de la Mission du Sacré Coeur
Lac Qu'Appelle

Fait à Qu'Appelle le 4 Novembre 1859 –
J.P. Magnan P.o.m.s.

Baptême
Marie Séraphine Botineau

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Archives nationales du Canada

00005

In your reply
Please refer to No. 49259

Department of the Interior,
Dominion Lands Office,
Winnipeg 4th Dec 1889.

171725

Sir,

33601

I have the honor to ~~acknowledge the receipt of your letter dated the~~ Enclose herewith the application of Joseph Boltineau, concerning the claim of Jonas Boltineau his deceased father to participate in the grant to Half Breeds in the North West Territories

The Commissioner
Dom Lands
Winnipeg
Man

I have the honor to be,
Sir,
Your obedient servant,

A. W. Whitehead
Agent of Dominion Lands.

Form 26.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Archives nationales du Canada

Extrait du Régistre des Baptêmes, Mariages et Sépultures de la Mission du Sacré Coeur Lac Qu'Appelle

1879 171735

"Le six Mai mil huit cent soixante dix neuf, nous prêtre soussigné avons donné la sépulture ecclésiastique au corps de Jonas Botineau mort le cinq avril dernier agé de trente quatre ans.

Le moins Louis Blondeau et Samuel Turcotte"

(Signé) P. St Germain. O.M.I.

Lequel extrait nous prêtre soussigné certifions être conforme au régistre original conservé dans les archives de la Mission du Sacré Coeur Lac Qu'Appelle –

Fait à Qu'Appelle le 4 Novembre 1889

J.P. Magnan. P.O.M.I.

...ture

Jonas Botineau 49259

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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171735

Received, No other apply Feb 6 1895

Disallowed as a resident as deceased in America on 15th July 1870 See Mr. Toulet's report dated 15th Mch 1895

Wm Hall 28 Jan 95

Declaration by Joseph Bottineau

Concerning Jonas Bottineau's (his deceased father) Claim to participate in any grant to Half-Breeds living in the ~~Province of Manitoba~~ North West Territories

1. What is your name and P. O. Address? Joseph Bottineau St Michel Dakota
2. Where and when were you born? was your father born? at St Francois Xavier about 1844
3. What was the name of ~~your~~ his father? ~~I do not know~~ Joseph Bottineau
4. What was the name of ~~your~~ his mother? ~~Do~~ Angélique Cardinal
5. Was ~~your~~ his father a Half-breed or Indian or either? Half Breed
6. Was ~~your~~ his mother a Half-breed or Indian or either? Half Breed
7. Where ~~were you~~ was he living each year since ~~you were~~ he was born? The greatest part of the time at wood mountain and some time at Qu'appelle I am young but I was told my parents lived at wood mountain on 15 July 1870 until my father died there, intestate leaving as Heirs his widow & children as above
8. What ~~has been your~~ was his occupation? Hunter
9. If married, when, where and to whom? he was married at St Francois Xavier to Suzanne Poitras
10. How many children ~~have you~~ has he living? six
11. Give their names, and dates of birth? Joseph born wood mountain born in October 1866 - Angelique born at Qu'appelle 20 years old, Seraphine at wood mountain 17 years old, Marie Rose born Cypress Hills 13 years old, Israel born at wood mountain 11 years old
12. What was the name of their respective (mothers or fathers as the case may be)? Jonas Bottineau and Suzanne Poitras
13. How many children had you who died? three died
14. Give dates of birth and death of those who died? Jean Louis, or Lucide born at wood mountain in 1868, died there in 1870 - Elzéar born at Cypres Hills in 1872 died at St Michel Dacota in 1889 - Jean Louis born at Old wives Lake near wood mountain in 1877 died at St Michel Dacota 5 months all those died young, unmarried & intestate -

49259

Form No. 151

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15. Can you produce baptismal certificates of the birth of ~~your~~ children? If so, produce them, if not, state reasons? I do not know where they were baptised

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not —

17. Have ~~you~~ Last Years father ever had a homestead entry? No

18. If so, what became of it? —

19. ~~Have~~ Last Years you ever had any land claims in Manitoba and the North-West? If so, state nature of them, when and how acquired and what disposal did you make of them? No land away

20. What do you consider the value of all your property, land implements, building, horses, cattle, &c.? Nothing at all Last Years father or in the North West Territories

21. Did ~~you~~ ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? No

22. Mention any names by which you have been called, other than your name given above? No other name

Did Last Years father

23. ~~Deponent~~ receive any annuity as an Indian, or in any way participate in grants to Indians? No

24. State anything bearing on your claim that you may wish? I was away from Wood Mountain when the Commission came there to take the application of all the Half Breeds and I have not been able to do it since

25. Where have you been since 15th day of March, 1885, and how have you been employed in the interval? —

1. Susanne Poitras his widow, now wife of Napoléon Rainville of St. Michael P.O. Rolette Co Dakota
2. Joseph Bottineau his son, deponent " " "
3. Angelique " aged 20 years wife of Joseph Leveille Dunseith P.O. "
4. Seraphine " aged 18 years " " Joseph Belgarde Belcourt P.O. "
5. Marie Rose " his daughter not married St Nicholas Co. "
   aged 13 years —
6. Israel Bottineau his son, aged 11 years " " "

Sworn before me at Winnipeg 4 Dec 1889

Joseph X Bottineau his mark

R. Goulet

DEPARTMENT OF THE INTERIOR
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00005

I, Joseph Bottineau within named make oath (~~or declare~~) and say that the within answers given by me are true in every particular. So help me God.

Sworn (~~or declared~~) before me, at Winnipeg this 3d day of December A.D., 1889 having been first read over and explained in the french language to the deponent, who seemed perfectly to understand the same, and in my presence.

Joseph his X mark Bottineau

171735

A. H. Mitchell
N.A.L.

I, Gabriel Beauchemin of Belcourt Dakota make oath (or declare) and say that I know Joseph Bottineau who has made oath to the correctness of the within answers, (and so far as his answers to questions numbered ——— are concerned,) I know them to be correct, ~~and so far as the remainder are concerned, I believe them to be true and correct~~ in every particular.

Sworn (~~or declared~~) before me, at Winnipeg this 3d day of December A.D., 1889 having been first read over and explained in the french language to the deponent, who seemed perfectly to understand the same, and in my presence.

Gabriel his X mark Beauchemin

A. H. Mitchell
N.A.L.

I, Gabriel Amyot of St Michel Dakota make oath (or declare) and say that I know Joseph Bottineau, who has made oath to the correctness of the within answers, (and so far as his answers to questions numbered ——— are concerned,) I know them to be correct, ~~and so far as the remainder are concerned~~, I believe ~~them to be true and correct~~ in every particular.

Sworn (~~or declared~~) before me, at Winnipeg this 3d day of December A D., 1889 having been first read over and explained in the french language to the deponent, who seemed perfectly to understand the same, and in my presence.

Gabriel his X mark Amyot

A. H. Mitchell
N.A.L.

DEPARTMENT OF THE INTERIOR
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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 721	
384691	ELIZA LAWRENCE RE HER SCRIP CLAIM	1885-1895
384695	W.W. DUFFIELD SUPERINTENDANT OF U.S. COAST AND GEO. SURVEY AS COMMISSIONER OF U.S. IN PLACE OF T.C. MENDEHALL	1895

DEPARTMENT OF THE INTERIOR
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Archives nationales du Canada

No. 384691

DEPARTMENT OF THE INTERIOR,

1895

From Alexis L Esperance
Choteau

Date
" (when rec'd.) 3/July/3

Subject. Encloses order from Eliza Laurence re scrip as one of the heirs of her mother Marguerite Courtepatte
Reg 467

Action.

GENERAL

00005

00005

Address reply
"The Secretary
Department of the Interior,
Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

C.

LETTER.....

FILE..... 384691.

Department of the Interior,

Ottawa, 24th July, 1885.

Sir,

I am directed to enclose herewith scrip note No. 12869 for $80.00, issued to bearer under the authority of an Order in Council of the 30th March, 1885, in satisfaction of the claim of Eliza Laurence, wife of Norbert Laurence, to share in the Half-breed grant of scrip as one of the heirs of her deceased mother, Marguerite Coutepatte, wife of Frederick St. Germain, and to request you to return the accompanying form of receipt to this Department after it has been dated and signed.

Encs.

I am, Sir,

Your obedient servant,

for Assistant Secretary.

Alexis L'Esperance, Esq.,

Winnipeg,

Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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3 84691

Send scrip to

Alexis L'Esperance Esq.
Winnipeg
Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Ref. No. 384691

N. W. 7.

Department of the Interior,

PATENTS BRANCH.

Ottawa, July 17 1895

To the Accountant
Department of the Interior.

N.W. Scrip No.	Required the Issue of the following Scrip, viz.;—
12.869	Eliza Laurence, wife of Norbert Laurence and one of the heirs of her deceased Mother Marguerite Courtepatte wife of Frederick Germain $80.00

Approved
[illegible] 95
D.M.

Rec'd 4.30 P.M.
17/7/95
H. A. S.

Under the authority of an Order in Council dated the 30 Mar 85

The above mentioned Scrip issued this 18/7/95

[illegible] Acc't.

N. O. Cole for Chief Clerk.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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384691

DEPT OF THE INTERIOR RECEIVED JUL 18 1895 OTTAWA

Choteau Montana 24th June 1895

The Secretary Department of the Interior
Ottawa
Ontario Canada

Sir

I Eliza Laurence wife of Norbert Laurence of Choteau Post office in Montana and Doughter of Frederick St Germain and Marguerite Courtepatte hereby authorize and request you to issue and deliver to Alexis L'Esperance of Winnipeg in Manitoba Estate agent the share of scrip to which I am entitled as one of the heirs of my deceased Mother said Marguerite Courtepatte

$80.00 Rob'd [illegible] 16.7.95

Bref me req^d for this share. VOC 17.7.95

Witnesses
Philias Codine
G M Transan

Your Obedient Servant
Eliza her X mark Laurence

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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State of Montana } I Philias Coderre of the
To Wit } Town of Great Falls in the
County of Cascade in Montana
A Carpenter make oath and say

1 That I was present and did see the within instrument signed sealed and delivered by Eliza Laurence the party thereto

2 That I know the said party and know her to be the person mentioned in the said within instrument

3 That the said instrument was executed at the Village of Choteau in Monta

4 That I am a subscribing witness to the said instrument

Sworn before me at the Town of Great Falls in Cascade County in Montana this 27th day of June in the year of our Lord 1895.

Philias Coderre

D. Geo. Hall
A Notary Public

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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384691

Cherteau Montana 3rd July 1895

The Secretary Department of Interior
Ottawa
Ont.

PAT. BCH.
JUL 16 1895
RECEIVED

Sir

Please find herewith a letter from Eliza Laurence wife of Norbert Laurence and Daughter of Frederick St Germain authorizing me to apply and receive her scrip as one of the heirs of her mother Marguerite Courtepatte Deceased. And to send said scrip to my address Winnipeg Post office Manitoba

Your obedient Servant
Alexis L'Esperance

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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DEPT. OF THE INTERIOR
RECEIVED
JUL 13 1895
OTTAWA

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 721
File/dossier 384691

National Archives of Canada
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No. 197 FORM P.

DEPARTMENT OF THE INTERIOR, CANADA.

North West Half-Breed Commission.

St Albert 13 June 1885.

This is to Certify that Melanie St Germain a Half-Breed, has proved to the satisfaction of the Commission that She is entitled to 80 dollars in Scrip as one of the heirs of Marguerite St Germain, who, it has been proved to the satisfaction of the said Commission, was residing in the North West Territories previous to the 15th day of July, 1870, and under Sub-Clause (E) of Clause 81 of the Dominion Lands Act, 1883, and the Order in Council of the 30th March, 1885, would have been, if living, entitled to 160 dollars in Scrip.

The Scrip called for by this Certificate amounting to 80 dollars, will be payable to bearer, will specify the name of the person in whose favour it is granted, and will be delivered to the person producing this Certificate. Said Scrip will be accepted at par in payment of Dominion Lands.

A. P. R. Strut

Chairman of the Commission.

DEPARTMENT OF THE INTERIOR
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Extrait du Régistre de St. Albert, année 1875 —

Sép. 2 — Le 22 Janvier 1875, Nous prêtre soussigné avons donné la sépulture au corps de Marguerite Courtepatte, épouse de Frédéric St. Germain, décédée au Lac du Boeuf le quatre courant à l'âge de 20 ans. Présents à l'inhumation Frédéric St. Germain, Baptiste Courtepatte, Noël Courtepatte. Frédéric St Germain seul a su signer.

(signé) J. J. M. Lestanc, ptre, O. m. i.

(signé) Frédéric St. Germain.

Je soussigné atteste l'acte susdit conforme à l'original.

J. T. Lucuillon, ptre

St. Albert, 8 Juin 1885

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Re [redacted]6 ✓

Marguerite St Germain
(Née Courte-patte).

~~$240.~~ #160 384691
2. shares.

197° + ~~76~~ + 80
Melanie
13 June 85

✓

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Archives nationales du Canada

00006

00006

Re [illegible]

Marguerite St Germain
(Orée Courte-Pelle).

~~[illegible]~~ #160 384691

2. shores.

197° ~~[illegible]~~ #80
Melanie
13 Jan 85

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 721
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National Archives of Canada
Archives nationales du Canada

00006

Declaration by Noël Courte-patte

Concerning his daughter Marguerite Courte-patte late wife of Frederic St Germain entitled, if living, Claim to participate in any grant to Half-Breeds living in the North-West Territories, as Head of family

1. What is your name and P. O. Address? St Albert.
2. Where and when ~~were you~~ Marguerite St Germain born? Lake St Anne in 1855
3. What was the name of ~~your~~ her father? Noel Courte-patte (Deponent)
4. What was the name of ~~your~~ her mother? Nancy Campion (Sapin)
5. Was ~~your~~ her father a Half-breed or Indian or either? Halfbreed
6. Was ~~your~~ her mother a Half-breed or Indian or either? Halfbreed.
7. Where ~~were you~~ was she living each year since ~~you were~~ she was born? always in these parts of the Territories

~~8. What has been your occupation?~~

9. If married when, where and to whom? Deceased Marguerite was married at St Albert in 1868 to Frederic St Germain
10. How many children ~~have you~~ has the living? Two.
11. Give their names, and dates of birth? Eliza aged 13 years - lives with her father Frederic St Germain, and ~~Eliza~~ Mélanie aged 11 years - lives with her Grand-father the Deponent — $80

~~12. What was the name of their respective (mothers or fathers as the case may be)~~ $80

$160

13. How many children had ~~you~~ she who died? none

~~14. Give dates of birth and death of those who died?~~

Form No. 143.

DEPARTMENT OF THE INTERIOR
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00007

15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons?

DEPT. OF THE INTERIOR RECEIVED AUG 26 1885 OTTAWA

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not.

Burial Cert. of Marguerite produced.

17. Have you ever had a homestead entry?

18. If so, what became of it?

19. Have you ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and, what disposal did you make of them?

20. What do you consider the value of all your property, land, implements, building, horses, cattle, &c.?

21. Did ~~you~~ She ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? no

22. Mention any names by which ~~you have~~ She has been called, other than your name given above? none

23. Do ~~you~~ She receive any annuity as an Indian, or in any way participate in grants to Indians? no

24. State anything bearing on your claim that you may wish

Deceased Marguerite St Germain (née Courte Pratte) died on 22d Jan 1875 and leaves as her heirs at law her two children - namely

✓ 1. Eliza St Germain aged 13 years - living with her father - at Sun River

✓ 2. Mélanie St Germain, aged 11 years, lives with Deponent - She was adopted by him, her grand father, when she was about 1 year old - who claims her share for the support of the child.

his
Noël + Courte Pratte
mark

DEPARTMENT OF THE INTERIOR
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Archives nationales du Canada

00007

I, Noël Courte-patte — within named, make oath (~~or declare~~) and say that the within answers given by me are true in every particular. So help me God.

Sworn (~~or declared~~) before me, at — St Albert this 13th day of June A.D., 1885 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence, made his mark

Noël his Courte-patte mark

A.E. Forget
Commr

I, Adolphe Perreault of St Albert make oath (~~or declare~~) and say that I know Noël Courte-patte, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered 1. 3. 4. 5. 6. 7. 9. 10. 11 — are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at — St Albert this 13th day of June A.D., 1885 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence, ~~made his~~ signed ~~Sherets~~

Adolphe Perreault

A.E. Forget
Commr

I, George Chalefoux of St Albert make oath (~~or declare~~) and say that I know Noel Courtepatte, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered 1. 3. 4. 5. 6. 7. 9. 10. 11 are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at — St Albert this 13th day of June A.D., 1885 having been first read over and explained in the French & cree language to the deponent, who seemed perfectly to understand the same, and in my presence, made his mark

George his Chalefoux mark

A.E. Forget
Commr

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 721	
384691	ELIZA LAWRENCE RE HER SCRIP CLAIM	1885-1895
384695	W.W. DUFFIELD SUPERINTENDANT OF U.S. COAST AND GEO. SURVEY AS COMMISSIONER OF U.S. IN PLACE OF T.C. MENDEHALL	1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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National Archives of Canada
Archives nationales du Canada

No. 384695

DEPARTMENT OF THE INTERIOR.

1895

From Privy Council
Ottawa

Date
" (when rec'd.) 11/13 July

Subject. Refer copy despatch re appointment of W. H. Duffield, Supt of the U. S. Coast & Geodetic Survey as Commissioner of the U. S. in place of T. C. Mendenhall

Action.

GENERAL

1 00000 7

00007

930.J. 386073

Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 30th July 1895.

PRIVY COUNCIL CANADA

Copied for the printer C.C.R. 6/8/95

384695

The Committee of the Privy Council have had before them a Despatch hereto attached dated 29th June 1895, from Her Majesty's Charge d'Affaires at Washington, transmitting a copy of a note from the United States Secretary of State advising the appointment of Mr. W. W. Duffield, Superintendent of the U.S. Coast and Geodetic Survey, as a Commissioner of the United States under the Convention of the 22nd February 1892, in place of Mr. T. C. Mendenhall.

22 July '95.

The Committee on the recommendation of the Minister of the Interior, advise that Your Excellency be moved to convey an intimation to the Government of the United States that the appointment of Mr. Duffield is satisfactory to the Government of Canada.

All which is respectfully submitted for Your Excellency's approval.

Joseph Pope

Asst. Clerk of the Privy Council.

To the Honourable

The Minister of the Interior.

noted W.A.R. 7/8/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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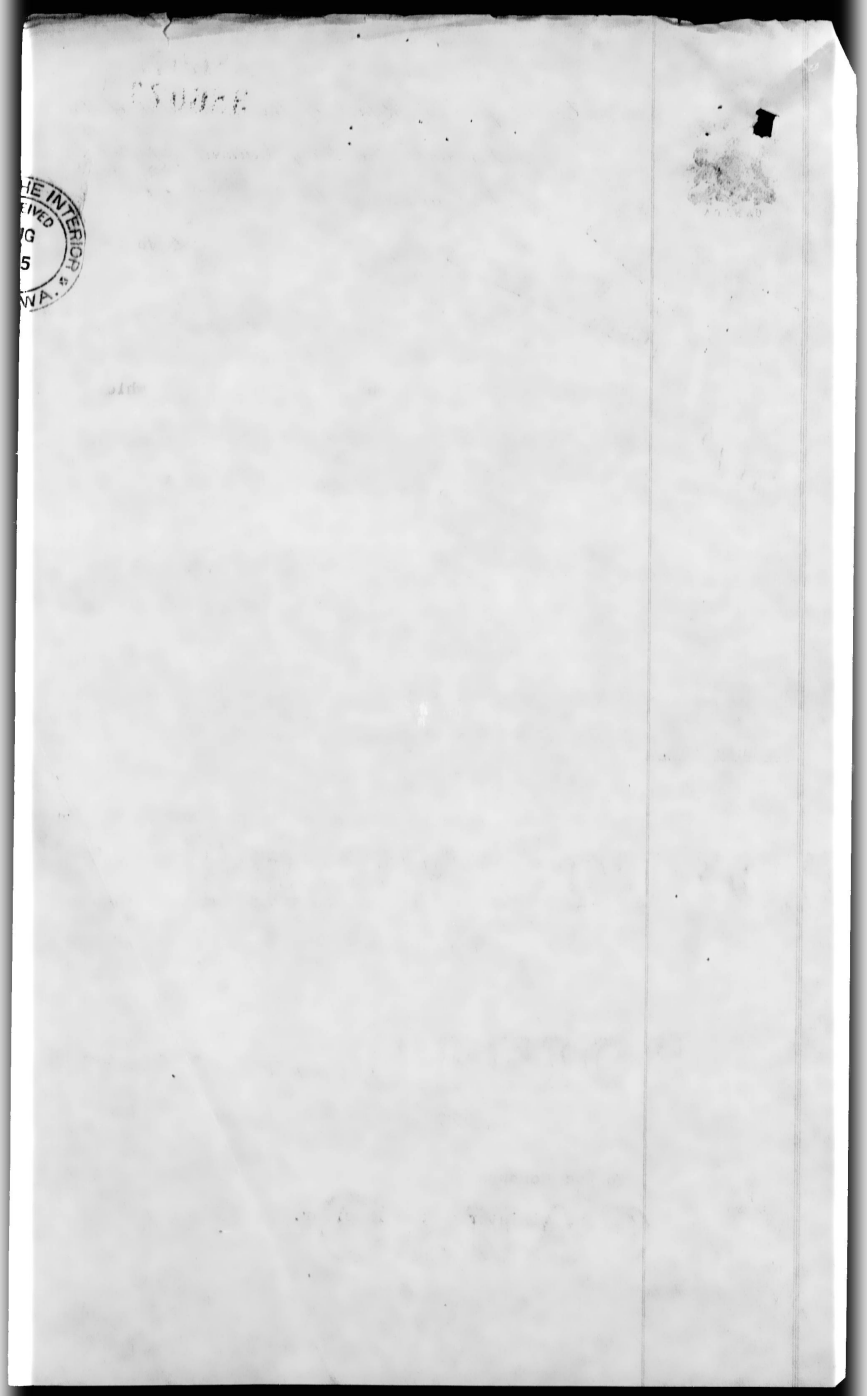

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File/dossier 384695

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Copied for the printer C.C.R. 6/8/95

2 GW 386073

DEPT OF INTERIOR RECEIVED AUG 7 1895 OTTAWA

The Viscount Gough to Lord Aberdeen.

Newport, 29 June, 1895.

My Lord,

I have the honour to forward herewith, for Your Excellency's information, copy of a note which I have received from Mr. Olney the Secretary of State respecting the appointment of Mr. W.W.Duffield, Superintendent of the U.S.Coast and Geodetic Survey, as Commissioner of the U.S. in place of Mr. Mendenhall.

I have, &c.

(Sd) Gough.

H.T.

The Earl of Aberdeen.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384695

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Archives nationales du Canada

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386073

6
Copy
No.135.

Copied for the printer
C.C.R. 6/8/95

D. of S.

Washington,

25 June,1895.

My Lord,

I have the honour to state that Mr. W.W.Duffield Superintendent of the U.S.Coast and Geodetic Survey has been designated as the Commissioner of the U.S., agreeably to the convention between the U.S. and Great Britain, of Feb 22, 1892, as extended by that of February 3, 1894, in place of Mr. T.C.Mendenhall, who has been directed to make with as little delay as possible, his final report with ref. to the North Eastern division, the work of which, it is understood, is finished.

Asking that you will apprise the Canadian Government of this change.

I have, &c.

(Sd) R.Olney.

The Viscount Gough.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384695

National Archives of Canada
Archives nationales du Canada

000076

M.

384695.

Ottawa, 22nd July, 1895.

To His Excellency

The Governor General in Council.

The undersigned, to whom was referred on the 11th instant (P.C.980.J.) a copy of a despatch from the British Embassy at Washington, transmitting a copy of a note from the United States Secretary of State respecting the appointment of Mr. W. W. Duffield, Superintendent of the U. S. Coast and Geodetic Survey, as a Commissioner of the United States under the Convention of the 22nd February, 1892, in place of Mr. T. C. Mendenhall, has the honour to recommend that Your Excellency take the necessary steps to convey an intimation to the Government of the United States that the appointment of Mr. Duffield is satisfactory to the Government of Canada.

Respectfully submitted,

S/M

Minister of the Interior

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 721
File/dossier 384695

National Archives of Canada
Archives nationales du Canada

00007

M.

384695.

22nd
Ottawa, ~~20th~~ July, 1895.

To His Excellency
The Governor General in Council.

The undersigned, to whom was referred on the 11th instant (P.C.980 J.) a copy of a despatch from the British Embassy at Washington, transmitting a copy of a note from the United States Secretary of State respecting the appointment of Mr. W.W.Duffield, Superintendent of the U. S. Coast and Geodetic Survey, as a Commissioner of the United States under the Convention of the 22nd February, 1892, in place of Mr. T. C. Mendenhall, has the honour to ~~report that~~ the appointment of Mr. Duffield is satisfactory to the Government of Canada.

Respectfully submitted,

recommend that Your Excellency take the necessary steps to convey an intimation to the Government of the United States that

Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384695

National Archives of Canada
Archives nationales du Canada

00008

ral.

384695.

Ottawa, 19th July, 1895.

To His Excellency the
Governor General in Council.

The undersigned, to whom was referred on the 11th instant (P.C. 980 J.) a copy of a dispatch from the British Embassy at Washington, transmitting a copy of a note from the United States Secretary of State respecting the appointment of Mr. W. W. Duffield, Superintendent of the U.S. Coast and Geodetic Survey, as a Commissioner of the United States under the Convention of the 22nd February, 1892, in place of Mr. T. C. Mendenhall, has the honour to report that the appointment of Mr. Duffield is satisfactory to the Government of Canada.

Respectfully submitted,

~~Minister of Marine and Fisheries,~~

Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
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MEMORANDUM.

To Mr Burgess

Department of the Interior,

Ottawa, 189

QUERY.	ANSWER.
I see the U.S. authorities say "Mr Duffield"	
	H.E.H.
20/7 2 6 [illegible]	[illegible] x

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 721
File/dossier 384695

National Archives of Canada
Archives nationales du Canada

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H. ral.

384695.

Ottawa, 19th July, 1895.

To His Excellency the
Governor General in Council.

The undersigned, to whom was referred on the 11th instant (P.C. 980 J.) a copy of a dispatch from the British Embassy at Washington, transmitting a copy of a note from the United States Secretary of State respecting the appointment of Mr. W. W. Duffield, Superintendent of the U.S. Coast and Geodetic Survey, as a Commissioner of the United States under the Convention of the 22nd February, 1892, in place of Mr. T. C. Mendenhall, ~~have~~ has the honour to report that the appointment of Mr. Duffield is satisfactory to the Government of Canada.

Respectfully submitted,

~~Minister of Marine and Fisheries,~~

Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384695

National Archives of Canada
Archives nationales du Canada

H.
ral.

384695

Ottawa, 18th July, 1895.

Memo.

Mr. King,

Please see the communication received through Council in this matter and return to Mr. Hume to prepare reply to reference from Council.

A. M. Burgess

H.

INTERNATIONAL BOUNDARY COMMISSION.
Noted
18/7/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384695

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Archives nationales du Canada

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International Boundary Commission

No. 818.
Refer to No. 8 A.
in your reply.

Ottawa 15th. July. 1895.

Sir /-

I enclose a letter received this morning from Gen. Duffield, Superintendent of the United States Coast and Geodetic Survey. I would inquire whether the Government has received notification of the change of Commissioners in the regular way.

I have the honor to be,

Sir,

Your obedient servant,

W. F. King

H. M. Commissioner.

A. M. Burgess, Esq.,
Deputy Minister Interior,
City.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384695

National Archives of Canada
Archives nationales du Canada

Miss Hawley

Please copy in duplicate the 3 papers pinned to this. They are req^d at once.

P.G.K.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 721
File/dossier 384695

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Archives nationales du Canada

Treasury Department,
Office of the Coast and Geodetic Survey,

Washington, D. C., July 12, 1895.

3 Copy

Hon. W. F. King,
International Boundary Commissioner,
Ottawa, Canada.

INTERNATIONAL BOUNDARY COMMISSION
Rec'd 15 July 1895

Sir:

The Secretary of State has seen fit to appoint me International Boundary Commissioner on the part of the United States, replacing Dr. T. C. Mendenhall. Can you tell me whether you contemplate a trip to Alaska this summer, and if so, whether you desire me to meet you there.

Respectfully yours,

W. W. Duffield

Superintendent.

M.L.F.

All communications should be forwarded under cover to the "Superintendent, U.S. Coast and Geodetic Survey, Washington, D.C."

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
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J 384695

DEPT. OF THE INTERIOR
RECEIVED
JUL 13 1895
OTTAWA

P.C. 980 J.

PRIVY COUNCIL
CANADA

Copy.

The Viscount Gough to Lord Aberdeen.

No. 44.

Newport, 29th, June, 1895.

My Lord,

I have the honour to forward herewith, for Your Excellency's information, copy of a note which I have received from Mr. Olney the Secretary of State respecting the appointment of Mr. W.W. Duffield, Superintendent of the U.S. Coast and Geodetic Survey, as Commissioner of the U.S. in place of Mr. Mendenhall.

I have, &c.,

(Sd) Gough.

H.E.

The Earl of Aberdeen.

Referred to Ministers of Interior and Marine & Fisheries
Privy Council
John J. McCaffrey
11 July 1895

Mr Burgess
& Mr King

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384695

National Archives of Canada
Archives nationales du Canada

000081

384695

DEPT OF THE INTERIOR RECEIVED JUL 15 1895 OTTAWA

COPY.

No. 135.

D. of S.

Washington,

25th. June, 1895.

My Lord,

I have the honour to state that Mr. W. W. Duffield, Superintendent of the U.S. Coast and Geodetic Survey has been designated as the Commissioner of the U.S., agreeably to the convention between the U.S. and Great Britian, of Feb. 22nd. 1892, as extended by that of Feb. 3. 1894, in place of Mr. T. C. Mendenhall, who has been directed to make with as little delay as possible, his final report with ref. to the North Eastern Divisions, the work of which, it is understood, is finished.

Asking that you will apprise the Canadian Govt. of this change.

I have, &c.

(Sd) R. Olney.

The Viscount Gough.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 721
File/dossier 384695

National Archives of Canada
Archives nationales du Canada

DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
384703	R.A. RUTTAN RE GUARANTEE BOND	1895-1900
384750	PIERRE DESJARDINS RE SCRIP CLAIM	1885-1895
384783	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF JOSEPH PAQUETTE AS HEIR OF HIS DECEASED SON JOSEPH PAQUETTE	1894-1895
384784	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF NANCY BEAR, WIFE OF JOHN THOMAS	1893-1896
384787	LAND COMMISSION, WINNIPEG, RE HALFBREED CLAIM OF THE HEIRS OF COLLETTE KARACONTE	1895-1903
384891	JOHN DAVIDSON LAND WARRANT	1879
384892	THOMAS TAYLOR RE MILITARY BOUNTY ASSIGNED TO ADAM MCKENZIE	1880-1882
384961	W.C. HAMILTON LEGAL ADVISOR TO LIEUTENANT GOV. OF N.W.T.	1895-1897
384996	COLONIAL BOUNDARIES BILL	1895
385018	HALFBREED CLAIM OF LOUIS COCHRANE	1895
385108	SCRIP CLAIMS OF JEAN MARIE DESJARLAIS	1895
385111	INTERNATIONAL BOUNDARY BY POST BETWEEN MANITOBA AND ROCKY MOUNTAINS	1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

No. 384703

DEPARTMENT OF THE INTERIOR,

1895

From Asst Secy Interior
Ottawa

Date 9/July
" (when rec'd.) 13

Subject. Memo re guarantee bond of R A Ruttan D L Agent Edmonton

Action.

GENERAL

0000091



DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

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00009

596513

E.

DEPARTMENT OF THE INTERIOR
CORRESPONDENCE
NOV 7 1900
REGISTRATION BRANCH

IN YOUR REPLY PLEASE REFER TO

LETTER NO.

FILE NO. 1743.

Ottawa 6th Nov., 1900. 190

Sir,-

I have to acknowledge the receipt of your letter, File No.384703, of the 5th instant, transmitting, for deposit in this Department, the surety bond furnished by Mr.R.A.Ruttan, of Edmonton, and to state that this matter shall be duly attended to.

I have the honour to be,
Sir,
Your obedient servant,

Under-Secretary of State.

The Secretary,
Department of the Interior,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

00009

Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to the letter quote its file number.

BB

LETTER 594449
FILE 384703

Department of the Interior,

Ottawa, 5th November, 1900.

Copy for Mr. Ruttan,
herewith.
Scott
5/11/00.

Sir,

I have the honour, by direction, to transmit, herewith, the bond, No. 052217, of "The London Guarantee & Accident Company," for $2500.00, duly approved by the Deputy Minister of Justice, which Mr. R.A.Ruttan, Agent of Dominion Lands at Edmonton, has furnished in compliance with the terms of the Order in Council which was passed on the 14th October, 189[illegible].

The duplicate of the bond is retained in this Department.

Encl herewith.

I have the honour to be,
Sir,
Your obedient servant,

Joseph Pope, Esq.,
Under Secretary of State,
Ottawa.

J. G. KEYES
Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

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"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
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BB

LETTER... 594449
FILE... 384703

Department of the Interior,

Ottawa, 5th November, 1900.

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Sent
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Enc herewith.

I have the honour to be,
Sir,
Your obedient servant,

Joseph Pope, Esq.,
Under Secretary of State,
Ottawa.

Secretary.

REPE
RÉPÉ

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

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DUPLICATE. 594449

DOMINION GOVERNMENT BOND. Interior Department.

RECEIVED OCT 23 1900 OTTAWA

LONDON GUARANTEE & ACCIDENT Co. Ltd.

HEAD OFFICE, 61, MOORGATE STREET, LONDON, E.C.

CHIEF OFFICE FOR CANADA:—

N.E. CORNER KING & YONGE STREETS, TORONTO.

No. 052217

Amount Guaranteed $ 2500. Premium $ 10.00

Know all Men by these Presents, that We, Robert Anderson Ruttan of Edmonton, in the County of ~~Province of~~ District of Alberta, in the Dominion of Canada, hereinafter called "The Principal," and the LONDON GUARANTEE AND ACCIDENT COMPANY, LIMITED, hereinafter called "The Sureties," are respectively held and firmly bound unto our Sovereign LADY THE QUEEN, her heirs and successors, in the respective penal sums following—that is to say, "The Principal" in the sum of Twenty-five Hundred Dollars of lawful money of Canada, and "The Sureties" (the London Guarantee and Accident Company, Limited), in the sum of Twenty-five Hundred Dollars of like lawful money, to be paid to our said Sovereign Lady The Queen, her heirs and successors, for which said respective payments, well and faithfully to be made, we severally, and not jointly or each for the other, bind ourselves and our respective heirs, executors, administrators, successors and assigns, firmly by these presents, sealed with our respective seals, dated the Fifteenth day of September in the year of our Lord One Thousand ~~Eight~~ Nine Hundred ~~and~~ and in the Sixty-fourth year of Her Majesty's reign.

Whereas "The Principal" having been appointed to the office or employment of Dominion Lands Agent, at Edmonton, in the ~~Province of~~ District of Alberta, is required by law to give security to the Crown for the due performance of the duties appertaining thereto; and "The Sureties" (the London Guarantee and Accident Company, Limited) have consented to become his sureties for such his performance of the said duties, and this Bond is given in pursuance of "An Act respecting Public Officers."

Now the Condition of this obligation is, that if "The Principal" faithfully discharges the duties of the said office, and duly accounts for all moneys and property which come into his custody by virtue of the said office, this obligation shall be void.

Signed, Sealed and Delivered by "The Principal" in the presence of

A. R. Ruttan

Signed, Sealed and delivered on behalf of "The Sureties" (the London Guarantee and Accident Company, Limited).

Director.

Secretary.

Chief Agent for Canada.

N.B.—The Signature of the Chief Agent for Canada is necessary in order to render this Bond binding on the Company.

K.C.A.B.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

000091

Bond No. 052217

Reg. No. _____ Book _____

Bond of Robert Anderson Ruttan,

Employed as Dominion Lands Agent,

At Edmonton, Alberta,

SURETIES.

The London Guarantee and Accident

COMPANY, LIMITED.

DIRIGE DOMINE NOS

ESTABLISHED 1869.

Penalty of Bond $2500.

Date of Bond Sept. 15th 189 1900

Under what circumstances taken

Approved J.C. for Dm J.

Supersedes Bond No. _____

Book _____ Dated 30.10.00

HARMER & HARLEY, Printers, 56, Coleman Street, London, E.C.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

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Address your reply
"To the Secretary
Department of the Interior,
Ottawa,"
Do not write about more than one
subject in the same letter.
Write legibly your full name and
address.
If you reply to the letter quote its
file number.

BB

LETTER 594449

FILE 384703

Department of the Interior,

Ottawa, 29th October, 1900.

Sir,

I have the honour, by direction, to transmit, herewith, for examination and approval, if satisfactory, a bond, in duplicate, which has been furnished by Mr. R.A.Ruttan, Agent of Dominion Lands at Edmonton, to comply with the provisions of the Order in Council of the 14th October, 1891.

Appd.

I have the honour to be,
Sir,
Your obedient servant,

P. G. KEYES.

Secretary.

E.L.Newcombe Esq.,Q.C.
Deputy Minister of Justice,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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594449

OCT 23 1900

No. 32891

File No. 14459.

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton, 18th October, 1900. 189

Mr Rothwell
Mrs Barber
To Instruct
R

384703

ENCLOSURE.

Sir,

Referring to your letter of the 4th instant, 590241, enclosed please find bond of the L. G. and A. Co in my favor for $2500, duly executed by the parties thereto.

Your obedient servant

A. A. Antrau

A. D. L.

The Secretary

Deprtment of the Interior,

Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

00009

R.

file 384703
590241

Ottawa, October 4th, 1900.

Sir,

I am directed to acknowledge the interim receipt from the London Guarantee and Accident Company for the payment by you of the premium for a bond of $2,500.00 in that Company in your favour, and to state that the Bond has not yet been received.

I have the honour to be,
Sir,
Your obedient servant,

Lyndwode Pereira

Assistant Secretary.

R. A. Ruttan, Esq.,
Dominion Lands Agent,
Edmonton, Alta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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384403 R 25/9

590241

DEPT OF THE INTERIOR CORRESPONDENCE SEP 26 1901 DOMINION LANDS OFFICE EDMONTON, ALTA.

No. 31248

File No. 14459.

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton, Alta., Sept. 21st. 1901

Sir-,

Your file No. 384703.

Enclosed herewith please find Receipt No. 16135 of th the London Guarantee Accident Co. for premium on the Guarantee of $2500. expiring 15 th. September 1901.

The Policy when issued will be sent down to you without delay.

Your obedient servant.

A. A. Mutlan

Agent of Dominion Lands.

The Secretary

Department of Interior,

Ottawa,

Ont.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

590241

DOMINION LANDS OFFICE RECEIVED SEP21 1900 EDMONTON, ALTA.

HEAD OFFICE: No. 61 MOORGATE ST., LONDON, ENG.

HEAD OFFICE FOR CANADA: TORONTO, ONTARIO

DEPARTMENT OF THE INTERIOR CORRESPONDENCE BRANCH SEP 26 1900 DOMINION LANDS BRANCH

London Guarantee and Accident Co Limited.

No. 16135

Toronto, Sept 18th 1900

Received the sum of Ten Dollars, being the premium for an Insurance of Twenty Five Hundred Dollars, on the fidelity of Mr. Robert Anderson Rattan in favor of Government of Canada from Sept 18th 1900 to Sept 18th 1901, subject to the conditions of the Company's general Form now in use for the class of risk, and to the approval of the Directors in London.

If no policy be issued within three calendar months from the date hereof, or if in the meantime the Company shall give the Employers notice terminating the risk, then at the expiration of the said three months, or from the giving of such notice, as the case may be, the risk hereby undertaken shall absolutely cease except in respect of defaults committed and discovered, but in either of such cases if no claim has arisen the proportion of the Premium for the part of the year unexpired shall be repaid.

D W Alexander

Manager for Canada.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

3009—4-1900.

590087

GENERAL ACCIDENT, SICKNESS, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.



The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:
CHIEF OFFICE:—BRITISH EMPIRE BUILDING, MONTREAL.
TORONTO OFFICE: TEMPLE BUILDING, TORONTO.

SEP 25 1900 RECEIVED DEPARTMENT OF THE INTERIOR CORRESPONDENCE BRANCH OTTAWA

RICHARD I. GRIFFIN, CHARLES W. I. WOODLAND, } JOINT MANAGERS

384703

Montreal, September 24th 1900

The Secretary,
Department of Interior,
Ottawa, Ont

Dear Sir,-

We beg to notify you of this Corporation's desire to terminate and cancel all its liability under the terms of Guarantee Bond No. 62 issued on behalf of Mr. R. A. Ruttan as Agent of Dominion Lands at Edmonton, N.W.T., said liability to cease from the 15th inst.
Kindly acknowledge and oblige,

Yours faithfully,
Griffin & Woodland,
Managers for Canada,
R. I. Griffin
Attorney

Law OK

Mr Perrin

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

THE

Employers' Liability Assurance Corporation, Ltd.

LONDON, ENGLAND.

AUTHORIZED CAPITAL, ...	**$5,000,000.00**
SUBSCRIBED, ...	**$3,750,000.00**

Capital called and paid up, ...	$750,000.00
Reserves for Policy-Holders, independently of Capital, ...	836,805.00
Uncalled Capital, ...	3,000,000.00
Total Security for Policy-Holders, ...	$4,586,805.00
Deposited with the Receiver-General in Canada, ...	91,250.00

GRIFFIN & WOODLAND, MANAGERS FOR CANADA.

BRITISH EMPIRE BUILDING, MONTREAL.

THIS CORPORATION TRANSACTS BUSINESS IN THE FOLLOWING BRANCHES:

Accident Department.

PERSONAL ACCIDENT, LOCAL RAILWAY ACCIDENT,
COMBINATION ACCIDENT, GENERAL RAILWAY ACCIDENT,

SICKNESS,

WORKMEN'S COLLECTIVE ACCIDENT,
ELEVATOR RISKS,
EMPLOYER'S LIABILITY OUTSIDE LIABILITY,
GENERAL LIABILITY,

Fidelity Guarantee Branch

Guarantees of Fidelity, guaranteeing either one or a number of persons, under one Policy, are also issued.

For further information, apply to the Managers for Canada, or to any of the Corporation's Agents.

This Corporation has dealt with over 100,000 Accidents, and paid in Claims over $7,000,000.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

00010

Mr Henry
File away
no action at
present. H.R. Rothwell
24/9/01

Law Ck

589548 +

No. 37601

File No. 14459.

DEPT OF THE INTERIOR
CORRESPONDENCE
SEP 22 1900
REGISTRATION BRANCH
OTTAWA

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton , 17th September , 1900 . 189

Copy for H.O. File 384703.

Sir ,

I have your letter of the 5th instant re my guarantee bond , number 62 . I shall not require a renewal as I am arranging for a new bond with the local agent of the London Guarantee and Accident Company . Assuring you that your past courtesies are fully appreciated ,

Your obedient servant

R.A. Rothwell

Agent Dominion Lands .

R. J. Griffin Esq .
The Employers' Liability
Assurance Corporation ,
Empire Building , Montreal , Que.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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492749

CANADA

OCT 19 1899

IN YOUR REPLY PLEASE REFER TO
LETTER NO.
FILE NO. 1642

Ottawa, 17th October, 1899

Sir,

I have the honour to acknowledge the receipt of Mr. Pérusse's letter, File 384,703, of the 14th instant, transmitting, to be filed in this Department, Receipt, No. 2080, from "The Employers' Liability Assurance Corporation, Limited," for the payment of the fee in renewal of the bond issued by said Company in favour of Mr. R. A. Rattan, as therein set forth, and to state that the matter shall receive attention.

I have the honour to be,
Sir,
Your obedient servant,

Under-Secretary of State.

The Secretary,
Department of the Interior,
Ottawa.

DEPARTMENT OF THE INTERIOR
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492749

OCT 19 1898

IN YOUR REPLY PLEASE REFER TO
LETTER NO.
FILE NO. 1643.

Ottawa, 17th October, 1898.

Sir,

I have the honour to acknowledge the receipt of Mr. Pereira's letter, File 384,703, of the 14th instant, transmitting, to be filed in this Department, a receipt, No. 2080, from "The Employers' Liability Assurance Corporation, Limited," for the payment of the fee in renewal of the bond issued by said Company in favour of Mr. R. A. Rattan, as therein set forth, and to state that the matter shall receive attention.

I have the honour to be,
Sir,
Your obedient servant,

Under-Secretary of State.

The Secretary,
Department of the Interior,
Ottawa.

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
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Address your reply
"To the Secretary
Department of the Interior
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

Letter BB File 384703

Department of the Interior,

Ottawa, 14th October, 1898.

Copy for A.D.L. Edmonton, herewith.

Sir,

I beg to transmit, herewith, to be filed in your Department, a receipt, No. 2080, from "The Employers' Liability Assurance Corporation, Limited," for the payment of the fee in renewal from the 15th September last, to the 15th September, 1899, of the bond issued by that Company in favour of Mr. R.A. Ruttan, on the 15th September, 1895.

I have the honour to be,
Sir,
Your obedient servant,

Assistant Secretary.

Joseph Pope, Esq.,
Under Secretary of State,
Ottawa.

DEPARTMENT OF THE INTERIOR
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492226

No. 25196

File No. 14459.

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton 6th October, 1898. 189

DEPT. OF THE INTERIOR RECEIVED OCT 12 1898 OTTAWA

Sir,

Your reference 384703.

Enclosed please find F. G. Renewal Receipt No. 2080, on policy No. 62. in The Employers Liability Assurance Corporation, Limited, on my Guarantee Bond.

I am, Sir,

Your obedient servant

A. D. L.

The Secretary

Department of the Interior.

Ottawa, Ont.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 384703

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BB

F. G. Renewal Receipt.

Receipt No. 2080

Policy No.3. 62.

Amount $2500.00 Premuim $10.00 Agency Montreal.

The Employers' Liability Assurance Corporation,
(Limited.)

Montreal, August, 1898.

RECEIVED the sum of Ten dollars being Renewal Premium of F.G.Policy No.3/62, on behalf of Mr. R.A.Ruttan, as Agent of Dominion Lands at Edmonton, N.W.T., in the Employ of the Dominion Government which is hereby renwed from 15th Sept. 1898 to 15th Sept. 1899.

'Sd'. F. Stancliffe,
Manager & Attorney.

Pd.
'Sd' F.Stancliffe,
P.C.

30/9/98.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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384703

490096

No. 24995

File No. 14459.

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton 16th September, 1898. 189

DEPT OF THE INTERIOR RECEIVED SEP 21 1898 OTTAWA

Copy for H. O.

Sir,

Referring to your notice I beg to enclose herewith postal order for $10. Renewal Premium for my Gurantee Policy No. 62.

May I ask you to be good enough to send the Renewal Receipt to Mr. Joseph Pope., Under secretary of State, Ottawa.

I am, Sir,

Your obedient servant

A. D. L.

F. Stancliffe Esq.

British Empire Building.

Montreal Que.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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457709

E.

DEPT OF THE INTERIOR RECEIVED JAN 13 1898 OTTAWA

IN YOUR REPLY PLEASE REFER TO
LETTER NO. 384703
FILE NO. 58.

Ottawa, 12th Jan., 1898 189

Sir,-

I have the honour to acknowledge the receipt of your letter of the 11th instant, transmitting, for registration and deposit in this Department, Renewal Receipt, No. 863, from "The Employers' Liability Assurance Corporation, Limited", in connection with the bond issued by that company, on the 15th September, 1895, to R.A. Ruttan, as Dominion Lands Agent at Edmonton, N.W.T., and to state that the matter shall receive attention.

I have the honour to be,
Sir,
Your obedient servant,

Under-Secretary of State.

The Deputy of the Minister of the Interior,
Ottawa.

DEPARTMENT OF THE INTERIOR
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Address your reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER

FILE 384703

Department of the Interior,

Ottawa, 11th January, 1898.

Copy for Mr. Ruttan,
herewith

sent 11/1/98
M

Sir,

I have the honour, by direction, to transmit, herewith, to be filed in your Department, a receipt, No. 863, from "The Employers' Liability Assurance Corporation, Limited," for the payment of the fee in renewal from the 15th September last to the 15th September 1898, of the bond issued by that Company in favour of Mr. R.A.Ruttan, on the 15th September, 1895.

Appd.
T.G.R.

Enc
herewith

I have the honour to be,
Sir,
Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Joseph Pope, Esq.,
Under Secretary of State,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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456694

No.

File No. 14459

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton, 29th Decr, 1897. 189

DEPT. OF THE INTERIOR RECEIVED JAN 5 1898 OTTAWA

Sir, Mr Rothwell

Referring to your letter of the 23rd instant, 384,703, I beg to enclose herewith F.G.Renewal R ceipt No. 863 on Policy No.62, " The Employers' Liability Assurance Cor., Limited ".

I am, Sir,

Your obedient servant

A.A. Anthan

A.D.L.

The Secretary

Department Interior,

Ottawa, Ont.

Miss Barber

Take non al action please. Have all other bonds been renewed? R

DEPARTMENT OF THE INTERIOR
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F.G.RENEWAL RECEIPT.

R.Receipt No. 863.
F.G.Policy No. 3. 62. Amount $2500 Premium $10.00 Agency Montreal.

THE EMPLOYERS' LIABILITY ASSURANCE CORPORATION LIMITED.

Montreal, August, 1897.

RECEIVED the sum of Ten Dollars being Renewal Premium of F.G.Policy No.3, 62, on behalf of Mr. R. A.Ruttan, as Agent of Dominion Lands at Edmonton, N.W.T., in the employ of the Dominion Government, which is hereby Renewed from the 15th September, 1897 to the 15th September, 1898.

' Sd' R. Griffin,
Agent

'Sd' F. Stancliffe,
Manager& Attorney.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Address your reply
"The Secretary
Department of the Interior,
Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

LETTER.

BB

FILE. 384703

Department of the Interior,

Ottawa, 23rd December, 1897.

Sir,

As the date of the bond of "The Employers' Liability Assurance Corporation, Limited," for $1000. which you have furnished in compliance with the Order in Council of the 14th October, 1891, is the 15th September, 1895, and it is assumed you paid the renewal premium upon the 15th of September last, I am directed to remind you that each receipt for the payment of these premuims should be forwarded to the Secretary of this Department, so that it may be filed in the Department of the Secretary of State.

I am, Sir,
Your obedient servant

Lyndwode Pereira.

Assistant Secretary

R.A.Ruttan, Esq.,
Agent of Dominion Lands,
Edmonton,
Alta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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416773

DEPT. OF THE INTERIOR RECEIVED DEC 15 1896 OTTAWA

W.

IN YOUR REPLY PLEASE REFER TO
LETTER No. 6206
FILE No. 5099

Ottawa, 14th Dec., 1896. 189

Sir,

I have the honour, in continuation of correspondence already exchanged on the subject, to acknowledge the receipt of Mr. Pereira's letter, 416,404, of the 11th instant, covering the transmission of a duplicate original of the bond in favour of Mr. R. A. Ruttan, to be filed in this Department, since the other duplicate--forwarded upon the 15th of April last-- contains a clerical error, and to state that the matter shall receive attention.

I have the honour to be,
Sir,
Your obedient servant,

Joseph Pope.
UNDER-SECRETARY OF STATE.

The Deputy of the Minister
of the Interior,
Ottawa.

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File/dossier 384703

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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER 416404
FILE 384703

Department of the Interior,

Ottawa, 11th December, 1896.

Copy for Mr. Ruttan
herewith
sent 12/12/96

Sir,

I have the honour, by direction, to transmit, herewith, a duplicate original of the bond in favour of Mr. R.A.Ruttan, of which the other duplicate was forwarded to you upon the 15th April last to be filed in your Department. That duplicate contains an error which, although it is only clerical in its nature, makes it advisable that the enclosed duplicate which is correct, should also be filed in your Department. A copy of the latter has been retained here for reference purposes. The premium for the renewal of this bond from the 15th September last to the 15th September next, was paid in September last, by Mr. Ruttan , the receipt which he received from the Company therefor being on file in your Department, and being the receipt mentioned in your letter of the 8th October, last, No. 4366 on file No. 5099.

App'd.
11.12.96

Enc herewith

I have the honour to be,
Sir,
Your obedient servant,

Joseph Pope, Esq.,
Under Secretary of State,
Ottawa.

LYNDWODE PEMBERTON
Assistant Secretary

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER 412398
FILE 384703

Department of the Interior,

Copy for Mr. Ruttan herewith.
sent 12/12/96 [illegible]

Ottawa, 11th December, 1896.

Sir,

At the request of Mr. R.A.Ruttan, Agent of Dominion Lands, Edmonton, I beg to return, herewith, the interim receipt, No. A. 376, which was recently issued by your Company, in his favour, as the receipt which was issued by the same Company in renewal from the 15th September lastto the 15th September next (1897), of the guarantee bond in his favour, has been received here from Mr. Ruttan.

Appd. [illegible] 11.12.96 3.30

Enc. herewith

I am, Sir,
Your obedient servant

LYNDWODE PEREIRA

Assistant Secretary

C.W.I.Woodland, Esq.,
"The Employers' Liability Assurance Corporation, Limited,"
23 Toronto Street,
Toronto,
Ont.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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416404

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.

The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CAPITAL, - - - - $5,000,000.

Head Office for Canada: - British Empire Building, Montreal.

F. STANCLIFFE, Manager and Attorney.

Montreal Agency, 7th Decr 1896.

To the Secretary,
Department of the Interior.
Ottawa. Ont

DEPT. OF THE INTERIOR RECEIVED DEC 9 1896 OTTAWA

Dear Sir,

I beg to return you herewith Mr. Robt. A. Rutlan's Bond No 62 which was forwarded to this office, at our request, for correction, enclosed in your letter of 2nd ulto "File No 384703".

I have to thank you for having returned this Bond and trust you will receive same in order.

Yours faithfully

F. Stancliffe

Manager and Attorney

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
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000118

Copy

BB

Dominion Government Bond.

The Employers'
Liability Assurance Corporation Limited.

Policy
FF. No.3. 62

Premium
$18.75

Amount guaranteed $2500.00

Payable 15th Sept.
Annually.

KNOW ALL MEN BY THESE PRESENTS, that we, Robert Anderson Ruttan, of Edmonton, in the District of Alberta, Agent of Dominion Lands, hereinafter called "The Principal" and THE EMPLOYERS' LIABILITY ASSURANCE CORPORATION LIMITED, hereinafter called "The Sureties" are respectively held and firmly bound unto our Sovereign LADY QUEEN her heirs and successors, in the respective penal sums following:- that is to say "The Principal" in the sum of Twenty five hundred Dollars of lawful money of Canada, and "the Sureties" "The Employers' Liability Assurance Corporation, Limited " in the sum of Twenty five hundred dollars of like lawful money, to be paid to our Sovereign Lady the Queen, her heirs and successors, for which said respective payments, well and faithfully to be made, we severally, and not jointly or each for the other, bind ourselves and our respective heirs executors administrators successors, and assigns, firmly by these presents, sealed with our respective seals, dated the Fifteenth day of September in the year of Our Lord One thousand eight hundred and Ninety-five, and in the Fifty-ninth year of Her Majesty's reign.

WHEREAS

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MINISTÈRE DE L'INTÉRIEUR
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WHEREAS "The Principal" having been appointed to the office or employment of Agent of Dominion Lands is required by law to give security to the Crown for the due performance of the duties appertaining thereto ; and "The Sureties" "The Employers' Liability Assurance Corporation, Limited have consented to become his sureties for such his performance of the said duties. And this bond is given in pursuance of "An Act respecting Public Offices."

NOW THE CONDITION of this obligation is, that of "The Principal" faithfully discharges the duties of the said office and duly accounts for all moneys and property which come into his custody by virtue of the said office, this obligation shall be void.

Signed Sealed and Delivered by "The Principal" in the presence of 'Sd' G.W.R.Alexmon

'Sd' R.A.Ruttan (Seal)

Signed sealed and delivered on behalf of "The Sureties" Employers' Liability Assurance Corporation, Limited.

'Sd' F. Stancliffe,
Attorney & Manager

'Sd' Philip H.Waterlow
Director

"Sd"Henry Chapman,

'Sd' S.Stanley Brown
Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER 414191

FILE 384703

Department of the Interior,

Ottawa, 2nd November, 1896.

Sir,

Upon the 27th ultimo you were furnished with a copy of my letter of that date to Mr. Joseph Pope, Under Secretary of State, with reference to your letter of the 14th of the same month.

As stated in the letter to Mr. Pope, above referred to, nothing is known here of the bond in favour of Mr. Genest, as he is not an employee of this Department. The bond in favour of Mr. Ruttan is one, however, in which this Department is interested, and as Mr. Pope has advised this Department that he cannot comply with the request in my letter of the 27th ultimo to return, for transmission to you so that the error mentioned in your letter of the 14th ultimo maybe corrected, the duplicate of record in his Department of the bond, No. 62, in Mr. Ruttan's favour, I am to forward, herewith, the other duplicate, which was retained here, of such bond, and to request you to make the necessary correction in such duplicate, and, having initialled the alteration yourself, as the Company's Manager and Attorney, and having had it also intialled by Mr. J.W.R. Almon, the subscribing witness to the bond, return it

F. Stancliffe, Esq.,
Manager
The Employers' Liability
Assurance Corporation, Limited,
British Empire Building,
Montreal,
P.Q.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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it to this Department. As it will then be filed in the Department of the Secretary of State, I am to ask you to favour this Department with a certified copy of the bond, as corrected, for reference purposes here.

I am, Sir,
Your obedient servant,

Leyndwode Pereira.

Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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414191

DEPT. OF THE INTERIOR
RECEIVED
OCT 30 1896
OTTAWA

C.

Ottawa, 29th October, 1896.

4714
2606.

Sir,

384703

Having reference to Mr. Pereira's letter of the 27th instant, in which the request is made that the bond of Mr. R.A. Ruttan, registered and deposited in this Department, may be returned to you for the correction of an error therein, I have to inform you that once registration of an instrument has taken place, no alteration of the same can be made.

The proper course is to take the necessary steps to cancel the bond in question and obtain a new one in its place.

I have the honour to be,
Sir,
Your obedient servant,

Joseph Pope.
Under Secretary of State.

The Deputy of the Minister of the Interior,
Ottawa.

DEPARTMENT OF THE INTERIOR
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Address reply
"To the Secretary
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Ottawa."
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Write legibly your full name and address.
If you reply to this letter please its file number.

BB

LETTER 413319
FILE 384703

Department of the Interior,

Ottawa, 27th October, 1896.

Copy herewith for Mr Stancliffe R
sent 28/10/96 [illegible]

Appd. FR 27.10.96 [illegible]

Sir,

I have the honour, by direction, to inform you that Mr. F. Stancliffe, the Manager for Canada, of "The Employers' Liability Assurance Corporation, Limited," has lately asked this Department to return to him two bonds, No. 62 and No. 643, which were issued some time ago in favour of Mr. R.A.Ruttan and Mr. F. Genest, respectively, so that he may correct an error which he has discovered was made in each of them by the clerk in his office by whom they were prepared.

Although nothing is known here of the bond in favour of Mr. Genest, as he is not an employee of this Department, the other bond is one in which this Department is interested, being the bond of which one duplicate was forwarded to you, upon ~~this~~ the 15th April last, to be filed in your Department, as you will see by referring to Letter No. 1845 on File No. 2606 of your Department.

The other duplicate of Mr. Ruttan's bond is on file in this Department, but it is useless having it corrected unless the one filed in your Department can be corrected in the same way; and I am, therefore to ask you to permit the

latter

Joseph Pope, Esq.,
Under Secretary of State,
Ottawa.

DEPARTMENT OF THE INTERIOR
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latter to be returned here so that it may be transmitted with the duplicate here, to Mr. Stancliffe, for correction.

I have the honour to be,

Sir,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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413319

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.

The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:—BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

Montreal, 14th Oct. 1906

DEPT OF THE INTERIOR RECEIVED OCT 15 1906 OTTAWA

384703.
119398

Department of the Interior,

Ottawa, Ont.

Dear Sirs:-

re. Bonds 62 R.A.Ruttan, and 643 F.Genest.

I have just discovered that a slight error has been made in the body of these bonds; the space where the sum assured should appear, our policy clerk has entered the amount of premium.

I shall esteem it a favor if you will kindly return these documents to this Office,- I shall immediately have the correction made and return same to you.

Regretting the trouble I am putting you to in this matter

Yours truly,

F. Stancliffe

Manager & Atty.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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THE

Employers' Liability Assurance Corporation, Ltd.

LONDON, ENGLAND.

AUTHORIZED CAPITAL, ...	**$5,000,000.00**
SUBSCRIBED, ...	**$3,750,000.00**

Capital called and paid up	$750,000.00
Reserves for Policy-Holders, independently of Capital ...	836,805.00
Uncalled Capital	3,000,000.00
Total Security for Policy-Holders	$4,586,805.00
Deposited with the Receiver-General in Canada	$75,000.00

F. STANCLIFFE, MANAGER AND ATTORNEY FOR CANADA.

BRITISH EMPIRE BUILDING, MONTREAL.

THIS CORPORATION TRANSACTS BUSINESS IN THE FOLLOWING BRANCHES:

Accident Department.

PERSONAL ACCIDENT,
LOCAL RAILWAY ACCIDENT,
COMBINATION ACCIDENT,
GENERAL RAILWAY ACCIDENT,
WORKMEN'S COLLECTIVE ACCIDENT,
ELEVATOR RISKS,
EMPLOYERS' LIABILITY,
OUTSIDE LIABILITY,
GENERAL LIABILITY.

Fidelity Guarantee Branch.

Guarantees of Fidelity, guaranteeing either one or a number of persons, under one Policy, are also issued.

For further information, apply to the Manager for Canada, or to any of the Corporation's Agents.

This Corporation has dealt with over 10,000 Accidents, and paid in Claims over $7,000,000.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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412943

DEPT. OF THE INTERIOR
RECEIVED
OCT 9 1896
OTTAWA.

P.

IN YOUR REPLY PLEASE REFER TO
LETTER No. 4366
FILE No. 5099.

384703

Ottawa, 8th October, 1896 189

Sir,

I have the honour to acknowledge the receipt of Mr.Pereira's letter, transmitting therewith, for custody in this department, a receipt No.108, from "The Employers' Liability Assurance Corporation Limited", in renewal of the bond issued by that company in favour of Mr.R.A.Ruttan on the 15th September, 1895, and to state that the matter shall receive attention.

I have the honour to be,

Sir,

Your obedient servant,

UNDER SECRETARY OF STATE.

The Deputy of the Minister
of the Interior,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Address reply
To the Secretary
Department of the Interior,
Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote the file number.

Copy hereof sent for Mr Ruttan per [illegible] 8/10

BB

LETTER 412727

FILE 384703

Department of the Interior,

Ottawa, 7th October, 1896.

Sir,

I have the honour, by direction, to transmit, herewith, to be filed in your Department, a receipt, No. 108, from "The Employers' Liability Assurance Corporation, Limited," for the payment of the fee in renewal from the 15th ultimo, to the 15th September, 1897, of the bond issued by that Company in favour of Mr. R. A. Ruttan, on the 15th September, 1895.

App. 7.10.96

Ens herewith.

I have the honour to be,

Sir,

Your obedient servant,

Assistant Secretary.

Joseph Pope, Esq.,
Under Secretary of State,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

412727

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.



The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:—BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

RECEIVED
OCT
6
1896
DEPARTMENT OF THE INTERIOR
OTTAWA

Montreal, 5th Oct.96 189

Lyndwode Periera, Esq.

Assistant Secretary, Department of Interior,

Ottawa, Ont.

Dear Sir:-

I have to acknowledge receipt of your favor of 3rd inst., returning renewal receipt on behalf of Mr R.A.Ruttan, in connection with F.G. Bond No. 62.

I have duly initialed same and return receipt herewith.

Yours truly,

F. Stancliffe

Manager & Atty.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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THE

Employers' Liability Assurance Corporation, Ltd.

LONDON, ENGLAND.

AUTHORIZED CAPITAL, ...	**$5,000,000.00**
SUBSCRIBED, ...	**$3,750,000.00**

Capital called and paid up	$750,000.00
Reserves for Policy-Holders, independently of Capital ...	836,805.00
Uncalled Capital	3,000,000.00
Total Security for Policy-Holders	$4,586,805.00
Deposited with the Receiver-General in Canada	$75,000.00

F. STANCLIFFE, MANAGER AND ATTORNEY FOR CANADA.

BRITISH EMPIRE BUILDING, MONTREAL.

THIS CORPORATION TRANSACTS BUSINESS IN THE FOLLOWING BRANCHES:

Accident Department.

PERSONAL ACCIDENT, LOCAL RAILWAY ACCIDENT,
COMBINATION ACCIDENT, GENERAL RAILWAY ACCIDENT,
WORKMEN'S COLLECTIVE ACCIDENT,
ELEVATOR RISKS,
EMPLOYERS' LIABILITY, OUTSIDE LIABILITY,
GENERAL LIABILITY.

Fidelity Guarantee Branch.

Guarantees of Fidelity, guaranteeing either one or a number of persons, under one Policy, are also issued.

For further information, apply to the Manager for Canada, or to any of the Corporation's Agents.

This Corporation has dealt with over 10,000 Accidents, and paid in Claims over $7,000,000.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

00013

F.G.Renewal Receipt.

R.Receipt No. 108
F.G.Policy No.3.
62.

Amount $2500. Premium $10.00
Agency Montreal.

THE EMPLOYERS' LIABILITY ASSURANCE CORPORATION.
Limited.

Montreal, September, 1896.

Received the sum of Ten Dollars, being Renewal Premium of F.G.Policy No. 3, 62, on behalf of Mr. Robert Anderson Ruttan, as Agent of Dom. Lands at Edmonton, alta. in the employ of Dominion Government, which is hereby Renewed from 15th Sept 1896 to 15th Sept. 1897.

'Sd' F. Stancliffe.
Manager & Attorney.

~~---Not-valid-unless-countersigned-by--duly-authorized-Agent-at~~
~~------Montreal-----~~

'Sd' F.S.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER 412398
FILE 384703

Department of the Interior,

Ottawa, 3rd October, 1896.

Sir,

Although the enclosed renewal receipt, in favour of Mr. R.A.Ruttan, being signed by you as "Manager and Attorney" for "The Employers' Liability Assurance Corporation, Limited," would no doubt be valid in the event of any claim arising under the bond referred to in it, I beg to return it, herewith, to be countersigned by the duly authorized Agent of the Company at Montreal. If that action is unnecessary, as it is assumed it is as the receipt bears your signature, the line under your signature, by which all persons are notified that the receipt of "the duly authorized Agent at Montreal" is necessary, should be struck out and be initialled by you before you return the receipt to the Department.

Appd. TGR 3/10/96

Eve. herewith

I am, Sir,
Your obedient servant,

LYNDWODE PEREIRA
Assistant Secretary.

F. Stancliffe, Esq.,
Manager,
The Employers' Liability,
Assurance Corporation, Limited,
British Empire Building,
Montreal,
P.Q.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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412398 No. 16219.

File No. 14459

Department of the Interior,

DOMINION LANDS OFFICE,

~~Edmonton 23rd September 1896 189~~

Copy for information of H. O. Ref: 384703 - Enc Receipt

DEPT OF THE INTERIOR RECEIVED SEP 30 1896 OTTAWA

Sir,

I beg to acknowledge the receipt of your letter of the 16th inst and to say that your interm receipt was sent to the Secretary of my Department Ottawa on the 17th inst .

I am now sending the Secretary a letter from Mr Stancliffe dated the 15h inst and Renewal Receipt No 108 on Policy No 62 which accompanied Mr Stancliffe's letter .

The Secretary of the Department is being requested to be good enough to return to yourself the renewal receipt first above mentioned .

May I ask you to kindly forward my cheque to Mr Stancliffe .

I am, Sir,

Your obedient servant ,

R A Rutan

Agent Dominion Lands -

C. W. I. Woodland Esq

The Employers Liability Ass Cor :

23 Toronto St
Toronto , Ont .

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

412398

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE ASSURANCE.

The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:—BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

DEPT OF THE INTERIOR RECEIVED SEP 30 1896

Montreal, 15th Sept. 96 189

DOMINION LANDS OFFICE RECEIVED SEP 22 1896 EDMONTON, ALBERTA, N.W.T.

R. A. Ruttan, Esq.
Agent, Dominion Lands,
Edmonton, N.W..T

Dear Sir:-

I duly received your favor of 2nd instant. On the 18th April last, you informed me that a reduction had been made in Guarantee rates for Dominion Government employees.

I replied under date 29th idem., that I was not aware that a reduction had been made, and should such some about it would of course only apply to new business and renewals.

Since the above correspondence, I have been informed of the reduction in the rate, but in sending you your notice of renewal the ~~same~~ old rate was charged, however, I have altered our books and the rate now charged is 40 cts. I enclose you renewal receipt herewith, and shall be glad if you will forward the amount under registered letter or Post Office Order.

Yours truly,

Manager & Atty.

P.S. I am informed by our Agent at Toronto that you have given him an application for a new Bond,- this will be unnecessary and I have written him to that effect and requesting the return of Interim Receipt which you received from him.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

THE

Employers' Liability Assurance Corporation, Ltd.

LONDON, ENGLAND.

AUTHORIZED CAPITAL, ...	**$5,000,000.00**
SUBSCRIBED, ...	**$3,750,000.00**
Capital called and paid up	$750,000.00
Reserves for Policy-Holders, independently of Capital ...	836,805.00
Uncalled Capital	3,000,000.00
Total Security for Policy-Holders	$4,586,805.00
Deposited with the Receiver-General in Canada	$75,000.00

F. STANCLIFFE, MANAGER AND ATTORNEY FOR CANADA.

BRITISH EMPIRE BUILDING, MONTREAL.

THIS CORPORATION TRANSACTS BUSINESS IN THE FOLLOWING BRANCHES:

Accident Department.

PERSONAL ACCIDENT, LOCAL RAILWAY ACCIDENT,
COMBINATION ACCIDENT, GENERAL RAILWAY ACCIDENT,
WORKMEN'S COLLECTIVE ACCIDENT,
ELEVATOR RISKS,
EMPLOYERS' LIABILITY, OUTSIDE LIABILITY,
GENERAL LIABILITY.

Fidelity Guarantee Branch.

Guarantees of Fidelity, guaranteeing either one or a number of persons, under one Policy, are also issued.

For further information, apply to the Manager for Canada, or to any of the Corporation's Agents.

This Corporation has dealt with over 10,000 Accidents, and paid in Claims over $7,000,000.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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Archives nationales du Canada

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H1-078

BB

Agents' Interim Receipt.

No.A.376 .

Amount $ 2500.00
Premium 10.00

THE EMPLOYERS' LIABILITY ASSURANCE CORPORATION.
LIMITED.
84 & 85 King William Street, London, England

RECEIVED the sum of Ten Dollars being the premium for a Fidelity Guarantee Assurance to the amount of Twenty five hundred Dollars, on the Fidelity of Robert A. Ruttan, as Dominion Lands Agent at Edmonton, Alberta, in the employment of the Dominion Government from Sept. 15th, 1896, to Sept. 15th, 1897, subject to the terms of the policy, to be issued in due course, should the proposal be accepted.

Should the Employers' Liability Assurance Corporation, Limited, of London, England, decline to accept this application, and so notify the Employer, either from its head office at Montreal, or by the Agent issuing this receipt, the Assurance will cease and terminate at the expiration of Ten Days from date of such notice, and the corporation's liability for any and all claims hereunder will be governed by the conditions endorsed hereon.

Not Valid unless countersinged

'Sd' C.W.I.Woodland,
Chief Agent for Ontario.

'Sd' F. Stancliffe,
Manager & Attorney

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
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CONDITIONS UPON WHICH THIS RECEIPT IS ISSUED.

1. That, upon the discovery of any act of fraud or dishonesty upon the part of the Assured, the Employer shall at once give notice in writing to the corporation, at its Chief Office in Montreal, stating the cause, nature and extent of the loss thereby, with the name and present address of the person accused, if known ; and upon such discovery of loss this Fidelity Assurance shall terminate as to any subsequent acts of the person ~~accused~~ assured.

2. That in the event of any claim for loss under this receipt, the Corporation shall be liable only for such acts of fraud or dishonesty as shall have been comitted by the Assured during the period of time herein mentioned, and of which the Employer shall have so notified the Corporation as hereinbefore provided.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Archives nationales du Canada

00013

412073

No. 16177

File No. 14459 -

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton 17th September 1896 189

Copy for information of H. O. Ref 384703-

DEPT OF THE INTERIOR RECEIVED SEP 23 1896 OTTAWA

Sir,

I beg to enclose herewith my cheque $10.25 to cover premium on my Guarantee bond for the year ending 15th Septemb 1897 .

Please send the bond in duplicate when duly executed under your Company's Corporate Seal to the Secretary of the Department of the Interior , Ottawa, to whom I am forwarding Interim Receipt No 376.

I Enc/ Register.

I am, Sir,

Your obedient servant ,

A A Rutan

Agent Dominion Lands

C. W. I. Woodland Esq

Chief Agent for Ontario,

The Employer's Liability Ass Corp , Ltd .

Toronto .

Mr Henry
no action
T.F.R.
23.9.96

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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Archives nationales du Canada

00013

for Copy
41239

F.G.Renewal Receipt.

R.Receipt No. 108

F.G.Policy No.3 62. Amount $2500. Premium $10.00

Agency, Montreal.

THE EMPLOYERS' LIABILITY ASSURANCE CORPORATION. LIMITED.

Montreal, September, 1896 .

RECEIVED the sum of Ten dollars being renewal premium of F.G.Policy No.3, 62, on behalf of Mr. Robert Anderson Ruttan, as Agent of Dom. Lands at Edmonton, Alta. in the employ of Dominion Government, which is hereby Renewed from 15th Sept. 1896 to 15th Sept. 1897.

'Sd'F.Stancliffe,

Manager & Attorney

Not valid unless countersigned by duly authorized at Montreal.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Archives nationales du Canada

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402361

DEPT. OF THE INTERIOR RECEIVED APR 17 1896 OTTAWA

Ottawa, 16 April, 1896.

IN YOUR REPLY PLEASE REFER TO
LETTER No. 1845
FILE No. 2606.

Sir,

I have the honour to acknowledge the receipt of Mr. Pereira's letter, file 384,703, of the 15 instant, transmitting the Bond No. 03,62, of the "Employer's Liability Assurance Corporation, limited," for $2500., duly approved by the Deputy Minister of Justice, furnished, as therein set forth, by Mr. R. A. Ruttan, Agent of Dominion Lands at Edmonton, and to state that the matter shall receive attention.

I have the honour to be,
Sir,
Your obedient Servant,

Acting Under Secretary of State.

The Deputy of the
Minister of the Interior,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

00014

Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER

FILE 384703

Department of the Interior,

Ottawa, 15th April, 1896.

Copy herewith for Mr Staudliffe R
Sent
[illegible]

Sir,

I have the honour, by direction, to transmit, herewith, the bond, F.No.3, 62, of the "Employers' Liability Assurance Corporation, Limited," for $2500.00, duly approved by the Deputy Minister of Justice, which Mr. R.A.Ruttan Agent of Dominion Lands at Edmonton, has furnished in compliance with the terms of the Order in Council which was passed on the 14th October, 1894.

The duplicate of the bond is retained in this Department.

Appd. T.G.R. 15/4/96

Ena.

I have the honour to be,
Sir,
Your obedient servant,

Joseph Pope, Esq.,
Acting Under Secretary of State,
Ottawa,

LYNDWODE PEREIRA.

Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

Miss Barber 402073

Usual letter to U.S. State - now Joseph Pope acting do - & copy to Stancliffe

TGR

ARTMENT OF THE INTERIOR
ISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol.
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

Mr Pereira Mr Henry
Mr Ruttan is
Bond was sent to Justice
Dept. 10/4/96 file
No. 384703.
13/4/96 R.D.

402073

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

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Archives nationales du Canada

402073

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.

The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:—BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

Montreal, 11th April 96 189

RECEIVED BY THE MINISTER
APR 13
1896
OTTAWA

Lyndwode Pereria, Esq.

Department of Interior,

Ottawa, Ont.

Mr Rothwell

Dear Sir:-

I am favored with your letter of 9th inst.

On the 7th instant I sent you Mr R.A.Ruttan's Bond in duplicate properly sealed, and you should have received it on the 8th, if however, such is not the case, be good enough to let me know and I shall make enquiries at the Post Office Department here.

I am,

Yours truly,

F. Stancliffe

Manager & Attorney.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

THE

Employers' Liability Assurance Corporation, Ltd.

LONDON, ENGLAND.

AUTHORIZED CAPITAL, ...	**$5,000,000.00**
SUBSCRIBED, ...	**$3,750,000.00**
Capital called and paid up	$750,000.00
Reserves for Policy-Holders, independently of Capital ...	836,805.00
Uncalled Capital	3,000,000.00
Total Security for Policy-Holders	$4,586,805.00
Deposited with the Receiver-General in Canada	$75,000.00

F. STANCLIFFE, MANAGER AND ATTORNEY FOR CANADA.

BRITISH EMPIRE BUILDING, MONTREAL.

This Corporation Transacts Business in the Following Branches:

Accident Department.

PERSONAL ACCIDENT, LOCAL RAILWAY ACCIDENT,
COMBINATION ACCIDENT, GENERAL RAILWAY ACCIDENT,
WORKMEN'S COLLECTIVE ACCIDENT,
ELEVATOR RISKS,
EMPLOYERS' LIABILITY, OUTSIDE LIABILITY,
GENERAL LIABILITY.

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For further information, apply to the Manager for Canada, or to any of the Corporation's Agents.

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 384703

National Archives of Canada
Archives nationales du Canada

00014

Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

A.G.C.

Letter 401733.
File 384703.

Department of the Interior,

Ottawa, 9th April, 1896.

Copy herewith for information of Mr. Staudcliffe R. sent 10/4/96

Sir,

I have the honour, by direction, to refer to my letter of the 5th December last transmitting to you for examination and approval a bond, in duplicate, which had been furnished by Mr. E. A. Puttan of Edmonton, to comply with the provisions of the Order in Council of 14th October, 1891, and which was not accepted because of want of the corporate seal of the Company. This bond having been duly sealed is now forwarded herewith for approval.

Encl.

I have the honour to be,

Sir,

Your obedient servant,

Assistant Secretary.

E. L. Newcombe, Esq., Q.C.,
Deputy Minister of Justice.
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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401733

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.

The Employers' Liability Assurance Corporation, Limited.

OF LONDON, ENGLAND.

CAPITAL, - - - - $5,000,000.

Head Office for Canada: - British Empire Building, Montreal.

F. STANCLIFFE,
Manager and Attorney.

Montreal Agency, Apl 7 1896

RECEIVED APR 1896 DEPT OF THE INTERIOR OTTAWA

Lyndwode Pereira Esq
Assistant Secretary
Department of Interior
Ottawa

Dear Sir

Re F. G. Bond (3) 62
R. St. Ruttan

Enclosed I now beg to hand you the above noted bond sealed per your letter of December 9th last. Regretting the trouble I have put you to in this matter.

I am
Yours truly
F. Stancliffe
Manager & Attorney

Bo Bothwell

384703

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

397854

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.

The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:—BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

Montreal, 14th Febry 96. 189

395141

Lyndwode, Pereira, Esq.

Assistant Treasurer - Department of Interior,

Ottawa, Ont.

DEPT. OF THE INTERIOR RECEIVED FEB 15 1896 OTTAWA.

Dear Sir:-

I beg to acknowledge receipt of your letter of 10th inst. in reply to mine of 5th idem. referring to the sealing of the bonds of this Corporation issued in favour of your Department, and I shall at once communicate the purport of your letter to my Head Office.

I regret very much having to trouble you with so much correspondence in this connection and thank you for the courtesy you have shown me.

I am, dear Sir,

Yours truly,

F. Stancliffe

Manager & Attorney.

file

Mr Henry
no further action
at present.
FR
20/2/96

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

397854

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.

The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:—BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

Montreal, 14th Febry 96. 189

395141

Lyndwode, Pereira, Esq.

Assistant Treasurer - Department of Interior,

Ottawa, Ont.

Dear Sir:-

I beg to acknowledge receipt of your letter of 10th inst. in reply to mine of 5th idem. referring to the sealing of the bonds of this Corporation issued in favour of your Department, and I shall at once communicate the purport of your letter to my Head Office.

I regret very much having ~~to~~ troubled you with so much correspondence in this connection and thank you for the courtesy you have shown me.

I am, dear Sir,

Yours truly,

F. Stancliffe

Manager & Attorney.

file

Mr Henry
no further action
at present.
FJR
20/3/96

REPEAT/
RÉPÉTITIO

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

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Address your reply to "The Secretary Department of the Interior, Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

BB

LETTER 397112

FILE 384703

Department of the Interior,

Ottawa, 10th February, 1896.

Sir,

I am directed to acknowledge the receipt of your letter of the 5th instant, with reference to the sealing of the bonds which may be issued by "The Employers' Liability Assurance Corporation, Limited," in favour of employees of this Depart - ment, by the Company's corporate seal, and to inform you that your suggestion to file herewith notarially certified copy of the power of attorney under which you are authorized to act as the Com - pany's manager in Canada, cannot be adopted in view of the opinion which has already been twice expressed by the Department of Justice, namely : that it is not advisable to accept the Company's bonds unless they are sealed with the Company's corporate seal.

I may add that although the question has been twice referred to the Department of Justice by this Department, the references were made solely to comply with your request, as the question was considered some years ago at the request of another company's representatives in Canada and this Department was then advised that the Company's corporate seal must be used.

So

F. Stancliffe, Esq.,
Manager
The Employers' Liability
Assurance Corporation, Limited,
British Empire Building,
Montreal,
P.Q.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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Address your reply to "The Secretary Department of the Interior, Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

BB

LETTER 397112

FILE 384703

Department of the Interior,

Ottawa, 10th February, 1896.

Sir,

I am directed to acknowledge the receipt of your letter of the 6th instant, with reference to the sealing of the bonds which may be issued by "The Employers' Liability Assurance Corporation, Limited," in favour of employees of this Department, by the Company's corporate seal, and to inform you that your suggestion to file herewith notarially certified copy of the power of attorney under which you are authorized to act as the Company's manager in Canada, cannot be adopted in view of the opinion which has already been twice expressed by the Department of Justice, namely: that it is not advisable to accept the Company's bonds unless they are sealed with the Company's corporate seal.

I may add that although the question has been twice referred to the Department of Justice by this Department, the references were made solely to comply with your request, as the question was considered some years ago at the request of another Company's representatives in Canada and this Department was then advised that the Company's corporate seal must be used.

I am, Sir,

F. Stancliffe, Esq.,
Manager
The Employers' Liability
Assurance Corporation, Limited,
British Empire Building,
Montreal,
P.Q.

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

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So far as the delay resulting from having the bonds sealed in the Company's Head Office is concerned, let me point out to you that the bond in favour of Mr. Ruttan was first received here on the 4th December last, and that had it been forwarded at that date to the Company's Head Office to be sealed it would long ago have been of record in the Department of the Secretary of State, Mr. Ruttan would have complied with the Order in Council under which Agents of Dominion Lands are called upon to furnish security and much unnecessary correspondence both to you and to the Department would have been saved.

I am, Sir,
Your obedient servant,

LAWRWODE PERREAU

Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
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DEPARTMENT OF INTERIOR.

MEMORANDUM.

To.....

Return to

Mr Rothwell

Su 396669 E.C.

Ottawa 8 12 189.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

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MEMORANDUM. 397112

To Hon Henry

Department of the Interior,

Ottawa, 8 2 1896

QUERY.	ANSWER.
Please attach & file & send to Mr Rothwell 395-141 Mr Rothwell	It seems to me that if Mr Stanciffe wants to make money by doing business with the Dept. he is the one to take the trouble. JP

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

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397112

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.



The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:—BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

Montreal, 5th Febry 96 189

DEPT OF THE INTERIOR RECEIVED FEB 6 1896 OTTAWA

L. Pereria, Esq.
Assistant Secretary - Department of Interior,
Ottawa, Ont.

Dear Sir:-

I duly received your favor of 1st instant concerning the Common Seal of this Corporation.

If your Department insist on having Bonds sealed with the Common Seal, it will be necessary for me to write the Bonds, sign them, and then forward them to Head Office to be sealed at the usually weekly Board Meeting. This you will readily see will cause a great deal of delay.

Supposing I make a copy of my Power of Attorney, have it certified by a Notary and lodge a Certified copy with you, would the Bond sealed and signed by me as such Attorney, be satisfactory?

I await your further advices in the matter.

Yours truly,

F. Stancliffe

Manager & Attorney.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER 396467
FILE 384703

Department of the Interior,

Copy for Mr. Ruttan,
A.D.L. Edmonton, herewith,
sent 1/2/96 M.

Ottawa, 1st February, 1896.

Sir,

I am directed to inform you that the Deputy Minister of Justice, who was furnished with a copy of your letter of the 6th ultimo, and with a copy of the extract you enclosed with that letter, is still of opinion that it is not advisable that the Department should accept the bonds of the Employers' Liability Assurance Corporation, Limited, unless they are sealed with the Company's corporate seal.

App. JFR 1.2.96

I am, Sir,
Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

F. Stancliffe, Esq.,
Manager
The Employers' Liability
Assurance Corporation, Limited,
British Empire Building,
Montreal,
P.Q.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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396669

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.



The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:—BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

Montreal, 30th January 1889

DEPT. OF THE INTERIOR RECEIVED JAN 31 1889 OTTAWA.

Mr Mewburn

L. Pereria, Esq.

Assistant Secretary - Department of Interior,

Ottawa, Ont.

396669

Dear Sir:-

On the 6th inst., I wrote you regarding this Corporation's Seal, and at the same time enclosed you a copy of a Section of the Articles of Association of this Corporation, but as yet have not had the pleasure of a reply.

I shall esteem it a favor if you will let me hear from you in the matter.

I am, dear Sir,

Yours truly,

F. Stancliffe

Manager & Attorney.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

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000156

396467

DEPT. OF THE INTERIOR
RECEIVED
JAN 28 1896
OTTAWA

Ottawa January 27th 1896

Sir

395141
384703

Referring to your letter of the 23rd instant I have the honor to state that the extract from the memorandum & articles of Association of the Employers' Liability Assurance Corporation submitted by you does not lead me to modify the opinion already given viz that it would not be well or advisable to accept the company's bonds unless they are sealed with the corporate seal.

I have the honor to be
Sir
Your obedient Servant
John Chisholm
for D.M.J.

The Assistant Secretary
Dept of the Interior
Ottawa

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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Address reply
"The Secretary
Department of the Interior,
Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

BB

LETTER 395141

FILE 384703

Department of the Interior,

Ottawa, 23rd January, 1896.

Sir,

I have the honour, by direction, to transmit, herewith, a copy of a letter and a copy of its enclosure, which have been received here from Mr. Stancliffe, Manager for Canada of the Employers' Liability Assurance Corporation, Limited, in reply to a letter which I addressed to him stating that it had been decided that it was not advisable to accept any bond issued by that Company in favour of an employee of the Dominion Government until the bond was properly sealed with the Company's Corporate seal.

Although Mr. Stancliffe clearly relies upon the extract of which a copy is enclosed herewith as sufficient to warrant the use of any kind of a seal in sealing a bond, I am to say that it appears here that such extract supports the opinion expressed in your letter of the 24th ultimo. I am however, to ask you if you adhere to that opinion.

I have the honour to be,
Sir,
Your obedient servant,

E.L.Newcombe, Esq., Q.C.,
Deputy Minister of Justice,
Ottawa.

LYNDWOOD PEREIRA

Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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Archives nationales du Canada

395141

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.



The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:—BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

Montreal, 6th January 1896

DEPT. OF THE INTERIOR
RECEIVED
JAN
1896
OTTAWA.

384284
384703

L. Pereria, Esq.

Assistant Secretary - Department of Interior,

Ottawa, Ont.

Dear Sir:-

I have to acknowledge receipt of your favor of 2nd instant, replying to mine of 18th ulto., in reference to this Corporation's Seal, and very much regret the decision of the Deputy Minister of Justice in this regard, but probably when I explain that according to the Provisions of our Articles of Association, the General Manager, Secretary or other Official of this Corporation, can only seal a document on the approval of that document at a Board Meeting and the signature thereto of two Directors. As we have no Board of Directors here you will see that it would be impossible to have a separate seal in Canada.

I should be very sorry to have the progress of our Fidelity business impeded by the absence of seal,- it is merely a formal matter and cannot make our Bonds more valid than they are at present.

I enclose you copy of the Section of the Articles of Association of this Corporation, which I shall be glad if you will place ~~came~~ before the Deputy Minister of Justice and let me hear from you on the subject at your convenience.

I am,

Yours truly,

F. Stancliffe.

Manager & Attorney.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

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Archives nationales du Canada

395141

DEPT. OF THE INTERIOR
RECEIVED
JAN 7 1896
OTTAWA

- COPY -

EXTRACT from Memorandum of

Articles of Association.

Art XVII Sec.22. To determine from time to time the device of the seal, and to provide for its safe custody. And it is hereby provided that the approbation of any instrument at a Board or General Meeting, and the signature thereto of two Directors, shall be sufficient authority to the General Manager, Secretary, or other Officer of the Company authorised by resolution of the Board, to sign or counter sign and seal the instrument.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Address your reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER 394199
FILE 384703

Department of the Interior,

Ottawa, 2nd January, 1896.

Sir,

I am directed to inform you that the purport of your letter of the 18th ultimo was referred to the Deputy Minister of Justice, and that he has advised this Department, in reply, that it is not advisable to accept the bond which has been issued by your Company in favour of Mr. Ruttan, and, therefore, in favour of any one else, until it has been properly sealed, that is with the Company's corporate seal.

I am, Sir,
Your obedient servant

[illegible]
Assistant Secretary.

F. Stancliffe, Esq.,
Manager,
The Employers' Liability
Assurance Corporation, Limited,
British Empire Building,
Montreal,
P.Q.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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00016

394502

DEPT. OF THE INTERIOR RECEIVED DEC 26 1895 OTTAWA

384703

Ottawa, Dec 24th 1895

Sir

Referring to your letter of the 21st instant on the subject of the bond furnished by Mr Ruttan agent of Dominion Lands at Edmonton I have the honor to state that it would not be advisable to accept the bond until it is sealed with the corporate seal of the company viz the Employers' Liability Assurance Corporation.

Your obedient Servt
John Chisholm
for D.M.J.

The Assistant Secretary
Dept of the Interior
Ottawa

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

Letter 394199
File 384703

Department of the Interior,

Ottawa, 21st December, 1895.

Sir,

Upon the 5th instant, a bond, in duplicate, which the Employers' Liability Assurance Corporation, Limited, issued in favour of Mr. R. A. Ruttan, Agent of Dominion Lands at Edmonton, and which he had obtained to comply with the terms of the Order-in-Council of the 14th October, 1891, was sent to you for examination, and for approval, if you found the bond satisfactory in form.

The bond was returned accompanied by a memorandum in these words :-

"This is approved, assuming that the seal attached is the seal of the Company. Enquiry should be made to ascertain whether the Company has a different seal. J.C. for D.M.J."

The necessary letter of enquiry was then sent to the Canadian Manager of the Company, Mr. F. Stancliffe.

I have the honour, by direction, to enclose, a copy of Mr. Stancliffe's reply, and to ask you to furnish a draft form of the certificate mentioned in his letter, if you concur in the opinion which it appears the Solicitors of the

E.L.Newcombe, Esq., Q.C.,
Deputy Minister of Justice,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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the Company, in Montreal, have expressed as to the validity of the bonds of the Company without the Company's Corporate Seal being attached to them.

I have the honour to be,
Sir,
Your obedient servant,

[illegible]

Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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Archives nationales du Canada

39499

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.



The Employers' Liability Assurance Corporation, Limited,

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:--BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

Montreal 18th Decr. 95 89

DEPT OF THE INTERIOR RECEIVED DEC 19 1895 OTTAWA

384703

L. Pereira, Esq.
Assistant Secretary, Department of the Interior,
Ottawa, Ont.

Dear Sir:-

I have to acknowledge receipt of your favor of 9th instant returning Bond, in duplicate, on behalf of Mr R.A.Ruttan and note your remarks regarding seal which we have attached to our Government Bonds.

I may inform you that I have been appointed Manager & Attorney for Canada and that although the Company have a seal which they use in England, we have not been furnished with one for Canada as it was not considered necessary; before arriving at this decision we had the opinion of our Solicitors.

I trust this information regarding seal will be satisfactory but if you require a certificate to this effect, I presume the one will answer for all the Bonds we issue in favor of the Dominion Government.

I am sorry to trouble you in the matter but I shall be glad to have a reply from you and also a form of the Certificate you consider necessary.

Yours very truly,

F. Stancliffe

Manager & Attorney

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

National Archives of Canada
Archives nationales du Canada

GENERAL ACCIDENT, EMPLOYERS' LIABILITY AND FIDELITY GUARANTEE INSURANCE.

The Employers' Liability Assurance Corporation, Limited.

OF LONDON, ENGLAND.

CANADA BRANCH:

CHIEF OFFICE:—BRITISH EMPIRE BUILDING.

F. STANCLIFFE,
Manager and Attorney.

Montreal, 18th Decr. 95/89

L. Pereira, Esq.
Assistant Secretary, Department of the Interior,
Ottawa, Ont.

384703

Dear Sir:-

I have to acknowledge receipt of your favor of 9th instant returning Bond, in duplicate, on behalf of Mr R.A.Ruttan and note your remarks regarding seal which we have attached to our Government Bonds.

I may inform you that I have been appointed Manager & Attorney for Canada and that although the Company have a seal which they use in England, we have not been furnished with one for Canada as it was not considered necessary; before arriving at this decision we had the opinion of our Solicitors.

I trust this information regarding seal will be satisfactory but if you require a certificate to this effect, I presume the one will answer for all the Bonds we issue in favor of the Dominion Government.

I am sorry to trouble you in the matter but I shall be glad to have a reply from you and also a form of the Certificate you consider necessary.

Yours very truly,

Manager & Attorney

REPEAT
RÉPÉTIT

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

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000 16

Address your reply
"To the Secretary
Department of the Interior,
Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

BB

LETTER

FILE 384703

Department of the Interior,

Ottawa, 9th December, 1895.

Copy to Agent Ruttan

Sir,

I am directed to forward, herewith, the bond, in duplicate, which was issued by "The Employers' Liability Assurance Corporation, Limited," in favour of Mr. R.A.Ruttan, upon the 15th September last, for $2500.00, and, if the seal set opposite your signature to the bond is the only seal of the Company, to request you to attach to each original of the bond a certifi - cate to that effect. On the other hand if the Company has a different seal, that is one corresponding in its design to seals usually used by Coroporate bodies, I am to request that the bond, in duplicate, be properly executed before it is returned to this Department.

App'd 19/12 9.12.95

2 Encl. on file.

I am, Sir,
Your obedient servant,

F. Stancliffe, Esq.,
Manager,
The Employers' Liability
Assurance Corporation, Limited,
British Empire Building,
Montreal,
P.Q.

[illegible] Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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National Archives of Canada
Archives nationales du Canada

DEPARTMENT OF JUSTICE.

MEMORANDUM.

This is approved assuming that the seal attached is the seal of the Company. Enquiry should be made to ascertain whether the Coy has a different seal.

[illegible]

J. C.

for Dept.

Ottawa, ... 189...

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384703

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00017

Address reply
"To the Secretary
Department of the Interior,
Ottawa."
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Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER 393120

FILE 384703

Department of the Interior,

Ottawa, 5th December, 1895.

App 79/8

Sir,

I have the honour, by direction, to transmit, herewith, for examination, and for approval, if satisfactory, a bond, in duplicate, which has been furnished by Mr. R.A.Ruttan of ~~Winnipeg~~ Edmonton, to comply with the provisions of the Order in Council of the 14th October, 1891.

Ins. on file

I have the honour to be,
Sir,
Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

E.L.Newcombe, Esq., Q.C.,
Deputy Minister of Justice,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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00017

393120

No. 14916
14459
File No.

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton 27th November 1895 189

DEPT. OF THE INTERIOR
RECEIVED
DEC 4 1895
OTTAWA

Sir,

I have the honour to enclose herewith Bond (No # 62) for $ 250000in accordance with your instructions contained in letter dated the 16th July last No 384703.

2 Encl

Mr Rothwell

I am, Sir,

your obedient servant,

A. A. Ruttan

Agent Dom Lands .

The Secretary,

Dept of the Interior,

Ottawa .

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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00017

393120

No. 14916

File No. 14459

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton 27th November 1895 189

DEPT OF THE INTERIOR RECEIVED DEC 2 1895 OTTAWA

Sir,

I have the honour to enclose herewith Bond (No F 62) for $ 250000in accordance with your instructions contained in letter dated the 16th July last No 384703.

2 Encls

I am, Sir,

your obedient servant,

A. A. Rutherford

Agent Dom Lands .

The Secretary,

Dept of the Interior,

Ottawa .

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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Archives nationales du Canada

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Address your reply to the Secretary Department of the Interior, Ottawa.
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER 386001
FILE 384703

Department of the Interior,

Ottawa, 2nd August, 1895.

Sir,

I beg to inform you, in reply to your letter of the 25th ultimo, No. 14179 on No. 14459, that $2500.00 is the amount which should have been mentioned in my letter of the 16th ultimo, and not $1000.00, the former amount being the amount which was fixed by Order-in-Council of the 14th October, 1891, as the amount of security to be furnished by each Agent of Dominion Lands and Crown Timber Agent.

App 2
T.Q.R.
7/9/75

I am, Sir,
Your obedient servant,

LYNDWODE PEREIRA
Assistant Secretary.

R.A.Ruttan, Esq.,
Agent of Dominion Lands,
Edmonton,
Alta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384703

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000017

386001

No. 14179

File No. 14459

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton 25th July, 1895 189

DEPT. OF THE INTERIOR RECEIVED JUL 31 1895 OTTAWA

Sir,

In reply to your letter dated the 16th inst. File No. 384703, I have the honor to enquire whether the amount of the security is correctly stated at $1000.00.

Iam, Sir,

Your obedient servant.

R A Nathan

Agent of Dominion Lands.

The Secretary of the

Department of the Interior,

Ottawa, Ont/

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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00017

Address your reply to "The Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

BB

LETTER.

FILE. 384703

Department of the Interior,

Ottawa, 16th July, 1895.

Sir,

I am directed to call your attention to the necessity of complying immediately with an Order in Council which was passed upon the 14th October, 1891, whereby each Agent of Dominion Lands and Crown Timber Agent, is called upon to furnish security for the due and faithful performance of his duties, for $1000.00,

App'd 16-7-95

By decision of the Minister the only security which can be accepted in these cases is the bond for the above mentioned amount, of any guarantee company doing business in Canada under the authority of an Act of the Parliament of Canada, and I am therefore, to request you to obtain and to forward to the Secretary, such a bond, in duplicate, forthwith.

I am, Sir,
Your obedient servant,

LYNDWODE PEREIRA.
Assistant Secretary.

R.A.Ruttan, Esq.,
Agent of Dominion Lands,
Edmonton,
Alta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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384703

DEPT OF THE INTERIOR RECEIVED JUL 10 1895 OTTAWA

Department of the Interior,
Ottawa, 9. 7. 1895.

Mr Rothwell

Memo: Mr. Rothwell,

By O in C of 22nd ult. P.C. 1807 H.O.fyle 100246, R.A.Ruttan, is appointed A.D.L. at Edmonton from the 1st instant.

I send you this information in connection with the guarantee bond which I suppose he will have to furnish.

'Sd' L.P.

Mr Henry
Please make this the commencement of a bond file for Mr Ruttan.
TGR
12.9.98

P.S. When you send me able to me please send Mr Cottingham's bond to me with it

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

FILE/DOSSIER	TITLE/TITRE	DATES
384703	R.A. RUTTAN RE GUARANTEE BOND	1895-1900
384750	PIERRE DESJARDINS RE SCRIP CLAIM	1885-1895
384783	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF JOSEPH PAQUETTE AS HEIR OF HIS DECEASED SON JOSEPH PAQUETTE	1894-1895
384784	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF NANCY BEAR, WIFE OF JOHN THOMAS	1893-1896
384787	LAND COMMISSION, WINNIPEG, RE HALFBREED CLAIM OF THE HEIRS OF COLLETTE KARACONTE	1895-1903
384891	JOHN DAVIDSON LAND WARRANT	1879
384892	THOMAS TAYLOR RE MILITARY BOUNTY ASSIGNED TO ADAM MCKENZIE	1880-1882
384961	W.C. HAMILTON LEGAL ADVISOR TO LIEUTENANT GOV. OF N.W.T.	1895-1897
384996	COLONIAL BOUNDARIES BILL	1895
385018	HALFBREED CLAIM OF LOUIS COCHRANE	1895
385108	SCRIP CLAIMS OF JEAN MARIE DESJARLAIS	1895
385111	INTERNATIONAL BOUNDARY BY POST BETWEEN MANITOBA AND ROCKY MOUNTAINS	1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384750

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384750
National Archives of Canada
Archives nationales du Canada

No. 384750

DEPARTMENT OF THE INTERIOR,

1895

From Alexis L'Esperance
Choteau

Date 3/July
" (when rec'd.) /3

Subject. Encloses order from Pierre Desjardins re scrip as one of the heirs of his former wife Josephte Breland who was one of the heirs of her father François Breland & her mother Therese L'Iroquois & her sister Marie Breland

Action.

GENERAL

00017

000179

Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

C.

LETTER.

FILE. 384750.

Department of the Interior,

Ottawa, 24th July, 1895.

Sir,

I am directed to enclose herewith scrip note No. 12870 for $93.33, issued to bearer under the authority of an Order in Council of the 30th March, 1885, in satisfaction of the claim of Pierre Desjardins, Sr., alias Pierre Nantowew of L'Iroquois to share in the Half-breed grant of scrip as one of the heirs of Francois Proland, Therese L'Iroquois, his wife, and Marie Proland, all deceased, and to request you to return the accompanying form of receipt to this Department after it has been dated and signed.

Proof Rec'd 6/14

Encs.

I am, Sir,

Your obedient servant,

(sd) Nelson

for Assistant Secretary.

Alexis L'Esperance, Esq.,
Winnipeg,
Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Ref. No. 384750

Department of the Interior,

PATENTS BRANCH.

N. W. I.

Ottawa, 17 July 1895

To the Accountant
Department of the Interior.

N.W. Scrip No.	Required the Issue of the following Scrip, viz.;—
12.870	Pierre Desjardins Sr. Salias $93 33/2 Pierre Nantoueu or L'Iroquois, one of the heirs of Francois Breland, Therèse L'Iroquois, his [illegible], and Marie Breland all deceased.

Approved
[illegible]
D.M.I.

Rec'd 4.30 P.M. 17/7/95 A.H.S.

Under the authority of an Order in Council dated the 30 Mar 85

The above mentioned Scrip issued this 18/7/95
[illegible] Acc't.

N. O. Cole for Chief Clerk.

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384750.

Annex Reg 880/85.

Francois Breland.	160
Therese L Iroquois	160
Marie Breland.	240
	560.

Divided into 6, Shares of 93.33.

All issued except. Share of Josephine Breland, ded wife of Pierre L Iroquois Sr. leaving her son Pierre Jr. who died leaving his father Pierre L Iroquois Sr.

In p. of A. this stated that Pierre Desfardins' name is also L'Iroquois

Is Pierre Desfardins who signs Pfato L'Esperance same person is Pierre L Iroquois above referred to. FWCC 16.7.95

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Chateau Montana 3rd July 1895

The Secretary Department of the Interior
Ottawa
Ont.

PAT. BCH.
JUL 16 1895
RECEIVED

DEPT. OF THE INTERIOR OTTAWA

Sir

I enclose herewith a letter to me from Pierre Desjardins dit L'Iroquois of Chateau Montana authorizing me to receive his shares of scrip which he claims to be entitled through his former wife Josephte Breland who he says was one of the heirs of his father François Breland and of his mother Therese — L'Iroquois also of his sister Marie Breland and when such scrips issues to forward same to my address which is "Winnipeg — Manitoba".

Your Obedient Servant
Alexis L'Esperance

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Choteau Montana 24th June 1895

The Secretary Department of Interior
Ottawa
Ontario Canada

DEPT OF THE INTERIOR RECEIVED JUL 18 1895 OTTAWA

Sir

I Pierre Desjardins or Gardner alias Pierre Nantoweu or L'Iroquois of Choteau Post Office in Montana and formerly of St Albert and Vicinities in the North West Territories of Canada, hereby authorize and request you to issue and deliver to Alexis L'Esperance of Winnipeg in Manitoba Estate agent the shares of scrip to which I am entitled through my deceased wife Josephte Breland who at her death was one of the heirs of her father François Breland also one of the heirs of her mother Therese L'Iroquois, and one of the heirs of her sister Marie Breland all deceased

Your Obedient Servant

his
Pierre X Desjardins
mark

Witnesses
Jackson W Shaw
Philias Codenoff

Mr Cummings
Prepare req'd for share in this case as per your memo of 16th Inst. [illegible]
17.7.95

DEPARTMENT OF THE INTERIOR
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I Phelias Coderre of the Town
State of Montana of Great Falls in the County of
To wit } Cascade in Montana Carpenter
make Oath and say

1 That I was present and did see the within instrument signed sealed and delivered by ~~Bossalie~~ Pierre Desjardins the party thereto

2 That I know the said party and know ~~him~~ to be the person mentioned in said within instrument

3 That the said instrument was executed at the Village of Chateau in Teton County Montana

4 That I am a subscribing witness to the said instrument

Sworn before me at the Town of Great Falls in Cascade County in Montana this 29th day of June A.D. 1895

Phelias Coderre

A Notary Public

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DUPLICATE. Ref: 880

No. 102 Form B.

DEPARTMENT OF THE INTERIOR, CANADA.

NORTH WEST HALF-BREED COMMISSION.

Battle River June 7th 1886

I hereby Certify, under the powers vested in me by an Order in Council dated 1st March, 1886, that Patrice Dumont, a Half-Breed, has proved to my satisfaction that he is entitled to $93.33/100 dollars in Scrip, as one of the heirs of Francois Dumont & Marie Breland who, it has also been proved to my satisfaction, was residing in the North West Territories previous to the 15th day of July, 1870, now ceded by the Indians, and under Sub-clause (E) of Clause 81 of the Dominion Lands Act, 1883, and the Orders in Council of the 30th March, 1885, and the 1st March, 1886, is entitled at this date to Scrip to the amount of $160 dollars in scrip.

The Scrip called for by this Certificate, amounting to $93.33/100 dollars, will be payable to bearer, and will be delivered to the person producing this Certificate. Said Scrip will be accepted at par in payment of Dominion Lands.

A. Forbes
Commissioner.

DEPARTMENT OF THE INTERIOR
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No. 226 Form S.

Department of the Interior, Canada.

North West Half-Breed Commission.

St Albert 29 June 1885

This is to Certify that Angele Delorme

a Half-Breed, has proved to the satisfaction of the Commission that She is entitled to 46 66/100 dollars in Scrip as one of the heirs of François Berland & others, who, it has been proved to the satisfaction of the said Commission, ~~was~~ were residing in the North West Territory previous to the 15th day of July, 1870, ~~and at that date a head of a family, or married~~, and under Sub-Clause (E) of Clause 81 of the Dominion Lands Act, 1883, and the Order in Council of the 30th March, 1885, would have been, if living, entitled to 560 dollars in Scrip.

The Scrip called for by this Certificate, amounting to 46 67/100 dollars will be payable to bearer, will specify the name of the person in whose favour it is granted and will be delivered to the person producing this Certificate. Said Scrip will be accepted at par in payment of Dominion Lands.

W P R Street

Chairman of the Commission.

DEPARTMENT OF THE INTERIOR
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No. 224 **Form S.**

Department of the Interior, Canada.

North West Half-Breed Commission.

St Albert 29th June 1885

This is to Certify that Marguerite Marie Josephine Boucher a Half-Breed, has proved to the satisfaction of the Commission that She is entitled to 46 67 dollars in Scrip as one of the heirs of François Boucher Senr & others, who, it has been proved to the satisfaction of the said Commission, ~~was~~ were residing in the North West Territory previous to the 15th day of July, 1870, ~~and at that date a head of a family, or married~~, and under Sub-Clause (E) of Clause 81 of the Dominion Lands Act, 1883, and the Order in Council of the 30th March, 1885, would have been, if living, entitled to 560 dollars in Scrip.

The Scrip called for by this Certificate, amounting to 46 67 dollars will be payable to bearer, will specify the name of the person in whose favour it is granted and will be delivered to the person producing this Certificate. Said Scrip will be accepted at par in payment of Dominion Lands.

Chairman of the Commission.

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No. 145 **Form S.**

Department of the Interior, Canada.

NORTH WEST HALF-BREED COMMISSION.

St Albert 22 June 1885

This is to Certify that Louise Beaudry

a Half-Breed, has proved to the satisfaction of the Commission that he is entitled to 93 33 dollars in Scrip as one of the heirs of Francois Breland Senr & others, who, it has been proved to the satisfaction of the said Commission, ~~was~~ were residing in the North West Territory previous to the 15th day of July, 1870, ~~and at that date a head of a family, or married~~, and under Sub-Clause (E) of Clause 81 of the Dominion Lands Act, 1883, and the Order in Council of the 30th March, 1885, would have been, if living, entitled to 560 dollars in Scrip.

The Scrip called for by this Certificate, amounting to 93 33 dollars will be payable to bearer, will specify the name of the person in whose favour it is granted and will be delivered to the person producing this Certificate. Said Scrip will be accepted at par in payment of Dominion Lands.

W P R Street

Chairman of the Commission.

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No. 55 Form S.

Department of the Interior, Canada.

NORTH WEST HALF-BREED COMMISSION.

St Albert 19 June 1885

This is to Certify that Jean Breland a Half-Breed, has proved to the satisfaction of the Commission that he is entitled to 93.33 dollars in Scrip as one of the heirs of François & Marie Breland & Therese L'Iroquois, who, it has been proved to the satisfaction of the said Commission, ~~was~~ were residing in the North West Territory previous to the 15th day of July, 1870, ~~and at that date a head of a family, or married~~, and under Sub-Clause (E) of Clause 81 of the Dominion Lands Act, 1883, and the Order in Council of the 30th March, 1885, would have been, if living, entitled to 560 dollars in Scrip.

The Scrip called for by this Certificate, amounting to 93.33 dollars will be payable to bearer, will specify the name of the person in whose favour it is granted and will be delivered to the person producing this Certificate. Said Scrip will be accepted at par in payment of Dominion Lands.

Wm D R Strut

Chairman of the Commission.

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No. 50 **Form S.**

Department of the Interior, Canada.

NORTH WEST HALF-BREED COMMISSION.

Battleford 18 June 1885

This is to Certify that Rosalie Breland

a Half-Breed, has proved to the satisfaction of the Commission that she is entitled to 93 33 dollars in Scrip as one of the heirs of her father mother and sister Marie, who, it has been proved to the satisfaction of the said Commission, ~~was~~ were residing in the North West Territory previous to the 15th day of July, 1870, ~~and at that date a head of a family, or married,~~ and under Sub-Clause (E) of Clause 81 of the Dominion Lands Act, 1883, and the Order in Council of the 30th March, 1885, would have been, if living, entitled to 560 dollars in Scrip.

The Scrip called for by this Certificate, amounting to 93 33 dollars will be payable to bearer, will specify the name of the person in whose favour it is granted and will be delivered to the person producing this Certificate. Said Scrip will be accepted at par in payment of Dominion Lands.

(François) Father
(Therese) mother
(Marie) Sister

Chairman of the Commission.

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Heirs to
Therese L'Iroquois
widow Breland
Scrip $160.00

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000193

Declaration by Rosalie Breland wife of Baptiste Robinson

Concerning her claim and the Claims of her brothers & sisters (Therese L'Iroquois one of the) to participate in any grant to Half-Breeds living in the North-West Territories. as Head of family

1. What is your name and P. O. Address? St Albert P.O.
2. Where and when were you born? at Jasper House, in 1820
3. What was the name of your father? Louis L'Iroquois
4. What was the name of your mother? Marie –
5. Was your father a Half-breed or Indian or either? Half breed
6. Was your mother a Half-breed or Indian or either? Indian
7. Where were you living each year since you were born? She lived in the N.W. Terr the whole of her life at St Albert where she died in January 1878 Intestate, leaving as Heirs her children as follows: 1st Myself the present deponent, 2d Pierre L'Iroquois ~~the now living~~ son of late Josephte Breland who was married to Pierre L'Iroquois ~~who died after the mother~~ now living, being Heir to Pierre L'Iroquois Jr who died after the Mother – 3d Marie Anne Breland died in 1870 leaving as Heir a daughter Louise Beaudry now living at St Albert married to an Indian –
8. What has been your occupation?
9. If married when, where and to whom?
10. How many children have you living?
11. Give their names, and dates of birth? 4th Alexandre Breland died in 1870 leaving Josephine Breland unmarried, living at St Albert Mission – 5th Bethsey Breland died in 1870 leaving one son Patrice Dumont of Batte River, she was married to Pierre Dumont – 6th Jean Breland of St Albert aged 23 years – My ~~father~~ mother Therese L'Iroquois was married to my father Francois Breland in 1835 – my father died in 1870 & my mother in 1878 – all Intestate –
12. What was the name of their respective (mothers or fathers as the case may be)
13. How many children had you who died?
14. Give dates of birth and death of those who died

Form No. 148.

15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons? –
16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not. I produce certificate of burial –
17. Have you ever had a homestead entry? never
18. If so, what became of it? –
19. Have you ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and, what disposal did you make of them? never
20. What do you consider the value of all your property, land, implements, building, horses, cattle, &c.? none
21. Did you ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? never
22. Mention any names by which you have been called, other than your name given above? none
23. Do you receive any annuity as an Indian, or in any way participate in grants to Indians? never
24. State anything bearing on your claim that you may wish

DEPT OF THE INTERIOR RECEIVED AUG 26 1885 OTTAWA

160 Therese (mother)
240 Marie (sister)
160 Francois (father)
6) 560
93 33 each share
46 67

Rosalie her mk Breland wife of Baptiste Robinson

See reqr for division

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Extrait du Régistre de St. Albert, année 1870

Sép. 7/3 — Le 14 Septembre 1870, nous prêtre soussigné avons inhumé le corps de François Breland âgé d'environ soixante ans. Présent à la Sépulture Antoine Blandion qui ne signe.

(signé). V. Bourgine, ptre o.m.i.

Je soussigné atteste cet acte conforme à l'original

J. T. Lecuyillon, ptre

St. Antoine, 10 Juin 1885

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Extrait du Registre de St. Albert, année 1870

Sépt. 17 — Le 20 Septembre 1870, nous prêtre soussigné avons inhumé dans le cimetière le corps de Marie Breland, fille de feu François Breland, décédée cette nuit à l'âge de d'environ quatorze ans. Présent à la sépulture Oteyanis.

(signé) V. Bourgine, ptre
O.M.I.

Je soussigné atteste cet extrait conforme à l'original

J. T. Lusvillon ptre
St. Albert, 10 Juin 1885

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MINISTÈRE DE L'INTÉRIEUR

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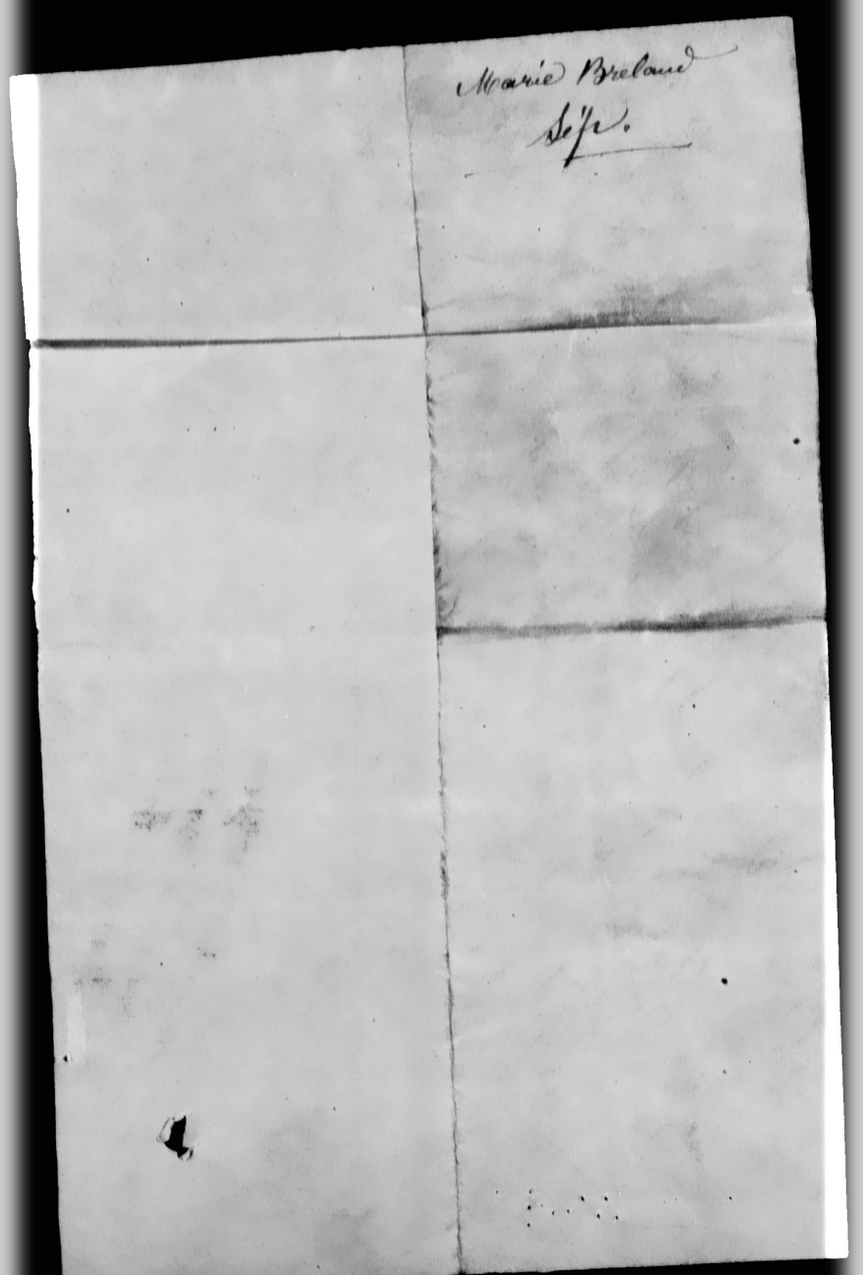

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Extrait du Régistre de St. Albert, année 1878

Sép. 1 — Le 16 Janvier 1878, nous prêtre soussigné avons inhumé dans le cimetière de cette mission le corps de la veuve François Breland, décédée hier à l'âge d'environ cinquante-cinq ans. Présents à la sépulture Léon Harnois et Joseph Pagé qui ne signent.

(signé) H. Grandin p.o.m.i

Je soussigné atteste cet acte conforme à l'original.

J. P. Quévillon ptre

St. Albert, 10 Juin 1885

Therese L'Iroquois was "la veuve Francois Breland"

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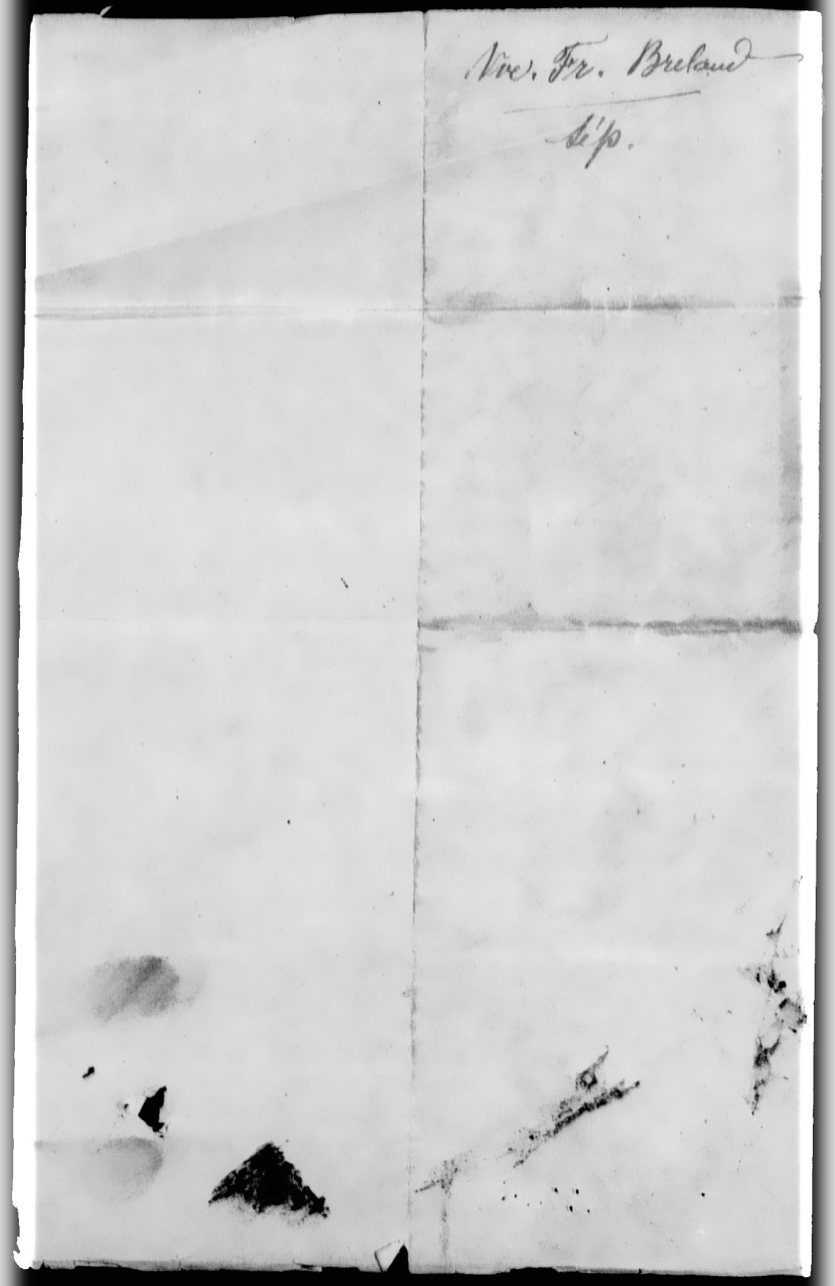

TMENT OF THE INTERIOR
TÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 7
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National Archives of Canada
Archives nationales du Canada

00020

I, Rosalie Breland within named, make oath (~~or declare~~) and say that the within answers given by me are true in every particular. So help me God.

Sworn (~~or declared~~) before me, at St Albert this 18th day of June A.D., 1885 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence. Made her mark

Rosalie her X Breland mk

R. Goulet
Commt

I, ... of St Albert make oath (~~or declare~~) and say that I know Rosalie Breland, who has made oath to the correctness of the within answers, and so far ~~as his answers to questions numbered ..... are concerned, I know them to be correct, and so far as the remainder are concerned~~, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at St Albert this 18th day of June A.D., 1885 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence. Made their marks

Louise her X Ladoucens mk

Julienne her X Savard mk

R. Goulet
Commt

I, ... of ..... make oath (or declare) and say that I know ....., who has made oath to the correctness of the within answers, and so far as his answers to questions numbered ..... are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (or declared) before me, at ..... this ..... day of ..... A.D., 188.. having been first read over and explained in the ..... language to the deponent, who seemed perfectly to understand the same, and in my presence.

.....

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Archives nationales du Canada

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Heirs of
Marie Breland
child
Scrip $240.00

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Declaration by Rosalie Breland wife of Baptiste Robinson

Concerning her claim and the Claim of Her brothers + Sisters Marie Breland a child of,

to participate in any grant to Half-Breeds living in the North-West Territories.

1. What is your name and P. O. Address? St Albert P.O.
2. Where and when were you born? at St Albert in 1856
3. What was the name of your father? Francois Breland died before her on 1870
4. What was the name of your mother? Therese L'Orsquis died in 1878
5. Was your father a Half-breed or Indian or either? Half breed
6. Was your mother a Half-breed or Indian or either? do
7. Where were you living each year since you were born? She lived in the N.W.T. the whole of her life at St Albert where she died on 20th October 1870 Intestate leaving as Heirs:- Herself her Sister the Present deponent, and Pierre L'Orsquis son of Josephte Breland Who was married to Pierre L'Orsquis Sr now living being Heir to Pierre L'Orsquis who died after the mother - Marianne Breland died in 1870 leaving as Heir a daughter Louise Beardy now living at St Albert Married to an Indian - Alexandre Breland died in 1870 leaving a daughter Josephine Breland unmarried at St Albert Mission - Bethsy Breland died in 1870 leaving a son Patrie Dumont of Batle River she was Married to Pierre Dumont - And Jean Breland of St Albert aged 23 years - My father Francois was married to my mother Therese L'Orsquis - My father died in fall 1870 + my mother in January 1878 - both Intestate
8. What has been your occupation?
9. If married when, where and to whom?
10. How many children have you living?
11. Give their names, and dates of birth?
12. What was the name of their respective (mothers or fathers as the case may be)?
13. How many children had you who died?
14. Give dates of birth and death of these who died?

Form No. 143.

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RECEIVED
AUG 26 1885
OTTAWA.

15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons? —

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not. I produce the burial certificate —

17. ~~Have~~ Has she ever had a homestead entry? never

18. If so, what became of it? —

19. Have ~~you~~ she ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and, what disposal did you make of them? never

20. What do ~~you~~ she consider the value of all your property, land, implements, building, horses, cattle, &c.? none

21. Did ~~you~~ she ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? never

22. Mention any names by which you have been called, other than your name given above? none

23. ~~Do~~ Does she receive any annuity as an Indian, or in any way participate in grants to Indians? never

24. State anything bearing on your claim that you may wish

I wish to take a scrip for $240.00

Rosalie her X mk Breland wife of Baptiste Robinson

Surego for division

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00020

I, Rosalie Breland within named, make oath (~~or declare~~) and say that the within answers given by me are true in every particular. So help me God.

Sworn (~~or declared~~) before me, at St Albert this 18th day of June A.D., 1885 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence. made her mark

Rosalie her X mk Breland

R. Goulet
Commt

Louise Ladouceur +

I, Julienne Savard of St Albert make oath (~~or declare~~) and say that I know Rosalie Breland, who has made oath to the correctness of the within answers, and so far ~~as his answers to questions numbered~~ ~~are concerned, I know them to be correct, and so far as the remainder are concerned~~, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at St Albert this 18th day of June A.D., 1885 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence. made their marks

Louise her X mk Ladouceur

Julienne her X mk Savard

R. Goulet
Commt

I, ... of ..... make oath (or declare) and say that I know ....., who has made oath to the correctness of the within answers, and so far as his answers to questions numbered ..... are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (or declared) before me, at ..... this ..... day of ..... A.D., 188 ..... having been first read over and explained in the ..... language to the deponent, who seemed perfectly to understand the same, and in my presence.

.....

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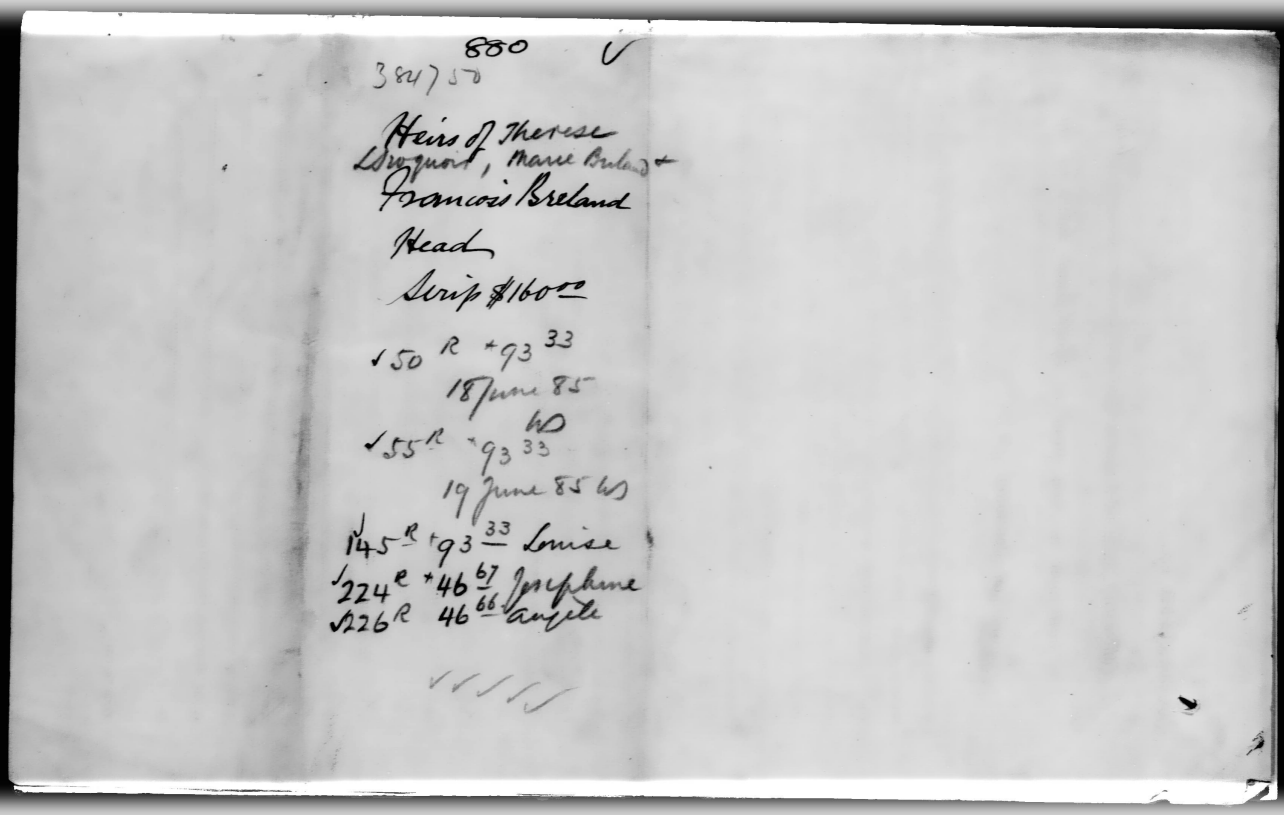
Archives nationales du Canada



880 ✓

384750

Heirs of Therese
L Droquoit, Marie Breland &
Francois Breland

Head

Scrip $160.00

✓50 R +93 33
18 June 85
WD

✓55 R +93 33
19 June 85 WD

✓145 R +93 33 Louise
✓224 R +46 67 Josephine
✓226 R 46 66 Angele

✓✓✓✓✓

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00020

Declaration by Rosalie Breland wife of Baptiste Robinson

Concerning her claim and the Claim of Her brother & sisters ~~Jean Breland~~ Francois Breland one of the to participate in any grant to Half-Breeds living in the North-West Territories. as Head of family

1. What is your name and P. O. Address? St Albert P.O.
2. Where and when ~~was~~ you born? at Lac Breland N.W.Ter in 1815 -
3. What was the name of ~~your~~ his father? Breland
4. What was the name of ~~your~~ his mother? Josephte
5. Was ~~your~~ his father a Half-breed or Indian or either? Half breed
6. Was ~~your~~ his mother a Half-breed or Indian or either? Do
7. Where were you living each year since you were born? He lived in the N.W.Ter the whole of his life at Lac Ste Anne & St Albert where he died in September 1870, Intestate, leaving as Heirs 1 myself the present deponent and ~~my mother Jean Breland~~ 2 Pierre L'Iroquois son of Josephte Breland who was maried to Pierre L'Iroquois St now living being heir to Pierre L'Iroquois who died after the Mother -
8. What has been your occupation?
9. If married when, where and to whom?
10. How many children have you living? 3 Marie-Anne Breland died in 1870 leaving one daughter Louise Beaudry now living at St Albert wife of an Indian -
11. Give their names, and dates of birth? 4 Alexandre Breland ~~died~~ in 1870 leaving a daughter Josephine Breland, unmarried, at Mission St Albert - 5 Bethsy Breland died in 1870, leaving a son Patrice Dumont of Battle River, she was maried to St Pierre Dumont - and 6 Jean Breland of St Albert aged 23 years -
12. What was the name of their respective (mothers or fathers as the case may be) My father Francois Breland was maried in 1835 to Therese L'Iroquois, they both died in 1878 ~~my father~~, & ~~Mother~~ in 1870
13. How many children had you who died?
14. Give dates of birth and death of these who died?

Form No. 142.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384750

National Archives of Canada
Archives nationales du Canada

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DEPT. OF THE INTERIOR
RECEIVED
AUG 26 1885
OTTAWA.

15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons? ✓

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not. I produce the certificate of burial of Francois Breland St

17. Have ~~you~~ he ever had a homestead entry? never

18. If so, what became of it?

19. Have ~~you~~ he ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and, what disposal did you make of them? never

20. What do you consider the value of all your property, land, implements, building, horses, cattle, &c.? none

21. Did ~~you~~ he ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? never

22. Mention any names by which you have been called, other than your name given above? none

23. ~~Do you~~ Did he receive any annuity as an Indian, or in any way participate in grants to Indians? never

24. State anything bearing on your claim that you may wish

Rosalie her Breland wife
mk
of Baptiste Robinson

See Reg for division

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I, Rosalie Breland within named, make oath (~~or declare~~) and say that the within answers given by me are true in every particular. So help me God.

Sworn (~~or declared~~) before me, at St Albert this 18th day of June A.D., 1885 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence. Made her mark

Rosalie her + Breland mk

R. Goulet
Commt

I, ... of St Albert make oath (~~or declare~~) and say that I know Rosalie Breland, who has made oath to the correctness of the within answers, and so far ~~as his answers to questions numbered ..... are concerned, I know them to be correct, and so far as the remainder are concerned~~, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at St Albert this 18th day of June A.D., 1885 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence. Made their marks

Louise her + Ladoucen mk

Julienne her + Savard mk

R. Goulet
Commt

I, ... of ..... make oath (or declare) and say that I know ....., who has made oath to the correctness of the within answers, and so far as his answers to questions numbered ..... are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (or declared) before me, at ..... this ..... day of ..... A.D., 188 ..... having been first read over and explained in the ..... language to the deponent, who seemed perfectly to understand the same, and in my presence.

.....

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
384703	R.A. RUTTAN RE GUARANTEE BOND	1895-1900
384750	PIERRE DESJARDINS RE SCRIP CLAIM	1885-1895
384783	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF JOSEPH PAQUETTE AS HEIR OF HIS DECEASED SON JOSEPH PAQUETTE	1894-1895
384784	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF NANCY BEAR, WIFE OF JOHN THOMAS	1893-1896
384787	LAND COMMISSION, WINNIPEG, RE HALFBREED CLAIM OF THE HEIRS OF COLLETTE KARACONTE	1895-1903
384891	JOHN DAVIDSON LAND WARRANT	1879
384892	THOMAS TAYLOR RE MILITARY BOUNTY ASSIGNED TO ADAM MCKENZIE	1880-1882
384961	W.C. HAMILTON LEGAL ADVISOR TO LIEUTENANT GOV. OF N.W.T.	1895-1897
384996	COLONIAL BOUNDARIES BILL	1895
385018	HALFBREED CLAIM OF LOUIS COCHRANE	1895
385108	SCRIP CLAIMS OF JEAN MARIE DESJARLAIS	1895
385111	INTERNATIONAL BOUNDARY BY POST BETWEEN MANITOBA AND ROCKY MOUNTAINS	1895

DEPARTMENT OF THE INTERIOR
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RG 15, D-II-1, vol. 722
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No. 384783

DEPARTMENT OF THE INTERIOR,

1895

From Land Com^r

Date 6/July

" (when rec'd.) /15

Subject Papers re H B claim of Joseph Laquette as heir of his deceased son Joseph

Action.

GENERAL

0002

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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FORM No. 7.

No. 294903

189 .

DEPARTMENT OF THE INTERIOR.
DOMINION LANDS,
COMMISSIONER'S OFFICE, WINNIPEG.

From Joseph Paquet

Date

"(when rec'd.) 27 Jan 8 Feb 94

Subject Appn for a H.B. Grant as sole heir to his Son Jos. Paquet.

DEPT OF THE INTERIOR OTTAWA RECEIVED JUL 15 1895

ACTION.

~~288096 - 26.2.94 To Paquette that baptism & burial certificates are required -~~

18/23.7.94 310483 Paquette Enquiries in reflo scrip

24/30.4.94 310484 Paquette re Claim

304376 6.8.94 To H.O. Asks that Madelaine Durrocher's appn be sent here.

25.8.94. 313004 H.O. enc. appn. of Durocher

330792. 19.6.95. To Becher asking what date Jos. Paquette left HB service at Ft. Pitt

22/24.6.95 337006 Chipman report re two Jos Paquette in service of Co.

332417. 5/7/95 to Paquette that his claim to scrip cannot be recommended.

Claim not recommended

See. Mr. Goulets

Memorandum

[signature]

5.7.95 Commissioner

ACTION.—Continued.

332465: 6/7/95 File sent H.O.

ACTION.—Continued

00021

00021

(Copy for the Commissioner).

Addr[illegible] reply
"[illegible]retary
[illegible]ment of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM. Dec 2/17

LETTER

FILE 384783.

Department of the Interior,

Ottawa, 23rd July, 1895.

Sir,

I am directed to inform you that the claim preferred by you to share in the Half-breed grant of scrip as sole heir of your deceased son, Joseph Paquette, has been disallowed, as the deceased died prior to the 15th July, 1870.

I am further to say that according to the evidence which has been submitted here in this case, it is established that you left the service of the Hudson's Bay Company in the Spring of 1870, instead of the Spring of 1871, and that your said son died at Fort Pitt, before he left that place, in the Spring of 1870.

I am, Sir,

Your obedient servant,

LYNDWODE PERRING

Assistant Secretary.

Mr. Joseph Paquette,
St. Albert,
Alberta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr. Macdonald

To communicate recision to applicant - stating reason for disallowance & embodying concluding lines of Mr Gaulet's memo of 29th June 1895.

Ottawa 22 7 189 5 N.D.C.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr. Macdonald

To communicate decision to applicant — embody last

Duplicate for Comm.

VOC

Ottawa 22. 7 1895

THE INTERIOR
L'INTÉRIEUR

RG 15, D-II-1,
File/dossier 38

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PAT. BCH.
JUL 20 1895
RECEIVED

Ref 384.783.

Memorandum.

Department of the Interior,
Patent Branch,
Ottawa, 19th July 1895

A. M. Burgess, Esq.,
Deputy of the
Minister of the Interior,

For your ....disallowance.....
of the claim to share in the Half Breed grant of scrip of
Joseph Paquette as sole
heir of his son Joseph, the
latter having died prior to
the transfer.....

Respectfully submitted,

V O Cote

Done
A. M. Burgess
19 July 95
Noted
20-7-95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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384783

DEPT. OF THE INTERIOR RECEIVED JUL 15 1895 OTTAWA

OFFICE OF THE

Dominion Lands Commission,

No. 332465
Ref. 294903

PAT. BCH.
JUL 16 1895
RECEIVED

Winnipeg, July 6th 1895.

Sir:

I have the honour, by direction of the Commissioner, to enclose herewith file No. 294903 of this office having reference to the claim of Joseph Paquette as heir of his deceased son Joseph

with the recommendation of the Commissioner of Dominion Lands endorsed thereon as follows:

"Claim not recommended. See "Mr Goulet's memorandum."

Disallowed
Enc. file Am. Briggs 17 July 95
D. M. Mtg

I have the honour to be,

Sir,

Your obedient servant,

[signature]
Secretary.

The Secretary,
Department of the Interior,
Ottawa, Ont.

Form No. 38.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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RETURN File to Mr. Burpe.

384783 204003

5th July, 1895.

Sir,

I beg to inform you that as it has been ascertained from the records of the Hudson's Bay Company that you left the Company's services on the 31st May 1870, the Half-breed scrip claim, as sole heir to your son, Joseph Paquette, cannot be recommended.

I am, Sir,

Your obedient servant,

Secretary.

Joseph Paquette Esq.,
Ste. Albert, Alta.

R.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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BOND.

Know all Men by these Presents, THAT WE,

of of

and of

are held and firmly bound unto the Minister of the Interior of Canada, and his successors in office, in the penal sum of

(being double of the amount of the value of seed grain advanced) of lawful money of Canada, to be paid to the said the Minister of the Interior of Canada or his successors in office, them or either of them, or to his or their certain attorney, executors, administrators or assigns, for which payment well and truly to be made, we bind ourselves, jointly and severally, and each of our heirs, executors and administrators, and every one of them forever, firmly by these presents.

Sealed with our Seals and dated at , in duplicate, this day of , in the year of Our Lord one thousand eight hundred and

Whereas, the Minister of the Interior of Canada has advanced to the above bounden Obligor bushels of Seed Wheat, bushels of Seed Barley, and bushels of Seed Oats, and it has been agreed that these presents shall be executed to secure the return of a like quantity of such Seed Grain of equal value.

Now the Condition of this Obligation is such that if the above bounden Obligor, , shall pay to the Minister of the Interior of Canada, and his successors in office, the sum of $ on or before the or such further time as may be named by the Minister of the Interior, or shall deliver bushels of Wheat, bushels of Barley, and bushels of Oats, at such place, within such time and to such person or agent as the Minister of the Interior of Canada, or his successors in office, may name, and provided that such grain shall be of a kind, quality and grade equal to that advanced and satisfactory to the Minister of the Interior of Canada or his said Agent, then this obligation shall be void, otherwise the same shall remain in full force and virtue.

The above Bounden Obligor,

agrees with the Minister of the Interior of Canada and his successors in office, that

being the Dominion Lands for which he has obtained entry under the provisions of "The Dominion Lands Act," shall be a security for and shall stand charged with the payment of the money above stipulated for, and that he, his heirs or assigns, shall not be entitled to demand from the Crown a grant for any such lands until he, his heirs or assigns, shall have made such payments.

The above named Obligors for themselves and each of them, and their and each of their heirs, executors, administrators and assigns, hereby agree, to and with the said Obligee, his successors and assigns, to waive, and they do hereby waive in favour of said Obligee, his successors and assigns, all exemptions and right of exemptions from distress or seizure to which he or they may now or hereafter at any time be entitled to under or by virtue of any law or ordinance now or hereafter in force in the North-West Territories of the Dominion of Canada in respect thereof.

Signed, Sealed and Delivered,

IN THE PRESENCE OF

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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Form No. 26.

384783

Memorandum.

To.....

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg,.....189

According to evidence got at St Albert near Edmonton from Madeleine Paquette wife of claimant, who after taking her evidence verbally informed me that they had left the H.B. Co. service at Fort Pitt during the spring when Riel had Fort Garry in his possession, arriving at this latter place in summer when the trouble was over, this talleys with spring + summer 1870 + by the evidence of John Roland who says, he + Joseph Paquette had left the H.B. Bay Co. service at Fort Pitt for good, with their families at the latter end of April 1870, being very well known that the H.B. Company always let their servants go before their engagement end in order their time would expire at the destination of said servants + specially according to the letter got from Mr ~~Barker~~ Chipman in which it is seen that Joseph Paquette (B) left the the H.B. Company service on the 31st May 1870, all of the above showing that Joseph Paquette left the said service in spring in place of spring 1871, and that his son died at Fort Pitt before he left that place in spring 1870, his claim as sole heir to his son Joseph Paquette can not be allowed - In notifying Paquette that his claim was disallowed, he should be told, as he asked it to me informed, that the H.B. Co. Books show that he left their service in May 1870 in place of spring 1871 -

Winnipeg 29 June 1895 —

R. Goodeve

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Commissioners Office.
Hudson's Bay House.
Winnipeg 22nd June, 1895.

94903

337006

Sir,

RE JOSEPH PACQUETTE.

I beg to acknowledge your letter No. 330792 of the 19th instant addressed to Mr. Becher asking at what date Joseph Pacquette left the Service of the Hudson's Bay Company.

There were two men of this name in the Company's service:

Joseph Pacquette (A) left the Service 31st May, 1874.
Jospeh Pacquette (B) left the service 31st May, 1870.

Both of these men were employed in the Saskatchewan District, but there is no record in our Register of the Posts they were employed at.

Yours faithfully,

B. B. Chipman.

The Commissioner
of Dominion Lands,
Winnipeg.

DEPARTMENT OF THE INTERIOR
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Department of the Interior, 384783 294903

Dominion Lands Commission,

Winnipeg, 19th June, 1895

Reference No.

Sir

I am directed to request that you will, if possible, inform the Commissioner at what date Joseph Paquette left the Hudson's Bay Company's service at Fort Pitt. The evidence in this respect on file in this office is somewhat conflicting, and it is thought that possibly the books of your office may furnish the information to settle the matter.

I am, Sir,

Your obedient servant,

Secretary.

Draft approved.

W - Becher Esq.,
Hudson's Bay Company,
Winnipeg.

D.

Form No. 17.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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Form No. 80.

Memorandum.

To.....

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg,.....189

Although it seems to me that there is enough on now to disallow this claim it would be good in case it might be otherwise to write to Mr Beecher of the Hudson Bay Company in City to find, if possible, by his books when or at what time did Joseph LaQuette left that Company service at Fort Pitt. He Laquette says it is in spring 1871, while the evidence shows it was in spring 1870.

R. Goulet

Winnipeg 18th June 1895.

DEPARTMENT OF THE INTERIOR
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In the matter of the claim of Joseph Paquette to scrip as sole heir to his son Joseph Paquette deceased, Johny Rolland being sworn say: — I am now 67 years of age, I was the most of the time in the Hudson Bay Company service for more than twenty years before the year 1870 my father having been an Hudson Bay Company officer the most of his life — I have been in that service at Fort Pitt for more than fifteen years — I left Fort Pitt at the latter end of April 1870 to come to St Albert where I am now living — I have known the applicant Joseph Paquette very well at Fort Pitt where he was in the H, B, Co. Service for good few years, I beleive he got married at Fort Pitt in about 1864 to his present wife Madeleine Durocher a cousin of my wife — When I left Fort Pitt in April 1870, Joseph Paquette left the Hudson Bay Company service for good, we travelled together with my family & his own from Fort Pitt to near Victoria when we met John Norris in whose service he entered to go to Fort Garry, & for two years after, it is to say from spring 1870 to fall 1872, when he came to St Albert, here I might say I am not quite sure when he came to St Albert, but I am sure that we left Fort Pitt together with our family in April 1870 & that he only had two sons Xavier & Norbert, one of his children, a son I beleive, having died at Fort Pitt before that time —

Sworn before me at St Albert this 20th day of may 1895 — } Johny his mark Rolland

R. Goulet

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In the matter of the claim of Joseph Paquette as sole heir to the scrip of his deceased son Joseph Paquette, Madeleine Durocher his wife being sworn say:- We were married in 1864 in September of that year at Fort Pitt - our first child was Xavier born at Fort Pitt in Sept 1867, then we had Joseph who was born at Fort Pitt in September 1868 & died at Fort Pitt in August 1870, next we had Norbert who was born in September 1869 - ~~Heis~~ born at Fort Pitt, then we had Marie Rachel who was born at St Albert in fall 1872, she died at St Albert about 6 months old - ~~Then~~ We had one Emilien between Norbert & Marie Rachel, he was born at St Albert in summer 1871, he died at St Albert in April 1872 then Frederick born St Albert in April 15th 1875 - Ursule born same place 18 years on 8 March 1895 - Twins, Marie Louise & Elizabeth aged 16 years 9 July 1895 - Catherine born June 1882 died 1 year & 3 months old - Johny born in 30 May 1884 - James born in Dec 1886 - Onesime born in April 8th 1891 died in 14 January 1895 - We lived at Fort Pitt for 6 years & 8 months anyway we left Fort Pitt for good in April 1871, coming to join Jack Norris at Saddle Lake to go to Fort Garry & passing the rest of that year we were in his service at Victoria then in fall 1872 we came to St Albert where we lived ever since.

Sworn before me at St Albert 17th May 1895 - R. Goulet

Madeleine her X mark Durocher
wife of Joseph Paquette

After this declaration was taken, this woman in speaking further on their trip with Jack Norris to Fort Garry, Red River Settl, said, the left Fort Pitt in Spring after the winter that Riel had Fort Garry in his possession, arriving at Fort Garry just after the trouble was over. R. Goulet

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MINISTÈRE DE L'INTÉRIEUR
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Registre
du
Lac La Biche

M. 40.
Joseph Paquette
et
Madeleine Desroches

Le vingt Septembre, mil huit cent soixante
quatre, nous prêtre soussigné n'ayant découvert
aucun empêchement au mariage de Joseph Paquette
fils de Jean Paquette et de Ursule Prémont
de la Paroisse de St Roch, Quebec —
et de Madeleine fille mineure de Philippe
Daroches et de Catherine Parent, nous
reçu leur mutuel consentement en présence
de Louis Chatelain et d'Olivier Bellerose et leur
avons donné la bénédiction nuptiale.
(Signé Maisonneuve pr. ouvr.)
Pour copie conforme — M. Marin. ouv.

DEPARTMENT OF THE INTERIOR
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D'après les recherches faites par moi soussigné je crois mettre la naissance de Emilien Paquette entre le 25 juin et le 25 Septembre mil huit cent soixante onze; il est mort je crois le 12 avril 1872.

après les plus minutieuses recherches nous sommes venus a cette conclusion.

Le Neveu. o.m.i
pr

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Registre du Lac La Biche.
page 107.

B. 34. Le dix huit Septembre, mil huit cent soixante neuf, nous prêtre soussigné avons baptisé Norbert, né hier, fils légitime de Joseph Paquette et de Madeleine Brillant Durocher. Marraine Marie Laliberté qui ne signe

(signé) V. Régnville
p.m. omc.

Pour copie conforme. M. Mérer omc

DEPARTMENT OF THE INTERIOR
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Registre
des Missions chez les Cris de la Kiseskatchewan
Feuillet 23e

B. Xavier Paquette.

Le vingt sept septembre mil huit cent soixante sept, nous prêtre soussigné avons baptisé Xavier, né le treize de ce mois au Fort Pitt de Joseph Paquette et de Madeleine Brian (Durocher) - Parrain Baptiste Tourangeau; marraine Nancy Homans qui ne signent. (Signé A. André ouvr.
Pour copie conforme M. Mérier ouvr.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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I really believe that the only way to settle this case would be to take ~~this case~~ it with me when I go to Edmonton and to get there the evidence of the mother of this deceased child, to get from her a detailed account of the birth of the whole of her children, beginning with the oldest from the date of her marriage in the order of their birth, as in the application of 1885, she only named them the living & the dead separately mentioning no age at all –

R. Goulet

2 Nov 94 –

EPARTMENT OF THE INTERIOR
INISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1
File/dossier

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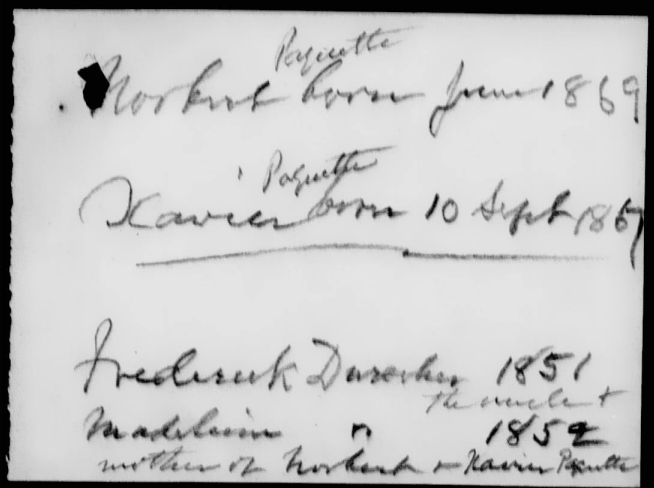

DEPARTMENT OF THE INTERIOR
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Address your reply
"To the Secretary
[illegible]rtment of the Interior,
Ottawa."
Do not w[illegible] about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

ral. 3 384783

LETTER
FILE 362744.

DEPARTMENT OF THE INTERIOR
MINISTERS OF
AUG 1894
WINNIPEG
CANADA

294903

Department of the Interior,

Ottawa, 21st August, 1894.

313004

Sir,

In compliance with the request contained in your letter of the 6th instant, No. 304376, Ref. 294903, I am directed to enclose herewith the Half-breed application of Madeleine Durocher, No. 549 of 1885.

encl.

I am, Sir,
Your obedient servant,

G. S. Sparden

for Assistant Secretary.

The Secretary,
Dominion Lands Board,
Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384783

National Archives of Canada
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00023

294903

Department of the Interior,

Dominion Lands Commission,

6th August, 1894.

Winnipeg, ... *189*

Reference No. .....

Sir,

I am directed to request that you will forward here for inspection by Mr.Goulet, the Half-breed application of Madeleine Durocher, Affidavit No.549 of 1885.

I am, Sir,

Your obedient servant,

Secretary.

HW 6/8/94 *Draft approved.*

304-76

The Secretary,

Department of the Interior,

Ottawa, Ont.

D

Form No. 17.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
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Form No. 26.

Memorandum.

To .....

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg, ... 189

DEPARTMENT OF THE INTERIOR
COMMISSIONERS OF
AUG 4 1894
WINNIPEG.
CANADA.

Now although Joseph Paquette has put in a declaration from Frederic Durocher to show that his son Joseph Paquette was born in June or July 1868 + that he died some months before October 1870, while in his application he says his son was born in June 1869 + he died in fall 1871, being too much difference in those two statements, his claim to scrip as sole heir to his said son Joseph cannot be allowed in a hurry, the chances are that, that boy died before the 15th July 1870, as Frederic Durocher says in his declaration that in October 1870 he was told the boy had died some months before. He should be told that his claim is still under consideration, and in meantime the application of his wife Madeleine Durocher, Affidavit No. 549 of 1885 should be got from Ottawa, to see what that woman said, at the time she applied, about the birth + death of her son Joseph. I find strange that this claim was not made in 1885 when she + her two sons Xavier + Norbert Paquette got their scrips from the N. W. half breed Commissioner, I rather think it no good —

Winnipeg 3d Aug 1894 —

R. Goulet

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384783

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GENERAL MERCHANT
St. ALBERT, Alta.

No 288096
Ref. 294903

294903

St Albert, Alta. 18 Juillet 1894

To the Commissioner of D. Lands
Winnipeg

Sir.

310483

There is about two months I send you affidavit about my claim to Half Bread script of my son Joseph, and answer to the best of my knowledge to your inquirement but had no answer.

Will you be good enought to tell me if my letter reach its destination there is a fact sure, and it is that I am entitled to that script, because the oldest of my ~~some~~ son Xavier had his script, and the third of my son Norbert had one, my son is born betteen the two, so there is no doubt about the right of that script, if any paper regarding this matter was made wrongly please let me know and you will oblige

Your obdt Servant

Joseph Paquette

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384783

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Archives nationales du Canada

No 288096
Ref 294903

294903

St Albert. 24 Avril 1894.
The Commissioner of dominion
Lands Winnipeg.

Monsieur

En réponce à votre lettre du 26 Fevrier, me disant qu'il est nécessaire que je vous envoie quelques ~~preuves~~ preuves satisfaisante de la naissance de mon fils Joseph avant que mon application pour un scrip de Metis, soit pris en considération je vous inclus ci joint l'affidavit de Federic Durocher. pris sous serment Cet personne demeurait

310484

~~40483~~

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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dans la même maison que
ma famille à Fort Pitt
en 1868.

De plus je vous dirai que
j'ai vu Jean Laderoute
depuis que j'ai reçu votre
lettre, il me dit qu'il a
confondue les deux noms,
et se rappelle maintenant très
bien que Joseph est mon
deuxième fils, et qu'il est
né en 1868. Ainsi s'il vous
faut que J. Laderoute rec
tifie cette erreur il est prêt
à vous envoyer son affidavit.
Espérant s'il vous faut
de plus amples explications
vous me le ferez connaître.
Je me souscris

Votre Obt. Serviteur
Joseph Paquette

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Je soussigné, Frédéric Lacroche, de St Albert, Alberta, Territoires du Nord Ouest, Canada, dis + déclare comme suit: après avoir prêté serment sur les saintes Evangiles. Savoir;

1°. que je connais parfaitement bien Joseph Paquette, époux de Madelaine Lacroche

2°. qu'en l'année mil huit cent soixante + huit, je demeurais à Fort Pitt dans les Territoires du Nord ouest.

3°. je certifie que la femme de Joseph Paquet a eu un enfant en l'année mil huit cent soixante et huit et qu'on lui a donné au baptême le nom de Joseph, il est le deuxième fils de Joseph Paquette, si je puis bien me rappeler il est venu au monde au mois de Juin ou au commencement de Juillet 1868. Je suis parti pour voyage cette année là avec Mgr Grandin j'ai été absent de Fort Pitt, à peu près deux ans c'est à dire que je suis revenu à Fort Pitt en l'année 1870 au mois d'octobre. J'ai rencontré la famille J. Paquette, ils m'ont appris que leur fils Joseph était mort il y avait quelques mois. Je suis positif quand je dis que Joseph Paquet, fils est né, en l'année mil huit cent soixante ~~huit~~ huit. J'étais présent à la naissance de l'enfant Joseph et c'est ma mère qui est la marraine de cette enfant

DEPARTMENT OF THE INTERIOR
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Je demeurais dans la même maison que la famille J. Paquet, quand l'enfant est venue au monde à Fort Pitt au mois Juin 1868.

Fait + assermenté et signé par devant moi ce 21 Avril 1894

Frédéric Durocher

A A Ringuette
J.P.
pour les Territoires

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Department of the Interior, 294903

Dominion Lands Commission,

Winnipeg, 26th February, *189* 94

Reference No......

Sir,

With regard to your claim to Half-breed scrip as sole heir to your deseased son Joseph, I am directed to inform you that before this application can be considered it is necessary for you to send here either a certificate of the baptism and burial of your son or some other satisfactory evidence in writing to show the exact dates when these events took place.

In your application recently made before Mr. Goulet you state that Joseph was born at Ft. Pitt, in June 1869, while on reference to the application made by your son Norbert for scrip at Ft. Pitt, in the summer of 1885, it is stated that he (Norbert) was born in June 1869, exactly the same time as you now give for the birth of your son Joseph, some explanation must therefore be given and as before stated you will have to send here satisfactory written evidence showing the dates on which Joseph was born and the date of his death.

Draft approved 28/2/94 26.2.94

I am, Sir,

Your obedient servant,

Secretary.

Joseph Paquette, Esq.,

St. Albert, P.O. Alba.

B

Form No. 17.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384783

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Form No. 20.

Memorandum.

DOMINION LANDS COMMISSIONER'S OFFICE
FEB 23 1894
WINNIPEG.
CANADA.

To.....

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg, ... 189

This claim of Joseph Paquette to scrip as sole heir to his son Josiph, would surely be good if that child was born before the 15th July 1870 + if he had died after that date. He said that he was unable to furnish the baptism nor burial of his son, but he should be told now that he has to do it, or some substantial evidence by writing + not by memory of those events when they took place, because in this application, he says his son was born in June 1869, when in turning to the entry in index of 1885, of the claim of his son Norbert which scrip he got in summer 1885 at Fort Pitt, it is stated in that application that this Norbert was born in June 1869, just the same date stated for the birth of Joseph the subject of this present application, as there is a mistake somewhere, he should be told, an explanation has to be given + in a case like that the claim should not be allowed without the certificate of baptism of the son Joseph, and Norbert or some other strong evidence —

R. Gould

Winnipeg 23 February 1894 —

DEPARTMENT OF THE INTERIOR
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Norbert born June 1869

Affidavit No 607 of 1865 -

294903

Declaration by Joseph Paquette concerning his claim as sole heir to his son Joseph Paquette as a half breed child for the N.W. Terr

1. My address is St Albert P.O.

2. My son was born at Fort Pitt in June 1869, baptized by Revd Father Lacombe

3. His father myself Joseph Paquette French Canadian.

4. His mother is Madeleine Durocher half breed woman

5. My son lived with his parents at Fort Pitt on the 15th July 1870, he was about two years old going on three when he died in fall 1871 at Fort Pitt leaving as sole heir his father myself the present deponent - There was no Priest at his burial. he was buried by the H.B.Co people, I was at their service then -

6. He was too young to be married

7 I never got scrip before as his sole heir.

8. He died before treaty -

Sworn before me at St Albert 27 January 1894 } Joseph Paquet

R. Goulet

I. Jean Laderoute being sworn say that I know Joseph Paquette & I believe what he said about his deceased child is true, so help me god -

Sworn before me at St Albert this 27th January 1894 } Jean his mark Laderoute

R. Goulet

Disallowed as deceased through whom claim is made died prior to the 15th July 1870, Commissioner's report Rg: 38

Ambrose Lacombe

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
384703	R.A. RUTTAN RE GUARANTEE BOND	1895-1900
384750	PIERRE DESJARDINS RE SCRIP CLAIM	1885-1895
384783	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF JOSEPH PAQUETTE AS HEIR OF HIS DECEASED SON JOSEPH PAQUETTE	1894-1895
384784	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF NANCY BEAR, WIFE OF JOHN THOMAS	1893-1896
384787	LAND COMMISSION, WINNIPEG, RE HALFBREED CLAIM OF THE HEIRS OF COLLETTE KARACONTE	1895-1903
384891	JOHN DAVIDSON LAND WARRANT	1879
384892	THOMAS TAYLOR RE MILITARY BOUNTY ASSIGNED TO ADAM MCKENZIE	1880-1882
384961	W.C. HAMILTON LEGAL ADVISOR TO LIEUTENANT GOV. OF N.W.T.	1895-1897
384996	COLONIAL BOUNDARIES BILL	1895
385018	HALFBREED CLAIM OF LOUIS COCHRANE	1895
385108	SCRIP CLAIMS OF JEAN MARIE DESJARLAIS	1895
385111	INTERNATIONAL BOUNDARY BY POST BETWEEN MANITOBA AND ROCKY MOUNTAINS	1895

DEPARTMENT OF THE INTERIOR
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DEPARTMENT OF THE INTERIOR
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File/dossier 384784

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Archives nationales du Canada

No. 384784

DEPARTMENT OF THE INTERIOR,

1895

From Land Comr
WFC

Date
" (when rec'd.) 6/July/15

Subject Patent to H Bclaim of Nancy Bear wife of John Thomas

Action.

GENERAL

h 2000

FORM No. 7.

No. 260570

189 .

DEPARTMENT OF THE INTERIOR,
DOMINION LANDS,
COMMISSIONER'S OFFICE, WINNIPEG.

From Agent Prince Albert

Date
" (when rec'd.) 27 Feb 93

Subject Asks that Nancy Bear of Lac du Brochet be allowed to make appn for a N.R. Grant before a Magistrate

ACTION.

22010-3. 4/2/93 to Agent that his suggestion is not approved.

2.6.95. 33282 Agent. rec. appn. of Nancy Bear for Scrip

Claim not recommended Residence on 15 July 1870 being outside ceded territory

A. M. Burgess
6.7.95 Commissioner

332466. 6/7/95 Scrip sent H.O.

ACTION.— *Continued.*

ACTION.— *Continued.*

RECEIVED JUL 15 1895 DEPT. OF THE INTERIOR OTTAWA

DEPARTMENT OF THE INTERIOR
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Address [illegible] reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER

FILE 384784.

Department of the Interior,

Ottawa, 9th April, 1896.

PAT. B'CH.
JUN 19 1900
RECEIVED.

Madam,

Referring to your letter of the 24th December last, I am directed to send you herewith Scrip Note No. 4246, for $240.00, payable to bearer, which has issued in satisfaction of your claim to share in the Half-breed grant of scrip; and to request you to return here the accompanying form of receipt after you have dated it and it has been signed by you and a witness to your signature.

ENCLS.

I am, Madam,
Your obedient servant,

LONDWIDE PERRIN

Assistant Secretary.

240

Mrs. Nancy Thomas, née Bear,
Care of the Hudson's Bay Company,
Cumberland House,
Sask., N.W.T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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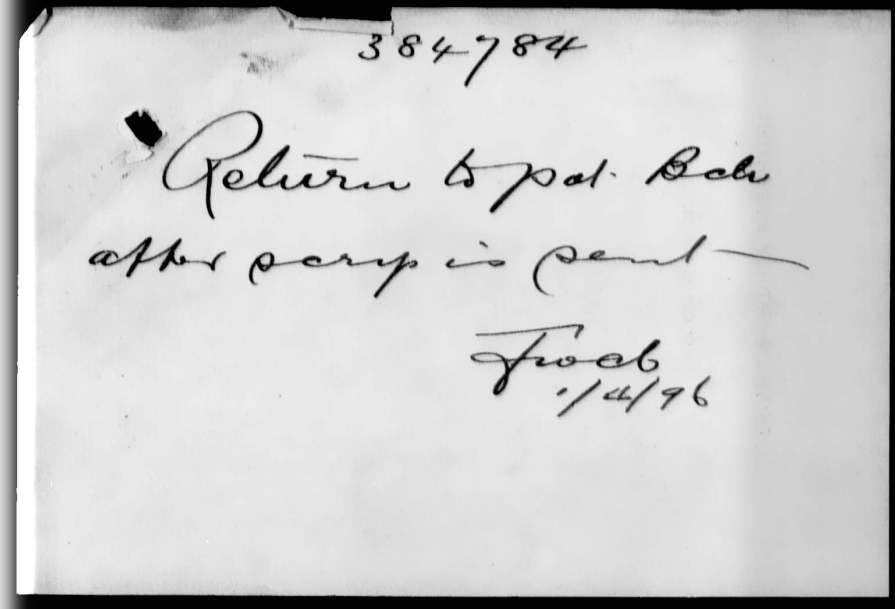

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3847 84

Send scrip to

Mrs Nancy Thomas
nee Bear
C/o Hudson's Bay Coy.
Cumberland House
Sask.
N.W.T.

Indian Commr.

Treaty
1/4/96

PARTMENT OF THE INTERIOR
NISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vo
File/dossier 3847

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Ref. No. 384784

N. W. T.

Department of the Interior,

PATENTS BRANCH.

Ottawa, Apl 1st 1896

To the Accountant
Department of the Interior.

Entd.

A.W. ½ A. Scrip No.	Required the Issue of the following Scrip, viz.;—	
4246 for $240.00	Nancy Thomas, wife of John Thomas and daughter of John Bear	$240.00/2

Approved
[illegible]
1 April 96
D. M. I.

Under the authority of an Order in Council dated the 28 Feby 1894

The above mentioned Scrip issued this 2nd April, 1896

[illegible] Acc't.

[illegible] for Chief Clerk.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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400886

Lac du Brochet. N.W.
24th Decr 1895

DEPT. OF THE INTERIOR
RECEIVED
MAR 27 1896
OTTAWA

PAT. BCH.
MAR 30 1896
RECEIVED

Sir,

In reply to your letter, File No. 384784 dated 12th Nov. ulto., notifying me that my claim to share in the Half-Breed Scrip has been approved & asking me to apply for the same.

You will please have this scrip (for $240.00) mailed to me in care of the Hudson's Bay Coy. Cumberland House, Sask.

I have the honour to be
Sir
Your obedient Servant

Nancy her mark Thomas, née Bear.

$240.00 not issued for Lwch 31-3-96

Prepare req'n for this scrip. 1.4.96. [illegible]

Witnesses
R. P. Gasté ptre. O.M.I.
Lac du Brochet
G Deschambeault
Clk. H Bay Coy
Lac du Brochet.

To the Secretary
Department of the Interior
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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400886

Lac du Brochet. N.W.T.
24th Decr 1895.

DEPT. OF THE INTERIOR RECEIVED MAR 27 1896 OTTAWA
PAT. BOOK
RECEIVED

Sir,

In reply to your letter, File No. 384784 dated 12th Nov. ulto., notifying me that my claim to share in the Half-Breed Scrip has been approved & asking me to apply for the Same.

You will please have this Scrip (for $240.00) mailed to me in care of the Hudson's Bay Coy. Cumberland House, Sask.

I have the honour to be
Sir
Your obedient Servant

Nancy her Thomas, née Bear.

$240.00 not issued Fwd 31-3-96

Prepare req^n for this scrip 1.4.96. [illegible]

Witnesses
R. P. Gasté, Ptre, O.M.I.
Lac du Brochet
G. Deschambeault
Clk. H Bay Coy
Lac du Brochet.

To the Secretary
Department of the Interior
Ottawa

REPEAT/
RÉPÉTIT

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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(Copy for the Commissioner and A.D.L., Prince Albert).

Address your reply to "The Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM. Letter

File 384784.

Department of the Interior,

Ottawa, 12th November, 1886.

Madam,

I am directed to inform you that the claim preferred by you to share in the Half-breed grant of scrip has been approved, and that scrip for $240, in satisfaction thereof, will be sent to your address, upon your making application therefor to this Department over your own signature, attested by two witnesses; or such scrip will be forwarded to your attorney, upon a satisfactory power of attorney, with an affidavit of execution endorsed thereon, being fyled here.

I am, Madam,

Your obedient servant,

LYNDWODE PEREIRA.

Assistant Secretary.

Mrs. Nancy Thomas, née Bear,
Lac du Brochet, Cumberland House,
Via Prince Albert,
N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 384784

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Department of the Interior,

Ref. 384784. Ottawa, 6th November, 1895.

PAT. BCH.
NOV 8 1895
RECEIVED

Memorandum.

I beg to refer you to my memorandum (marked) of the 31st July last and to the Assistant Secretary's letter of the 16th ultimo to the Commissioner, in which it is stated that you would be disposed to act on the recommendation made by me that the claim to scrip of Nancy Thomas be allowed, if the Commissioner saw no objection.

Mr. Burpe, in his letter of the 23rd ultimo, returns the papers in this case, and states that the Commissioner sees no objection to the recommendation in question being acted upon. I, therefore, beg to submit such recommendation for your approval.

Approved
A M Burgess
D.M.I.
6 Nov 95
Noted
Fwd

Respectfully submitted,

[signature]

A. M. Burgess, Esq.,
Deputy Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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No. 341019

391396 File 260570

Pat Bch

Department of the Interior,
Office of the Commissioner of Dominion Lands,
Winnipeg, Man., 23rd October, 1895.

THE INTERIOR RECEIVED OCT 29 1895 OTTAWA

PAT. BCH.
OCT 31 1895
RECEIVED

Sir,

Referring to your letter of the 16th instant, File 384784, I am directed by the Commissioner to say that he sees no objection to the recommendation made by Mr. H.P. Cote with reference to the Half-breed claim of Nancy Bear being acted upon, and I therefore return herewith H.P. File No. 384784.

Enclos:

I am, Sir,
Your obedient servant,

Secretary.

The Secretary,
Department of the Interior
Ottawa, Ontario.

T

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384784

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"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

M.

LETTER 384784.
FILE

Department of the Interior,

Ottawa, 16th October, 1895.

019

346716

Sir,

I am directed by the Deputy Minister to transmit herewith file No. 384784 of this Department, with reference to the application for scrip of Nancy Bear, and to direct your attention to the recommendation made by Mr. N. O. Cote, upon which the Deputy Minister would be disposed to act if you see no objection.

Encls;

I have the honour to be,
Sir,
Your obedient servant,

LYNDWODE PEREIRA
Assistant Secretary.

H. H. Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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The Deputy Minister.

PAT. BCH.
AUG 6 1895
RECEIVED

31. 7. 95. 46716

DEPARTMENT OF THE INTERIOR
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Department of the Interior,

Ref. 384784. Ottawa, 31st July, 1895.

Memorandum.

On the 27th January, 1893, the Agent at Prince Albert wrote to the Commissioner stating that one John Thomas, living north of the Churchill River, presented himself at his (the Agent's) office to make application for scrip on behalf of his wife, Nancy Bear, and that he was told that his wife would have to make application personally, but on account of her living so far from the Land Office, a request would be made to allow her to make her application before a magistrate. The Commissioner, however, did not approve of this sugrestion. 246716

On the 6th February last Mrs. Thomas made her application on the proper form before Mr. McDougall, Chief Factor of the Hudson's Bay Company at Lac du Brochet, and in forwarding such application to the Department the Commissioner has endorsed on the covering letter the following recommendation: "Claim not "recommended, residence of 15th July, 1870, being out-"side ceded territory." Mr. Goulet's report on this case reads as follows:-

"This claim of Nancy Bear wife of John Thomas "to scrip as a Half-breed child for the N. W. Terr. is "good so far as she is a Half-breed who I believe never "took treaty & who lived the whole of her life in said N. W. Terr., but cannot be allowed here because she "lived outside of any ceded territory before & on the "15th July, 1870, though on account of her husband hav-"ing verbally applied for her scrip before the 1st May "1894, before the Agent of Dominion Lands at Prince Al-"bert who on 27th January 1893 wrote a letter on that case to the Commissioner of Dom Lands (which see) it "might be considered at Ottawa."

A. M. Burgess, Esq., In
Deputy Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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In my opinion, as we have during the past accepted applications made before a Justice of the Peace at Cumberland House, and as an application in this case was made on behalf of the claimant before the local Agent of Dominion Lands within the prescribed period, her application might be treated as having been made in due time, and I, therefore, recommend that the claim in question be allowed under the Order-in-Council of the 28th February, 1894, hereto annexed.

Respectfully submitted,

N. O. Cote.

FM.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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National Archives of Canada
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346716

Ref. 351,909 on 138,557.

CERTIFIED Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 28th February, 1894.

P. C. No. 486.

Schedule.

On a Report, dated 6th February, 1894, from the Minister of the Interior, stating that since the date of the Order in Council of the 11th April, 1892, thirty-one claims to share in the North-West Half-breed grant of scrip, under Sub-clause (f) of Clause 90, Chapter 54 of the Revised Statutes of Canada, have been preferred by persons whose names appear on the subjoined Schedule, such persons having been resident on the 15th July, 1870, in a portion of the Territories or the District of Keewatin which has not yet been ceded by the Indians under Treaty.

The Minister is of the opinion that it would be advisable in the public interest that these claims should be finally disposed of, notwithstanding the residence of the claimants at the time of the Transfer in Territory not yet ceded by the Indians under Treaty, on the same terms as were the claims of Half-breeds who were residing on the 15th July, 1870, in Territory that had been ceded, and he (the Minister), therefore, recommends that he be empowered to deal with the claims in question in the manner suggested, and to issue scrip in satisfaction thereof to such of the claimants as may be proved to be entitled thereto.

The Committee submit the same for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk of the Privy Council.

To the Honourable
The Minister of the Interior

N. B.—Published in Canada Gazette of 21st April, 1894, Vol. 27, No. 43, for the fourth consecutive week.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384784

National Archives of Canada
Archives nationales du Canada

00025

With P. C. No. 486—1894; Ref. 351,909 on 138,557.

ANNEX "A" to P. C. 486, 28th Feb., 1894.

LIST of claims to share in the Half-breed Grant of Scrip preferred by persons who were living on the 15th July, 1870, in Territory or the District of Keewatin not yet ceded by the Indians under Treaty.

Name.	Amt.	Ref. No.	Place of Residence on 15th July, 1870.
	$		
1. Catherine Moar, wife of Thos. Linklater	240	303770	McKenzie River District.
2. Maria Wulson, wife of Wm. Brass	160	318675	do do
3. Sophia Squirrel, wife of John Squirrel	160	324528	York Factory.
4. Ann A. McLean	240	315563	Ft. Simpson, McKenzie River
5. Helen H. Murray, wife of W. J. McLean	160	315589	do do
6. Elizabeth M. McLean	240	315591	do do
7. John Squirrel, jun., deceased, heirs of	240	324532	York Factory.
8. Betsy Frank, wife of David Bridges	160	320023	do
9. Joseph Morris	240	317825	do
10. Bella Crowhead, wife of Joseph Morris	240	317815	Churchill, Hudson Bay.
11. Peter Linklater	160	251114	Caribou Lake.
12. Fanny Dunlop, wife of Albert Thomas	240	329677	Fort Simpson.
13. Mary Ann Morice, wife of Arch. Linklater	240	329887	Portage La Loche.
14. Caroline Walker, wife of Donald Sutherland	240	334875	Oxford House.
15. Pierre Morin, deceased, heirs of.	160	336536	Lake Caribou.
16. Geneviève Roy, widow of Pierre Morin	160	336918	do
17. Antoine Morin, son of Antoine Morin	240	336803	Pelican Lake or Narrows (N.W. of Cumberland).
18. Sophia Linklater, wife of D. Thomas	240	339336	Lake Caribou.
19. Elizabeth Collands, wife of Wm. Woods	240	339131	Oxford House, Keewatin.
20. Frederick Collands, deceased, heirs of	240	338864	do do
21. Daniel Collands, deceased, heirs of	160	338868	do do
22. Mary Brown, wife of John Smith	160	338846	do do
23. Mary Chidley, wife of Chas. Stevenson	240	340489	do do
24. Thérèse Caroes, wife of Jas. Pruden, jun.	240	341323	Lesser Slave Lake.
25. Emily A. M. Flett	240	341321	McKenzie River.
26. Elizabeth Rose, wife of Abel Goodwin	160	343540	Ossnaburgh House, Keewatin.
27. Isabella Goodwin, wife of Thos. W. Weigand	240	342855	do
28. Sarah Goodwin	240	343536	do
29. Abel Goodwin, deceased, heirs of	160	342853	do
30. Jean Bte. Forcier, deceased, heirs of	160	344498	McKenzie Riv. and Athabasca
31. John Squirrel	160	324530	York Factory.

DEPARTMENT OF THE INTERIOR,
OTTAWA, 1st February, 1894.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Archives nationales du Canada

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✓ 384784

OFFICE OF THE

Dominion Lands Commission

Ref. 260570

No. 332466

PAT. D. I.
JUL 16 1895
RECEIVED

DEPT. OF THE INTERIOR
RECEIVED
JUL 15 1895
OTTAWA

Winnipeg, July 6 1895.

Sir:

I have the honour, by direction of the Commissioner, to enclose herewith file No. 260570 of this office having reference to the claim of Nancy Bear wife of John Thomas

with the recommendation of the Commissioner of Dominion Lands endorsed thereon as follows:

"Claim not recommended, residence of 15th July 1870 being outside ceded territory."

Inc. file

I have the honour to be,

Sir,

Your obedient servant,

[signature]
Secretary.

The Secretary,
Department of the Interior,
Ottawa, Ont.

Form No. 28.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada

Form No. 26.

Memorandum. 384784

To.....

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg, ... 189

This claim of Nancy Bear wife of John Thomas to scrip as a half breed child for the N.W.Terr., is good so far as she is a half breed who I believe never took treaty + who lived the whole of her life in said N.W.Terr, but cannot be allowed here because she lived outside of any ceded territory before + on the 15th July 1870, though on account of her husband having verbally applied for her scrip before the 1st May 1894, before the Agent of Dominion Lands at Prince Albert who on 27th January 1893 wrote a letter on that case to the Commissioner of Dom Lands, (which scrip might be considered at Ottawa -

R. Goulet

Winnipeg 5th July 1895 -

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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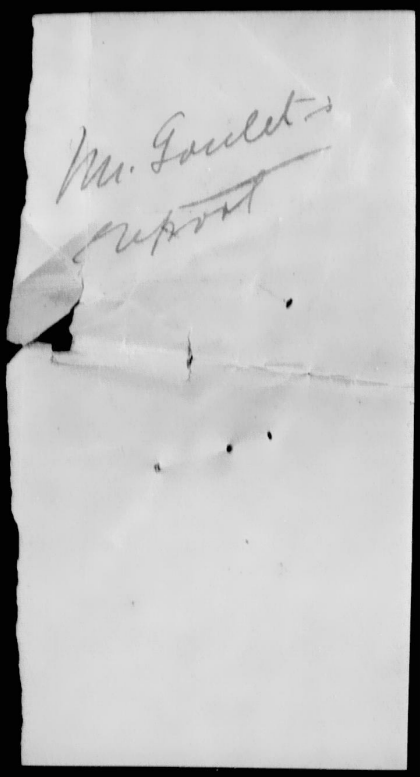

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Archives nationales du Canada

00026

384784

In your reply
Please refer to No. 12334

MAY 4 1895 WINNIPEG CANADA

Dominion Lands Office,

Prince Albert 30 April 1895

260570

332825

Sir

Referring to your letter of the 7th February 1893, No 250155 Ref. 260570, I beg to enclose herewith the application for scrip of Nancy Bear wife of John Thomas, of Lac Caribou, with her baptismal certificate attached thereto.

Ann Gulet

I have the honor to be
Sir
Your obedient servant

Jno. W. Taggart
Agent

The Commissioner
Dominion Lands
Winnipeg

Form No. 27.

DEPARTMENT OF THE INTERIOR
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9336

This is to certify that Nancy (P. Ont.) daughter of John and Maria Bear of Lac la Ronge, and now wife of John Thomas, was baptized at Stanley Mission on the 27th of February 1889 by the Rev. R. Hunt, Missionary, the Baptism being duly entered in the Church Register

J. A. Mackay
Archdeacon

Emmanuel College
Prince Albert
Jan. 26th 1893

DOMINION LANDS OFFICE
RECEIVED
JAN 27 1893
PRINCE ALBERT.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Declaration by Nancy Bear or Thomas

Concerning Her Claim to participate in any grant to Half-Breeds living in the North-West Territories.

1. What is your name and P.O. Address? Nancy Bear, Lac du Brochet Post, Cumberland House. S.K.
2. Where and when were you born? Rapid River Post, near Lac La Ronge N.W.T. (was baptized on 24 February 1860 RC)
3. What was the name of your father? John Bear
4. What was the name of your mother? Maria McKenzie
5. Was your father a Half Breed or Indian or either? Indian
6. Was your mother a Half-Breed or Indian or either? Halfbreed.
7. Where were you living each year since you were born? Lived at Rapid River until 1872 when I accompanied my Husband to St. Andrews Parish, Manitoba where we lived for one year then returned to Cumberland District and have since that time resided at the Posts of Brochet & Deer Lake.
8. What has been your occupation?
9. If married when, where and to whom? Married at Rapid River in September 1871 to John Thomas Servant in the Hudsons Bay Companys Service.
10. How many children have you living? Nine
11. Give their names, and dates of birth. John, born in Manitoba August 1872; Mary Jane, born at Deer Lake Post, March 1876; Adelaid, at Deer Lake Post, Feby 1878; Roderick at Rapid River June 1879; Maria, at Cumberland House, July 1881; Sophia at Brochet Post, October 1884; Henry, at Brochet Dec. 1886; Pierre, May 1890; & Rosalie, December 1892.
12. What was the name of their respective (mothers or fathers as the case may be). John Thomas.
13. How many children had you who died? None
14. Give dates of birth and death of those who died.

Form No 143.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons. The baptismal certificates of John, Roderick & Maria can be obtained at their respective places of birth; the dates of birth of all the others have been taken from the Register of the R.C. Mission at Lac du Brochet Post where they were all baptised.

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not. have died.

17. Have you ever had a homestead entry? No.

18. If so, what became of it? ——

19. Have you ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and what disposal did you make of them. None.

20. What do you consider the value of all your property, land, implements, buildings, horses, cattle, &c.? Possess none.

21. Did you ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? No.

22. Mention any names by which you have been called, other than your name given above. None.

23. Do you receive any annuity as an Indian, or in any way participate in grants to Indians? No.

24. State anything bearing on your claim that you may wish. I have to state that my husband, John Thomas, made application for my scrip at the Prince Albert Land Office in the end of January or beginning of February 1893, when he presented a letter from the Coadjutor Archdeacon John A. McKay who married us at Lapid River and which letter I believe gave the date of my birth and other information. In answer to the above application I received a letter requesting me to go to Prince Albert to receive the scrip but sickness and the great distance between this point, the place of my abode, and Prince Albert and the great expense that would be incurred in making such a journey which I could not afford, all prevented me from going.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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384784

I, Nancy Bear within named,

~~make oath (or declare) and~~ say that the within answers given by me are true in every particular. ~~So help me God.~~

~~Sworn (or declared)~~ The foregoing Statement was made before me, at Lac du Brochet this sixth day of February A.D., 1895 having been first read over and explained in the English and Cree languages to the deponent, who seemed perfectly to understand the same, and in my presence.

her
Nancy X Bear
mark.

DOMINION LANDS OFFICE
RECEIVED
APR 29 1895
PRINCE ALBERT

W. McDougall
Chief Factor in H.B.Co.

I, Alphonse Gasté, Priest of St. Pierre Mission Lac du Brochet

~~make oath (or declare)~~ and say that I know Nancy Bear or Thomas, who has made oath to the correctness of the within answers, and so far as her answers to questions numbered 7. 10. 11. 12. 13. & 15 are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

~~Sworn (or declared)~~ The foregoing Statement was made before me, at Lac du Brochet this 6th day of February A.D., 1895 having been first read over and explained in the English language to the deponent, who seemed perfectly to understand the same, and in my presence.

Alphonse Gasté, ptre O.M.I.

W. McDougall
Chief Factor in H.B.Co.

I, George Deschambeault H.B.Co. Lac du Brochet Post

~~make oath (or declare) and~~ say that I know Nancy Bear or Thomas, who has made oath to the correctness of the within answers, and so far as her answers to questions numbered 1.2.3.4.5.6.7.9.10.11.12.13.15.& 24 are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

~~Sworn (or declared)~~ The foregoing Statement was made before me, at Lac du Brochet this 6th day of February A.D., 1895 having been first read over and explained in the English language to the deponent, who seemed perfectly to understand the same, and in my presence.

G Deschambeault

W. McDougall
Chief Factor in H.B.Co.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 384784

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20570

7th February 1893

Shew to Mr Goulet

Sir,

I beg to say in answer to your letter of the 27th ultimo 7630, that the Commissioner is unable to approve your suggestion that Mrs Nancy Bear shall be allowed to make application for scrip as a half breed before a magistrate.

The propriety of allowing outside persons to receive these applications has already been fully considered by the Department and the decision arrived at is that it would not be wise to adopt such a practice and that only in cases of an extraordinary character could the Department consent to anyone other than an official being authorized to receive evidence.

I have the honor to be,

Sir,

Your obedient Servant,

Secretary.

Agent of Dominion Lands,

Prince Albert.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384784

National Archives of Canada
Archives nationales du Canada

00026

OFFICE OF THE

Dominion Lands Commission,

Letter No.....
File No.....

Winnipeg,.....189

Sir,

I have the honor to transmit to you herewith the application of.....
for homestead patent, for the.....quarter of Section
.....Township.....Range.....
W.....M., which application received the Commissioner's approval on the.....

The applicant has been informed that his pre-emption must be paid for within six months from the last above-mentioned date.

I have the honor to be,

Sir,

Your obedient servant,

Secretary.

The Secretary,
Department of the Interior,
Ottawa.

Form No. 19.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384784

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Archives nationales du Canada

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In your reply
Please refer to No. 7630

FEB 4 1893 DOMINION LANDS WINNIPEG CANADA

Dominion Lands Office,

Prince Albert 27 January 1893

260570

Sir

I have the honor to inform you that one John Thomas, living at Lac Du Brochet north of Churchill River in the Cumberland District, came this morning to this office to make application for scrip, on behalf of his wife, Nancy Bean, who was baptized at Lac La Ronge on the 24th February 1860. He was told that his wife had to appear personally to make such application, but on account of her living so far from the Land Office a request would be made to the Department to allow her to make her application for scrip before a Magistrate. I therefor ask

The Commissioner
Dominion Lands
Winnipeg

Form No. 27.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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ask you now if this could not be
Done for these poor people, and
allow this office to notify them
and send them the necessary
papers if their request is granted.

I have the honor to be
Sir
Your obedient servant

Jno. McLagan
Agent

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

FILE/DOSSIER	TITLE/TITRE	DATES
384703	R.A. RUTTAN RE GUARANTEE BOND	1895-1900
384750	PIERRE DESJARDINS RE SCRIP CLAIM	1885-1895
384783	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF JOSEPH PAQUETTE AS HEIR OF HIS DECEASED SON JOSEPH PAQUETTE	1894-1895
384784	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF NANCY BEAR, WIFE OF JOHN THOMAS	1893-1896
384787	LAND COMMISSION, WINNIPEG, RE HALFBREED CLAIM OF THE HEIRS OF COLLETTE KARACONTE	1895-1903
384891	JOHN DAVIDSON LAND WARRANT	1879
384892	THOMAS TAYLOR RE MILITARY BOUNTY ASSIGNED TO ADAM MCKENZIE	1880-1882
384961	W.C. HAMILTON LEGAL ADVISOR TO LIEUTENANT GOV. OF N.W.T.	1895-1897
384996	COLONIAL BOUNDARIES BILL	1895
385018	HALFBREED CLAIM OF LOUIS COCHRANE	1895
385108	SCRIP CLAIMS OF JEAN MARIE DESJARLAIS	1895
385111	INTERNATIONAL BOUNDARY BY POST BETWEEN MANITOBA AND ROCKY MOUNTAINS	1895

DEPARTMENT OF THE INTERIOR
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DEPARTMENT OF THE INTERIOR
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File/dossier 384787

National Archives of Canada
Archives nationales du Canada

No. 384787

DEPARTMENT OF THE INTERIOR,

1895

From Land Conv

Date 6/July

" (when rec'd.) /15

Subject. Papers re H B claim of heirs of Collette Karaconti - Reg 9

Action.

GENERAL

00027

Form No. 7

No. 337551

189

DEPARTMENT OF THE INTERIOR
COMMISSIONER'S OFFICE,
WINNIPEG, MAN.

From Jos Gaucher

Date 30 May
" (when rec'd.) 3 July 95

Subject. Appn for a H B grant to the heirs of his mother Collette Karakouti

DEPT. OF THE INTERIOR OTTAWA RECEIVED JUL 15 1895

Action.
Claim not recommended see Mr Forlets memorandum
6.7.95 A. A. Lovisk Commissioner

332467. 6/7/95 File sent H.O.

Action continued.

Action continued

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada

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00027

ADDRESS YOUR REPLY
"TO THE SECRETARY
DEPARTMENT OF THE INTERIOR
OTTAWA."
DO NOT WRITE ABOUT MORE THAN
ONE SUBJECT IN THE SAME LETTER.
WRITE LEGIBLY YOUR FULL
NAME AND ADDRESS.

M C

DEPARTMENT OF THE INTERIOR
CANADA

Refer to No. 384787

Ottawa, 30th March, 1903.

Gentlemen,

With reference to your letter of the 14th instant, addressed to Mr. J.A.J.McKenna, which has been transferred to the Department, respecting the claim of the heirs of Collette Karaconti, deceased wife of Baptiste Gauthier, I am directed to inform you that this claim was disallowed in 1895, and that, as Mr. McKenna, who was appointed Commissioner to investigate and ajudicate on Halfbreed claims, has completed his work and submitted his final report, the case cannot be reopened.

Your obedient servant,

P. G. KEYES

Secretary.

Messrs. Short & Cross,
Barristers,
Edmonton, Alta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Short & Cross
Barristers Advocates &c.
Wm Short. C.W.Cross.

Solicitors for { The Merchants Bank of Canada. The Massey-Harris Co. Limited.

768442

Edmonton, Alta. Canada.

March 14/03;
C.W.C.

DEPT OF THE INTERIOR
CORRESPONDENCE
MAR 25 1903
REGISTRATION BRANCH
OTTAWA

PAT. BC'H.
MAR 26 1903
RECEIVED

A.S. J.McKenna, Esq.,
Scrip Commissioner,
Ottawa, Ont.,

Dear Sir,- Re--Claim 384787-Karaconte Collette, deceased wife of Baptiste Gaucher.

Application was made on behalf of this deceased half breed Karaconte Collette who was the daughter of Ignace Karaconte, her mother's name being unknown, she being a Sicannee Indian Woman / Application was made we think by her son Joseph Gaucher.

We would be very much obliged if you would look into this matter for us. our client's instructions are to the effect that this scrip will be issued by the Department of the Interior, upon satisfactory evidence of the fact that the deceased woman was a half-breed .

If you would be good enough to look this matter up we will be much obliged.

Yours truly,

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Archives nationales du Canada

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(Copy for the Commissioner).

sent [illegible]/7/95 FM.

Address your reply
"Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

LETTER.....

FILE 384787.

Department of the Interior,

Ottawa, 24th July, 1895.

Sir,

I am directed to inform you that the claim preferred by you to share in the Half-breed grant of scrip on behalf of the heirs of your deceased mother, Collette Karaconti, has been disallowed, as the evidence submitted in support thereof fails to show that the deceased was a Half-breed, and also owing to the fact that your application was not made within the prescribed time.

160

I am, Sir,

Your obedient servant,

[signature]

for Assistant Secretary.

Mr. Joseph Gaucher,

St. Albert,

Alberta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr. Macdonald

To communicate decision to applicant, stating reason for disallowance

V & C

duplicate for Commr

Ottawa ..... 189.

THE INTERIOR
L'INTÉRIEUR

RG 15, D-II-1
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National Archives of Canada
Archives nationales du Canada

PAT. BCH.
JUL 20 1895
RECEIVED

Ref. 384787.

Memorandum.

Department of the Interior,
Patent Branch,
Ottawa, 19th of July 1895

A. M. Burgess, Esq.,
Deputy of the
Minister of the Interior,

For your disallowance
of the claim to share in the Half Breed grant of scrip of
the heirs of Collette Karacoute
as the widow does not show
that deceased was a Half Breed
& besides appln. was not
made during the prescribed
time

Respectfully submitted,

N. O. Cote

Done
A. M. B.
D.
19 July 95
Noted
20-7-95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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384787

OFFICE OF THE

Dominion Lands Commission,

No 3324.67

Ref. 337551

PAT. BCH.
JUL 16 1895
RECEIVED

DEPT. OF THE INTERIOR
RECEIVED
JUL 15 1895
OTTAWA

Winnipeg, July 6th 1895.

Sir:

I have the honour, by direction of the Commissioner, to enclose herewith file No. 337551 of this office having reference to the claim of the heirs of Collette Karaconti

with the recommendation of the Commissioner of Dominion Lands endorsed thereon as follows:

"Claim not recommended.
"See Mr Goulet's memorandum."

Disallowed
A.M. Burgess
19 July 95
D.M. Int.

Cov. file

I have the honour to be,

Sir,

Your obedient servant,

J.M. Burgess
Secretary.

The Secretary,
Department of the Interior,
Ottawa, Ont.

Form No. 38.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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National Archives of Canada
Archives nationales du Canada

Form No. 26.

384787

Memorandum.

To.....

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg,.....189

This claim of the heirs of deceased Collette Karaconti, wife of Baptiste Gaucher is not good & can not be allowed - When I was at Edmonton, people there came to me with any kind of claims. I took this one as I understood that it had been applied for verbally before the Agent of Dom Lands at Edmonton in July 1893, when the people of Jasper House applied for their scrips; but as nothing was said about it & as it is too late now being after the 1st May 1894, it can not be entertained, besides as it is not clearly shown that this woman was a half breed having an iroquois (half breed?) & a Siccane indian woman it is very likely that she is an indian woman -

R. Goulet

Winnipeg 3d July 1895 -

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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00028

Declaration by Joseph Gaucher

Concerning the Claim of the heirs of his deceased mother Collette Karakonti to participate in any grant to Half-Breeds living in the North-West Territories.

Indexed no other apple Feb 1 79

Disallowed as it has not been proved deceased & besides was a Half Breed & besides to [illegible] filing applications [illegible] Half Breed of ecrif [illegible] 1894 [illegible]

1. What is your name and P. O. Address? .....

2. Where and when were you born? at Jasper House in about 1815

3. What was the name of your father? Ignace Karaconti

4. What was the name of your mother? Siccané indian woman

5. Was your father a Half-Breed or Indian or either? Half breed iroquois

6. Was your mother a Half-Breed or Indian or either? Siccané

7. Where were you living each year since you were born? She lived the whole of her life in the N. W. Terr. she lived south of Athabasca River on ceded Territory on the 15th July 1890 & there until she died in Intestate leaving as heirs her children; —

8. What has been your occupation? .....

9. If married when, where and to whom? in

10. How many children have you living? 3 living

11. Give their names, and dates of birth. Michel aged 65, Joseph Gaucher aged 60 years, Therese Gaucher aged 57 years

12. What was the name of their respective (mothers or fathers as the case may be). .....

13. How many children had you who died? .....

14. Give dates of birth and death of those who died. 3. Charles, Alexis, & Narcisse

Form No 143.

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MINISTÈRE DE L'INTÉRIEUR
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15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons. ~~—~~

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not. ~~—~~

17. Have you ever had a homestead entry? ~~—~~

18. If so, what became of it? ~~—~~

19. Have you ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and what disposal did you make of them. ~~—~~

20. What do you consider the value of all your property, land, implements, buildings, horses, cattle, &c.? ~~—~~

21. Did you ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? ~~None~~

22. Mention any names by which you have been called, other than your name given above. ~~None~~

23. Do you receive any annuity as an Indian, or in any way participate in grants to Indians? ~~None~~

24. State anything bearing on your claim that you may wish.

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384787

DEPARTMENT OF THE INTERIOR
COMMISSIONERS OFFICE
JUL 3 1895
WINNIPEG
CANADA

I, Joseph Gaucher within named, make oath (or declare) and say that the within answers given by me are true in every particular. So help me God.

Sworn (or declared) before me, at St Albert this 30th day of May A.D., 1895 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence. made his mark

337551

Joseph his × Gaucher mark

R. Goulet H.B. Commr

Rmk

I, Michel Cardinal of McLeod River make oath (or declare) and say that I know Joseph Gaucher, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered as answered are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (or declared) before me, at St Albert this 30th day of May A.D., 1895 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence. made his mark

Michel his × Cardinal mk

R. Goulet H.B. Commr

I, ... of ..... make oath (or declare) and say that I know ....., who has made oath to the correctness of the within answers, and so far as his answers to questions numbered ..... are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (or declared) before me, at ..... this ..... day of ..... A.D., 189.... having been first read over and explained in the ..... language to the deponent, who seemed perfectly to understand the same, and in my presence.

.....

DEPARTMENT OF THE INTERIOR
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Archives nationales du Canada

DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
384703	R.A. RUTTAN RE GUARANTEE BOND	1895-1900
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384783	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF JOSEPH PAQUETTE AS HEIR OF HIS DECEASED SON JOSEPH PAQUETTE	1894-1895
384784	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF NANCY BEAR, WIFE OF JOHN THOMAS	1893-1896
384787	LAND COMMISSION, WINNIPEG, RE HALFBREED CLAIM OF THE HEIRS OF COLLETTE KARACONTE	1895-1903
384891	JOHN DAVIDSON LAND WARRANT	1879
384892	THOMAS TAYLOR RE MILITARY BOUNTY ASSIGNED TO ADAM MCKENZIE	1880-1882
384961	W.C. HAMILTON LEGAL ADVISOR TO LIEUTENANT GOV. OF N.W.T.	1895-1897
384996	COLONIAL BOUNDARIES BILL	1895
385018	HALFBREED CLAIM OF LOUIS COCHRANE	1895
385108	SCRIP CLAIMS OF JEAN MARIE DESJARLAIS	1895
385111	INTERNATIONAL BOUNDARY BY POST BETWEEN MANITOBA AND ROCKY MOUNTAINS	1895

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Action. GENERAL

No. 384891

DEPARTMENT OF THE INTERIOR,

189

From Hon J.B. Robinson.

Date

" (when rec'd.)

Subject.

Jno. Davidson's
Ld. Warrant.

820000

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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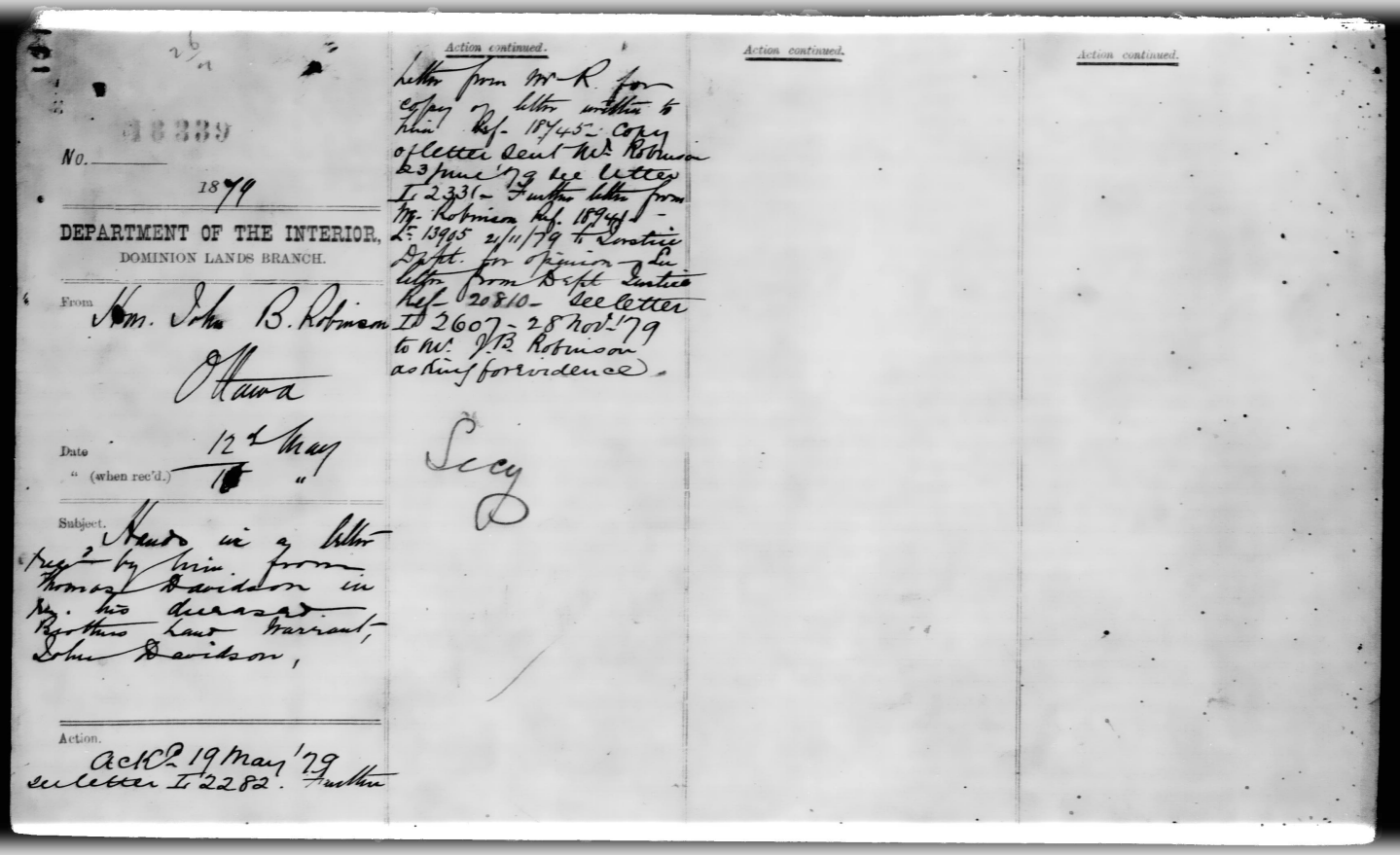

26/7

No. 18339

1879

DEPARTMENT OF THE INTERIOR,
DOMINION LANDS BRANCH.

From Hon. John B. Robinson
Ottawa

Date 12th May
" (when rec'd.) 16 "

Subject. Hands in a letter reqd by him from Thomas Davidson in re. his deceased Brothers Land Warrant, John Davidson,

Action.
Ackd 19 May '79
see letter I 2282. Further

Action continued.

Letter from Mr R. for copy of letter written to him Ref. 18745 - Copy of letter sent Mr Robinson 23 June '79 see letter I 2331 - Further letter from Mr Robinson Ref. 18941 - L. 13905 2/11/79 to Justice Dept. for opinion - See letter from Dept Justice Ref. 20810 - see letter I 2607 - 28 Nov '79 to Mr J.B. Robinson asking for evidence.

Secy

Action continued.

Action continued.

00028

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Archives nationales du Canada

REPEAT/
RÉPÉTITI

000028

26/4

No. 18339

1879

DEPARTMENT OF THE INTERIOR,
DOMINION LANDS BRANCH.

From Hon. John B. Robinson
Ottawa

Date 12th May
" (when rec'd.) 16 "

Subject. Hands in a letter rec'd by him from Thomas Davidson in re. his deceased Brothers Land Warrant, John Davidson,

Action. Ack'd 19 May '79 see letter I 2282. Further

Action continued.

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Secy

Action continued.

Action continued.



DEPARTMENT OF THE INTERIOR
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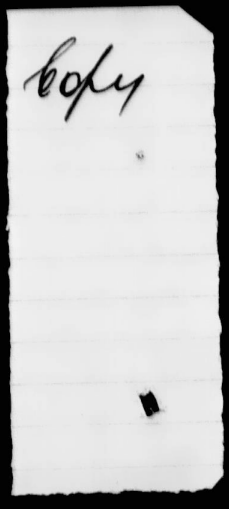

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00029

Ref: 20810 384891

Dept. of Interior
Dom Lands Office
Ottawa 28 Nov. 79

Sir

With reference to the Military Bty Claim of the late Jno Davidson I have the honor by direction of the Deputy Minister to inform you that the Warrant now held in this Office in Davidson's name can endorsed over to his Legal Representatives viz to his Mother & brothers, so soon as the following evidence ~~of the~~ has been placed upon the records of this Office, that is to say.

Certificate of burial

Affidavits from his mother & brother that he died unmarried & intestate also give the full christian names of the parties concerned ~~brother brothers~~.

Hon: Jno B. Robinson
M.P.
~~Ottawa~~ Toronto

I have &c.
W. A. Russell
for Dep Sec.

L 2607

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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20810 384891

Ottawa 25th Nov. 1879.

Sir:

20810

In reply to yours of the 21st asking what disposition should be made of the Military Bounty warrant which the Department holds for the late John Davidson, I have the honor to say that, as you will recollect, this Department has already expressed the opinion that a Military Bounty warrant must be treated as Real Estate.

Such being the case, under the 8th Sec. of Ch. 6 - 34th Vic (1871) Statutes of Manitoba, the Real Estate of a person dying intestate and leaving a mother and brothers - which you say is the present case - goes to the mother and brothers in equal shares. In this case, therefore, I think the mother and brothers are the legal representatives of the deceased under the 25th Section of the Dominion Lands Act, 1872, and that the warrant should issue in their favor. Yours obedtly

Col. Dennis
D.M. of Int.

T. A. Sash
D.M.J.

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07457

18 9 384891

D.L.O.
Return to Col Denny

Toronto Sept 5 79

Dear Colonel

I have seen Mr Thomas Davidson about the Military Bounty Warrant in the name of his late brother John for services in the 1st Battn of the 1st Expeditionary Force to Manitoba.

I told him of the requirements of the Depart. as mentioned in Mr Russells letter, No 2282 — one of these requirements may be dispensed with I should say, John's death being sufficiently accounted for by a copy of a letter shown to me by Thomas this morning, and a copy of whiffe, when

Mr Moss

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interested himself for this claim, was sent to the proper office in Manitoba — It is as follows —

Fort Garry
6th Feb 73

My dear Colonel — I have to acknowledge your note concerning poor Davidson, who, as you will see by the copies of communications, I regret to say, was found to have been frozen to death on the Prairie near Fort Pembina, where with his detachment he was quartered in February 1872 — His body was not found until the 21st of May following when the snow had disappeared — Capt Macdonald reports fuller particulars — The amount to the credit of the late private Davidson, as shewn by the extract from the proceedings of the Committee of Adjustment, can be obtained on application by the nearest of kin — It is strange that at the time of his death being ascertained, the Officer commanding his Company was unable to ascertain where any of the relatives lived —

Faithfully yours
W. Osborne Smith

Lt Col Dennison
Brigade Major
Toronto

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18941

The brother Thomas, and the mother were here this morning — The Mother will make affidavit that he was not married, and so will the brother, and that he left no will — The brother is well known to me, having lived in Turnt for years, and having, as he does now, worked on the Northern R. R.o — They are very respectable people, hard-working, but poor — They never heard of the death of their brother till 3 years after the occurrence, and then only by accident from a man by the name of Orffer who had enlisted here, but did not go up to Manitoba — a friend of his came down from Manitoba, told him, and he being also in The N. R. R.o employ, told Thomas Davidson — The only hitch, as it appears to me to Thomas getting the land, is that of which he told me this morning, viz. that he had another brother in Turnt, but who has gone from here some 2 years and more, and who has never written to them since he left — Please say what is to be done in this case & oblige

Yours very truly

J. B. Nelson

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Will the Surveyor General be good enough to cause Mr. Robinson, rep. to be furnished with a copy of the letter to which he alludes.

J. R. D. Mo.

21/6/79

06912

18745

Toronto - June 19 79

Dear Colonel

I wrote you some short time ago about a man by the name of David Sow, and his little the same land of his brother's who died ~~there~~ in Manitoba while in the Volunteers - I received an answer which unaccountably has got mislaid - Please send me a copy of it, as

upon

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Landsen calling the
other day, I had to disappoint
him, not being able to
put my hand upon it —
It was telling him
what evidence he
had to furnish the
Deptt. —
Yours very truly
J. B. Robinson

DEPARTMENT OF THE INTERIOR
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Mr Burgess please obtain this information from Dominion Office

Thomas Davidson
110 Lumley St
Toronto

1839

76069

Dear Dennis,

I have just received a letter from Gen. Department respecting Thos Davidson's claim for land on account of his late Mother John — In the letter of Thomas addressed to me, he gave me his address here — Just have a look at his letter, and send me up his address, as I wish to inform him of the facts required by your Department, and might not be able to do so without getting his street and number in that street —

Done 28/5/79

Faithfully Yours
J B Whiteside

MENT OF THE INTERIOR
ÈRE DE L'INTÉRIEUR
RG 15, D-II-1, v
File/dossier 384

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00029

Ref: 18339. 384891

Department of the Interior

Dominion Lands Office

Ottawa.

Draft

I 2283.

In reply to the letter of Thomas Davidson, of the 12 Inst handed in by you, I have the honor by direction of the Minister to ~~inform you~~ state that ~~the~~ a Military Bounty Warrant in the name of Pte John Davidson, for service in the 1st Batt of the 1st Expeditionary Force to Manitoba is held at this office. Mr Thos Davidson states that the sd soldier was his brother and was frozen to death while on service and claims the warrant in question on the grounds of his being nearest of him and his only brother. In order to prove his claim he will have to file at this office evidence of the following nature

1st Certificate of burial of the sd Pte Davidson

2nd Affidavit that he died unmarried and intestate

3 Affidavits from himself and another reliable person that he is the sole Heir at law of his deceased brother. On the receipt of which Mr Davidson's claim will be duly considered.

I have &c

W. A. Russell
for Secy

Hon'ble John B. Robinson
M.P.
Toronto.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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18339 35614

Toronto 12 May 1879

Hon John A Robinson M.P.

Hon Sir

I take the liberty of addressing you these few lines on the following subject. My brother John Davidson was a volunteer at Fort Pembina Manitoba and lost his life whilst on service by being frozen to death, he was entitled a grant of land.

What I want to know whether or not I am entitled to claim his grant being nearest of kin and only brother

384891

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I hold papers from
W. Osborne Smith one
of the officers to Lt Col
Benison certifying his
death.

I send other papers
concerning the matter
to Ottawa but they seem
to have been mislaid by
the late Government.

Should you be able
to do anything or give me
any information how to
proceed in the matter

You would confer a
favour by kindly addressing

Thomas Davidson
110 Lumley Street
Toronto

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

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No. 384892

DEPARTMENT OF THE INTERIOR,

189

From Surv. Genl. Ottawa

Date 5 Feby 1880

" (when rec'd.) 12 " "

Subject. Adam McKenzie S.E. 36.16.24. located under M.B. War - Assigned by Thos. Taylor -

Action. GENERAL

00030

DEPARTMENT OF THE INTERIOR
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H.O. 24440 (22) 26/4
23/10/86

Rg 835

No. 22438

DEPARTMENT OF THE INTERIOR.
1880.

Dominion Lands Office,
WINNIPEG.

From Surveyor General Ottawa.

Date 5th Feby 1880.

Received 12th " "

Subject Re the S.E. 36. No. 24 W. Located by Adam McKenzie under M.B. No. 1218. Assigned by Thos. Taylor. Copy of Taylors Will requested.

Action Adam McKenzie Beautiful Plain notified 25/2/80

The necessary evidence received 17/6/80 filed herewith and Ref fwd to H.O. 18/6/80.
A.W.H.
A.D.L.

File No.

Action Continued. Referred to Justice Dept for opinion 29/5/80 – Recd back 10/6/80 with opinion Ref. 24767. see letter I 3057 to Agt. Dom Lands at Winnipeg, 11 June '80

~~Letter from W. H. McKenzie requesting to withdraw M.B. Wt No. 1218 Ref. Warrant 1218 handed Mr. Kenzie with assgt. to J. R. Gemmell & Gemmell to a McKenzie~~ Kenneth McKenzie hands in on behalf of Adam McKenzie scrip note No. 8708 for 160 & withdrawn Bty. Warrant No. 1218, Ref. 48454 – Alterations made in books and Reference for patent made out.

Good.

000030

filed

FILE



DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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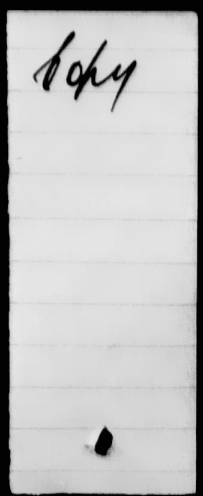

DEPARTMENT OF THE INTERIOR
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384892

Ottawa 48454
1 Augt 1882

OFFICE OF DOMINION LANDS
RECEIVED
AUG 1
1882
OTTAWA

Sir,

In view of the fact of this Dept not being able to recognize the assignment connected with M.B.W. Rc 1218 tendered in payment of the S.E. ¼ of sec. 36 - 16 - 24 west - by Adam McKenzie I beg to request permission to withdraw said warrant and beg to apply scrip note Rc 8708 for $160 in lieu thereof.

I have

Lindsay Russell Esq
Dpty Min of the
Interior

Kenneth McKenzie
for Adam McKenzie

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Enc' 835

384892 24767 06805

Ottawa 1st June 1890

Upon the reference from the Department of the Interior (Dominion Lands Branch) for opinion as to the right of the widow of the late Thomas Taylor to dispose of military Bounty Warrant 1218, I have the honor to say that, on a previous occasion an opinion was given by this Department that a Military Bounty Warrant must be regarded as real estate.

It therefore cannot be the subject of Donatio mortis causa, and in my opinion the disposal thereof by John Taylor's widow should not be regarded as valid.

On Taylor's death it passed to his heirs-at-law. If under the law the widow was his heir she of course could deal with it but evidence should be required of that.

Papers returned.

[signature]
D.M.J.

DEPARTMENT OF THE INTERIOR
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Ref. 24440

384892

DEPARTMENT OF JUSTICE
MAY 29 1880
CANADA

Dominion Lands Office
Ottawa, 29th May, 1880

15755

Memo.

By direction of the Minister of the Interior the undersigned has the honor to refer the papers herewith to the Deputy Minister of Justice for his opinion upon the question stated by Mr. Govdrve in the accompanying memorandum.

A. Russell
for Surveyor General

The Deputy Minister
of Justice.

DEPARTMENT OF THE INTERIOR
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MEMORANDUM.

Survey Genl

Department of the Interior,
DOMINION LANDS OFFICE.

Ottawa, 27 May 1880.

QUERY.

Can the Statutory declaration of Rachel Scalpan, widow of Thos Taylor, be accepted as sufficient evidence to establish her right to assign M.B. Warrant 1218 located upon the S.E.¼ sec. 36 tp 16 range 24 West 2nd. Your letter (12751) attached to this file mention the facts of the case.

ANSWER.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Letter I. 2751 to Codd

asking for Evidence shewing
how Rachel Taylor the
~~Assignee~~ Widow of Thos. Taylor
assignee of Manantu, can assign
Assgt from Gemmel
to McKenzie returned
for attestation.

OF THE INTERIOR
E L'INTÉRIEUR
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ROSS, ROSS & KILLAM,
Barristers, Attorneys, Solicitors,
&c., &c.
OFFICE—McMICKEN'S BLOCK, MAIN STREET,
WINNIPEG, MANITOBA.
WILLIAM H. ROSS. ARTHUR W. ROSS.
A. C. KILLAM.

38489224440

Winnipeg, 13 May 1880

Dear Sir

Re S E 1/4 Sec 36 Tp 16 Rang 24 W

In reply to the request of the Department we beg to enclose a Statutory declaration of Taylors widow. From the declaration you will see that the warrant was given by Taylor to his wife long prior to his death and that she held the same both before and after his death for her own benefit. We have made enquiries as to Taylors estate and representatives and find that he had no personal representatives, that it was arranged amongst them that one young one of his principal Creditors should dispose of all the assets of the estate and divide the proceeds pro rata amongst the Creditors and this was done we understand to save the costs of administering in the usual way and nobody objected to the arrangement and the widows claim to the warrant as a gift from her husband was never disputed. If there is anything further we can furnish you we will do so on being advised. Find enclosed also assignment from Gemmell McKenzie with affidavit endorsed

Yours truly
Ross Ross & Killam
A.C.

[illegible]
Dom Lands Office
Winnipeg.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384892

National Archives of Canada
Archives nationales du Canada

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24440

Department of the Interior.
Dominion Lands Office.
Ottawa, 5th February 1880

L 2751.

Sir,

The S.E. ¼ section 36 in township 16 range 24 West has been located by Adam McKenzie under M. B. Warrant No. 1218.

The said Warrant was assigned by the Warrantee to Thomas Taylor and subsequently by Rachel Taylor, spr. Clements, Man., his widow, to Francis R. Gemmel.

Until proper evidence is files here in the shape of a certified copy of Taylor's last will, or should he not have left one, other evidence that will shew Rachel Taylor's power to assign the said Warrant, no

Donald Codd Esq.
Agt. Dom. Lands
Winnipeg
Man.

Write Adam McKenzie
Emerson

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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National Archives of Canada
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no steps can be taken to carry out the grant to Mc Kenzie.

The Assignment from Gemmel to Mc Kenzie of the said Warrant is herewith returned for the purpose of having affixed affidavit of execution.

I have the honor to be,
Sir,
Your obt servant,
Lindsay Russell
Surveyor General.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384892

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

FILE/DOSSIER	TITLE/TITRE	DATES
384703	R.A. RUTTAN RE GUARANTEE BOND	1895-1900
384750	PIERRE DESJARDINS RE SCRIP CLAIM	1885-1895
384783	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF JOSEPH PAQUETTE AS HEIR OF HIS DECEASED SON JOSEPH PAQUETTE	1894-1895
384784	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF NANCY BEAR, WIFE OF JOHN THOMAS	1893-1896
384787	LAND COMMISSION, WINNIPEG, RE HALFBREED CLAIM OF THE HEIRS OF COLLETTE KARACONTE	1895-1903
384891	JOHN DAVIDSON LAND WARRANT	1879
384892	THOMAS TAYLOR RE MILITARY BOUNTY ASSIGNED TO ADAM MCKENZIE	1880-1882
384961	W.C. HAMILTON LEGAL ADVISOR TO LIEUTENANT GOV. OF N.W.T.	1895-1897
384996	COLONIAL BOUNDARIES BILL	1895
385018	HALFBREED CLAIM OF LOUIS COCHRANE	1895
385108	SCRIP CLAIMS OF JEAN MARIE DESJARLAIS	1895
385111	INTERNATIONAL BOUNDARY BY POST BETWEEN MANITOBA AND ROCKY MOUNTAINS	1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

No. 384961

DEPARTMENT OF THE INTERIOR,
1895

From Privy Council
Ottawa

Date 12/July
" (when rec'd.) /17

Subject. O in C appointing W C Hamilton legal adviser to the Lt Gov N.W.T.

Action GENERAL

00031

Ref.384961:

Ottawa, 11th January, 1897.

Memo:-

His Honour the Lieutenant Governor has been informed of the appointment of Mr. Rimmer vice Hamilton retired on Mr. Rimmer's file, No.418257:

J.R.H.
ac.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

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00031

Address reply
"The Secretary
Department of the Interior,
Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

Letter

File 384961:

Department of the Interior,

Ottawa, 11th January, 1897.

Sir,

I have the honour to inform you that by Order in Council of the 7th instant you were retired from the position of legal adviser to the Lieutenant Governor of the North West Territories.

Encl: I now enclose cheque No. 134 for $9.65/100 being the amount of your salary from the 1st to the 6th instant, both days inclusive.

I have the honour to be,
Sir,
Your obedient servant,

JOHN R. HALL.
Secretary.

William C. Hamilton, Esq., Q.C.,
Regina, N.W.T.

ac.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

Department of the Interior.

ACCOUNTANT'S BRANCH,

Ottawa, 11 Jany 1897

Ref.

File

To Mr Hall

I presume that Mr. W. G. Hamilton is made aware of contents of this O.C. so we cannot pay him salary after the 1st of January instant.

The Lieut. Gov. of N.W.T. should also be informed.

File to go to Mr. Rogers after.

J. Wilson

Accountant.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

Copy of Memo to Council of 23rd
Dec 1894 to be placed on Reginald
Rimmers file 41825 4
9/1/94

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
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418256

4281.

DEPT. OF THE INTERIOR RECEIVED JAN 8 1897 OTTAWA

PRIVY COUNCIL CANADA

Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 7th January 1897.

Copied for the Printer CCR. Jan. 12/97.

-------- oOo ---------

The Committee on the recommendation of the Minister of the Interior, advise that Mr. William Cayley Hamilton, Q.C., of Regina, legal adviser to the Lieutenant Governor of the North West Territories, be retired.

23 Dec. 1896.

Acct ~~McKeagan~~ Secy

John J. McGee

Clerk of the Privy Council.

384961

Est. D.B. 2, Fo. 163, 11th Jany. 1897. Contents noted. [illegible] Accountant.

The Honourable

The Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

00032

384961.

Ottawa, 23rd Dec., 1896.

TO HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL.

The undersigned has the honour to recommend that Mr. William Cayley Hamilton, Q.C., of Regina, legal adviser to the Lieutenant Governor of the North West Territories, be retired, and that Mr. Reginald Rimmer, Barrister-at-law, of the same city, be appointed to the office temporarily, the salary of Mr. Rimmer to be the same as that which has been paid to Mr. Hamilton, namely, fifty dollars per month.

Respectfully submitted,

(Sd.) Clifford Sifton.
Minister of the Interior.

H.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

Messenger please

Ottawa 23. 12. 1896.

Mr. Henry 384961

Please register and return to me with papers.

J. C. Hamilton
appointed as Legal Adviser

A. M. Burgess
per. H.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

Clerk leaver please

Ottawa 23.12.1896

Mr. Henry 384961

Please register and return to me with papers.

W C Hamilton
appointment as Legal Adviser

A. M. Burgess
per. H.

REPEAT
RÉPÉTI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

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Archives nationales du Canada

3855

384961

TELEGRAPH.

DEPT OF THE INTERIOR RECEIVED JUL 26 1895 OTTAWA

R. B. Gordon
Regina
Sask.

Department of the Interior,

Ottawa, July 24th 1895

Hamilton's cheque will go first mail, Order for book vote not yet received, expected to-morrow when credit will be immediately established

A. M. Burgess

Chargé Intérieur

Copy of Telegram.
Sent by R.D.
Date 24/7/95
Line
Time 1.20 P.M.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

Fyle 384961 16

X 576a

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MEMORANDUM.

DEPT OF THE INTERIOR RECEIVED JUL 26 1895 OTTAWA.

To The

CLERK OF THE PRIVY COUNCIL.

Department of Interior

Ottawa, 26th July, 1895.

You are requested to furnish a Copy or Extract of the Order in Council P. C. No. 2107

dated 12th July, 1895,

with reference to the appointment of Mr. Wm. Cayley Hamilton Q.C. as Legal Adviser to Lieut. Govr. of N.W.T. from 1st Oct. 94 at $50.00 per month

to the Auditor General

The same being required for

John Jones

A. W. Briggs

DEPUTY MINISTER OF INTERIOR.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

00032

Address your reply to the Secretary Department of the Interior, Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

ISP

LETTER

FILE 384,961

Department of the Interior,

Ottawa, July 31st, 1895.

Sir,

I am directed to transmit to you herewith a certified copy of the Order in Council of the 12th instant authorising you to be appointed Legal Adviser to the Lieutenant Governor of the North West Territories.

Enc.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary

W. C. Hamilton, Esq., Q.C.,

Regina,

Assa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

Department of the Interior,

[redacted]OUNTANT'S BRANCH,

Ottawa, 27 July 1895

Ref. 385644
File 384961

To Mr Brough

I transmit order in Council of 12 July/95 to Mr Hamilton after consulting with Mr Hume in the matter.

J.F.P.
Accountant.

DEPAR INTERIOR RG 15, D-I
MINI ÉRIEUR File/dossi

National Archives of Canada
Archives nationales du Canada

16

384961. 385644

X 444

DEPT OF THE INTERIOR RECEIVED JUL 28 1895 OTTAWA.

MEMORANDUM.

To the

CLERK OF THE PRIVY COUNCIL.

Department of Interior,

Ottawa, 18th July 1895.

You are requested to furnish a Copy or Extract of the Order-in-Council P. C. No. 2107,

dated 12th July 1895,

with reference to appointment of W. L. Hamilton Q.C., as legal adviser to Lieut. Governor of N. W. T.,

to ~~the~~ me,

The same being required for transmission to Mr. Hamilton.

A. M. Burgess

DEPUTY MINISTER OF INTERIOR.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

385567

Ref.

Department of the Interior,

Mr. Henry

Ottawa, 24/7/

DEPT OF THE INTERIOR RECEIVED JUL 25 1895 OTTAWA

Please register, and return to me with papers.

and report from accountant.

A. M. Burgess
per H.

Rush

384961

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

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385567

T. D. Form 1.

Canadian Pacific Railway Company's Telegraph

TERMS AND CONDITIONS.

All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been agreed to by the sender of the following message. This is an unrepeated message, and is delivered by request of the sender, under these conditions.

W. C. VAN HORNE, President,
CHAS. R. HOSMER, Man. Telegraphs.
B. S. JENKINS, Supt., Winnipeg.
J. WILSON, Supt., New Westminster, B.C.
HOMER PINGLE, Supt., Toronto.
JAMES KENT, Supt., Montreal.

No.	SENT BY	REC'D BY	CHECK.
111	JO	HO	30pd

Time 9p July 23rd 1895

From Regina NWT 23

To A M Burgess
Ottawa

No money in lieutenant Governors office to pay Hamilton the amount voted last year for legal adviser would not lapse under section four of appropriation act so cannot you pay

R B Gordon

TO SECURE PROMPT DESPATCH SEND REPLY TO

N. W. G. Ck. 396 for $450.00 July 24th 1895

DEPT OF THE INTERIOR RECEIVED JUL 25 1895 OTTAWA

RTMENT OF THE INTERIOR
STÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol.
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

MEMORANDUM.

To Mr. Nelson,

Department of the Interior,

Ottawa, 189

QUERY.	ANSWER.
	Mr. Burgess has asked Mr. McGee for a specially certified copy of this O.C. for one to Mr. Hamilton. 18/7/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

384961

DUPLICATE.

MEMORANDUM.

To THE CLERK OF THE PRIVY COUNCIL.

Department of Interior,

Ottawa, 18th July 1895

You are requested to furnish a Copy or Extract of the Order-in-Council P. C. No. 2107

dated 12th July 1895,

with reference to appointment W. L. Hamilton Q.C., as legal adviser to Lieut Governor, N.W.T.,

to ~~the~~ me

The same being required for transmission to Mr Hamilton

DEPUTY MINISTER OF INTERIOR.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

00033

DUPLICATE.

384961.

Ottawa, 18th July, 1895.

Sir,

I beg to inform you that the following telegram was yesterday despatched to Mr. R. E. Gordon, Secretary to the Lieutenant Governor of the North West Territories :-

"If balance credit permits pay William Cayley Hamilton, "Legal Adviser, [illegible] four hundred and fifty dollars, nine months "salary to 30th ultimo. Letter follows with Order in Council "appointing."

I enclose herewith a copy of the Order in Council referred to, and also a copy of the letter which has today been written to Mr. Gordon, pointing out the reasons for the course pursued in this matter.

I am, Sir,

Your obedient servant,

JOHN R. HALL.

Secretary.

W. C. Hamilton, Esq., Q.C.,

Regina,

N.W.T.

H.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

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00033

Address reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

JSB

LETTER

FILE 384,961

Department of the Interior,

Ottawa, July 18th, 1895.

Sir,

I beg to confirm my telegram to you of yesterday requesting you if balance of credit permitted to pay Mr. W. C. Hamilton, Q. C., of Regina, $450.00 in settlement of 9 months' salary to the 30th ultimo, due to Mr. Hamilton for services as legal adviser to His Honour the Lieutenant Governor.

I may explain that this course was necessary for the reason that our account with the Audit Office for the past financial year has been closed, and it seemed desirable that Mr. Hamilton should receive what was due to him with the least possible delay. In the future, however, Mr. Hamilton will be paid his salary from the Department. A copy of the Order in Council of the 12th instant authorizing the appointment of Mr. Hamilton is enclosed herewith for your information.

Est. 5732. Fo. 126
20/7/95
Contents noted
[illegible]
Asst. Accountant

Copied for enclosure to
W. C. Hamilton, Q.C.
Regina.
18/7/95

I have the honour to be,
Sir,
Your obedient servant,

R. B. Gordon, Esq.,
Secretary to
His Honour the Lieut. Governor,
Regina,
Assa.

[illegible] Burgess
Deputy of the
Minister of the Interior

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

Ref. 384,961.

TELEGRAPH.

Department of the Interior,

Ottawa, July 17th, 1895

R. B. Gordon,

Regina,

Assa.

If balance credit permits pay William Cayley Hamilton, Legal Adviser, four hundred and fifty dollars, nine months' salary to thirtieth ultimo. Letter follows with order in Council appointing.

sd A. M. Burgess

Charge Interior Depart.

sd A. M. B.

Copy of Telegram.

Sent by A.B.

Date 17/7/95

Line 6 P.R.

4-10 P.M.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

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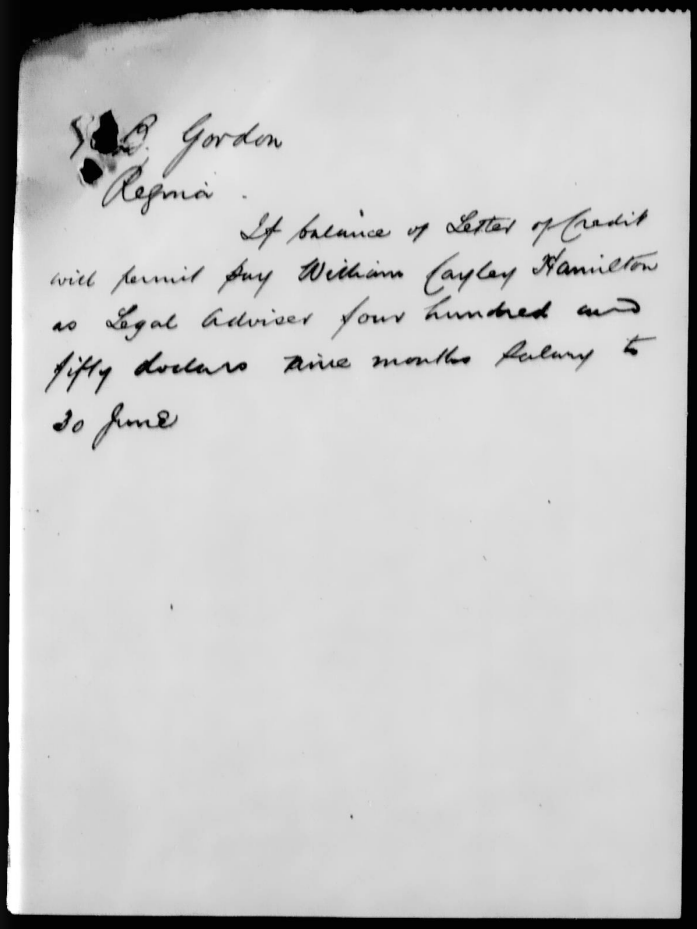

E. B. Gordon
Regina.

If balance of Letter of Credit will permit pay William Cayley Hamilton as Legal Adviser four hundred and fifty dollars nine months salary to 30 June

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
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384,961

17th July, 1895.

Accountant,

Please look up papers and take immediate action.

A. M. M.

H.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
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H.E H.
ral.

Ottawa, 17th July, 1895.

Dear Mr. Hamilton,

I beg to acknowledge the receipt of your telegram of the 16th, and to confirm my reply of this date, which was as follows,-

"Order in Council appointing received this morning. Cheque immediately."

Appointments of this class require to be authorised by Order in Council, and, of course, the Order has to be received in the Department before the appointment can be made. I may also mention that all recommendations for appointments have to pass the Treasury Board, which, as you are no doubt aware, is a sub-committee of Council. The meetings of the Board are necessarily infrequent during the session of Parliament, so that Orders relating to appointments to office require a much longer time to go through than those relating to general business. I assure you that no time was lost in this Department after we became aware through your letter to the Minister

W. C. Hamilton, Esq.,
Regina, N.W.T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

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Minister of the actual condition of affairs, except the few days which Mr. Daly waited for an opportunity, before submitting his recommendation, to mention the subject to the Lieutenant Governor.

Yours very truly,

(sd) A. M. Burgess

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
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[illegible]ral.

TELEGRAPH.

Department of the Interior,

Ottawa, 17th July, 1895.

W. C. Hamilton,
Regina, N.W.T.

Order in Council appointing received this morning. Cheque immediately.

A. M. Burgess.

Chg. Interior.

Copy of Telegram.
Sent by H.D.
Date 17/7/95
Line 6 P.R.
Time 11-30 am.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

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T. D. Form 1

CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH.

TERMS AND CONDITIONS.

1886

All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been agreed to by the sender of the following message. This is an unrepeated message, and is delivered by request of the sender, under these conditions.

W. C. VAN HORNE, President.
CHAS. R. HOSMER, Man. Telegraphs.
B. S. JENKINS, Supt., Winnipeg.

J. WILSON, Supt., New Westminster, B. C.
HOMER PINGLE, Supt., Toronto.
JAMES KENT, Supt., Montreal.

No.	Sent by	Rec'd by	Checked
8	Ku	H	23pd

Time 4 pm Jan 16 1895

From Regina N. W. T. 16

To A. M. Burgess

Ottawa

Minister wrote had arranged Payment as legal adviser to date from first october last Kindly Dear when I may expect cheque for arrears

W. C. Hamilton

TO SECURE PROMPT DESPATCH SEND REPLY TO

RTMENT OF THE INTERIOR
STÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol.
File/dossier 384961

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Archives nationales du Canada

File 384961

MEMORANDUM.

To THE CLERK OF THE PRIVY COUNCIL.

Department of Interior,
Ottawa, 20th July, 1895

You are requested to furnish a Copy or Extract of the Order in Council P. C. No. 2107
dated 12th July, 1895,
with reference to the appointment of Mr. Wm Cayley Hamilton Q.C.
as Legal Adviser to Lt Gov N.W.T. from 1st Oct 91 at $50.00 per month
to the Auditor General
~~The same being required for~~

A. M. Burgess.

DEPUTY MINISTER OF INTERIOR.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

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00034

PRIVY COUNCIL
CANADA

2I07. 384961

DEPT OF THE INTERIOR RECEIVED JUL 17 1895 OTTAWA.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 13th. July, 1895.

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Copied for the printer C.C.R. 23/7/95

INTERIOR.

Est. D/32, Fo. 126
20th July, 1895.
contents noted.
Asst. Accountant.

16. That Mr. William Cayley Hamilton Q.C. of Regina be appointed legal adviser to the Lieutenant Governor of the North West Territories, at $50. per month, to date from 1st. October, 1894.

John J. Mac Lean
Clerk of the Privy Council.

The Honourable

The Minister of Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

MEMORANDUM.

To.....

Department of the Interior,

.....Ottawa,.....189....

QUERY.	ANSWER.
Mr Henry	

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 384961

National Archives of Canada
Archives nationales du Canada

00034

ral.

~~281961.~~

Ottawa, 26th June, 1895.

To His Excellency the
Governor General in Council.

The undersigned has the honour to report that since the elevation of Mr. D. L. Scott to the Supreme Court of the North West Territories on the 28th September, 1894, the duties of legal adviser to His Honour the Lieutenant Governor of the North West Territories have been performed by Mr. William Cayley Hamilton, Q.C., of Regina; and following the practice which has been established in relation to those officers of the North West Government who are paid out of funds voted by the Parliament of Canada, it is desirable that the appointment of Mr. Hamilton should receive the approval of Your Excellency, the same to date from the 1st October, 1894, and his pay to be at the rate of $50 per month.

The undersigned recommends accordingly.

Respectfully submitted,

(sgd) Thos. Mayne Daly

Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 384961

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

FILE/DOSSIER	TITLE/TITRE	DATES
384703	R.A. RUTTAN RE GUARANTEE BOND	1895-1900
384750	PIERRE DESJARDINS RE SCRIP CLAIM	1885-1895
384783	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF JOSEPH PAQUETTE AS HEIR OF HIS DECEASED SON JOSEPH PAQUETTE	1894-1895
384784	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF NANCY BEAR, WIFE OF JOHN THOMAS	1893-1896
384787	LAND COMMISSION, WINNIPEG, RE HALFBREED CLAIM OF THE HEIRS OF COLLETTE KARACONTE	1895-1903
384891	JOHN DAVIDSON LAND WARRANT	1879
384892	THOMAS TAYLOR RE MILITARY BOUNTY ASSIGNED TO ADAM MCKENZIE	1880-1882
384961	W.C. HAMILTON LEGAL ADVISOR TO LIEUTENANT GOV. OF N.W.T.	1895-1897
384996	COLONIAL BOUNDARIES BILL	1895
385018	HALFBREED CLAIM OF LOUIS COCHRANE	1895
385108	SCRIP CLAIMS OF JEAN MARIE DESJARLAIS	1895
385111	INTERNATIONAL BOUNDARY BY POST BETWEEN MANITOBA AND ROCKY MOUNTAINS	1895

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No. 384996.

DEPARTMENT OF THE INTERIOR.

1895

From Privy Council.

Date 13 July -

" (when rec'd.) 17 "

Subject. Despatch 29/5/95 from Secy. of State for the Colonies Enclosing proof of proposed Bill empowering Her Majesty to attach further territory to any of the Colonies.

Action.

X 2279 74

h6000

00034

International Boundary Commission

No. 825.
Refer to No. 31A.
in your reply.

Ottawa 26th. July, 1895.

Dear Mr. Burgess /-

Herewith is all that Mr. Simpson can find in the Hansard concerning Mr. Mills' position in regard to the boundaries of Canada. He has looked thro' Hansard from 1876 to 1885.

Yours sincerely,

W. F. King

A. M. Burgess, Esq.,
D. M. I.

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--Extracts from "Debates, House of Commons."

Session 1878, Vol. 2.--

p. 2386 Mr. Mills moved :-

1.- That doubts existed regarding the northerly and north-easterly boundaries of the North-West Territories and Rupert's Land, transferred to Canada by Order of Her Majesty in Council of the 22nd. June, 1870, incorporating the territories of the Hudson's Bay Company and the North-West Territories with Canada. * * *

5.- That to avoid all doubts in the matter it is desirable that an Act of Parliament of the United Kingdom of Great Britain and Ireland should be passed, defining the northeasterly, northerly and northwesterly boundaries of Canada.

--Session of 1880-81.--

p. 871 Mr. Mills:- I never knew that a Commission determined the extent of a Province. I knew that, with the King, it is a matter of prerogative with regard to Royal Colonies, to fix the boundaries; and the boundaries of the Provinces of Ontario and Quebec, under the provisions of the Act of 1774, were not at all made inconsistent with the subsequent exercise of the prerogative. On the contrary, the Act expressly provides that the boundaries therein set forth are to remain the boundaries of the Province until the King himself shall otherwise determine. But, while this is the case, I think that prerogative has never been exercised in any other way than by a Royal Proclamation or an Order in Council.

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Extracts from Commons Debates - Concluded.

p. 875. Mr. Mills /- If you look at this Act you will see that it does not limit the authority of the Crown. In describing the boundaries it says they are to remain the boundaries during His Majesty's pleasure. The King, at any time, by Order in Council, or by Proclamation, might have altered the boundaries established by that Act. The Act did not interfere with the prerogative he possessed in that respect.

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18th July 1895

31st July 1880 —

Vic. C. adding northern territories

Query, what was said in Parliament on this matter, by Hon Mr. Mills, Sir John A. Macdonald and others, from say 1877 to 1880 ?—

69-70
80

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File 2279 74 sent to Privy Council in 1878. Refs - 13674, 19447 and 20409 on the same subject sent Privy Council 8/10/80

[illegible]

Wm Burgess

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950 J. 384996

20409 2279 74

PRIVY COUNCIL CANADA

DEPT OF THE INTERIOR RECEIVED JUL 17 1895 OTTAWA.

The Marquis of Ripon to the Earl of Aberdeen.

Canada.

Confidential

Downing Street,

29th May 1895.

My Lord, I enclose the first proof of a Bill which I propose to introduce after Whitsuntide in order to place beyond question the power of Her Majesty to attach to certain British Possessions other portions of Her Dominions which are not within the jurisdiction of a colonial Legislature; together with a copy of a memorandum by the Parliamentary Counsel.

The Boundaries of New Zealand are fixed by Act of Parliament and the Law Officers having reported that it was not open to Her Majesty to add to the Colony by Letters Patent a small group of Islands lying outside these boundaries, it became evident that by this reasoning doubt was thrown upon the sufficiency of the Order in Council of the 31st July 1880 which annexed to Canada certain British territories and islands in North America, as well as on certain other instruments affecting another Colony.

In order therefore to give validity to all such annexations in which it might be said that the exercise of Her Majesty's prerogative conflicted with the action

of

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of Parliament I have caused this Bill to be prepared, with the object of giving unquestioned validity to what has been done in the past and of enabling Her Majesty to deal with similar cases in the future.

It is possible that press telegrams giving an imperfect and incorrect version of the intentions of H. M.G.,might reach Canada as soon as the Bill is published and I have thought it as well to place you in a position to acquaint your Ministers beforehand with the true facts of the case.

The Memorandum is a confidential paper not intended for publication,and as the Bill will be in all probability slightly altered before it is introduced,this proof should also be treated as Confidential.

I have &c.,

(sd) R.H.Meade

for the S. of S.

Governor General

&c &c &c

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Confidential. (58 Vict.)

COLONIAL BOUNDARIES.

A.D.1895.

Draft of a Bill to Provide in certain Cases for the Alteration of the Boundaries of Colonies.

WHEREAS doubts have arisen whether, in cases where the boundaries of a colony have been fixed either directly or by implication by an Act of Parliament or by any Order in Council or Letters Patent under an Act of Parliament, those boundaries can be altered without the authority of another Act of Parliament, and it is expedient to remove such doubts:

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

Power to alter boundaries of colony fixed under statute.

I. - (1) Where the boundaries of a colony have been fixed, either expressly, or by implication, by any Act of Parliament or by any Order in Council or letters patent made or issued under an Act of Parliament, Her Majesty the Queen shall have (and be deemed always to have had) the like power of altering such boundaries as Her Majesty has where the boundaries have been fixed (qu. fixed without statutory authority) by Order in Council or letters patent made or issued under Her Majesty's prerogative.

(2) Any Order in Council made, letters patent issued, or Colonial Act or Ordinance passed before the passing

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passing of this Act which affects the boundaries of a colony shall have full effect in like manner as if this Act had been previously passed.

Short Title

2. This Act may be cited as the Colonial Boundaries Act, 1895.

S C H E D U L E

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COLONIAL BOUNDARIES BILL.

M E M O R A N D U M .

It appears from three reports from the Law Officers, dated respectively the 25th August 1894, the 27th February 1895, and the 27th February 1895, that the law as to the alteration of the boundaries of colonies is as follows:-

1. Where an Imperial Act has expressly defined the boundaries of a colony or has bestowed a constitution on a colony within certain boundaries, territory cannot be annexed to that Colony so as to be completely fused with it, as e.g., by being included in a province or electoral division of it, without statutory authority; because -

(a) Any such annexation would be altering an Act of Parliament;

(b) Colonial legislation cannot operate beyond the colony, and therefore cannot extend to the new territory until it is by some means made part of the colony.

11. But the Queen can, unless restrained by an Imperial Act, give to any such colony as above mentioned and the colony can accept the administration and government of any territory. The most solemn mode of such acceptance is colonial legislation.

In such a cse the territory is not incorporated with and does not become part of the colony, but is only administered by the same government.

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111. The same law appears to apply -

(a) Where the boundaries have been fixed by Order in Council or letters patent issued in pursuance of statutory authority. #

(b) Where the boundaries of a colony are altered by diminution.

1V. Where a colony, whether self governing or not, has received a constitution by letters patent or Order in Council without any Imperial Act, it is competent for Her Majesty to grant, and for the colony to accept, variations of the constitution, and, amongst others, an enlargment or diminution of its territory. Of such acceptance a colonial Act is the most solemn expression.

V. An annexation, even if irregular in the outset, may possibly, if followed by a de facto incorporation for a long period of time, acquire, like other constitutional changes, validity through usage.

Any arrangement under 11 or any variation (whether of enlargement or diminution) of territory under 1V. can be varied in the same way in which it was made.

It follows from the above that certain annexations of territory by Order in Council and letters patent accompanied by Acts of the Colonial Legislatures are invalid. For instance -

(a) The annexation to Canada of all British territory in North America and of the adjacent islands by Order in Council of the 31st July 1880

E.g., 5 & 6 Vict. c.76. Would it apply where boundaries were named in an Order in Council under 50 & 51 Vict. c.54. s.2.

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1880 (the limits of the Dominion having been fixed by the British North America Acts,1867 and 1871.)

30 & 31 Vict. c. 3,34 & 35 Vict.c.28.

(b) The annexation to Queensland of all islands within 60 miles of the coast of Queensland by letters patent of the 30th of May 1872,and of certain islands in Torres Strait by letters patent of the 10th day of October 1878, and by Acts of the Colonial Legislature. (The above islands not having formed part of New South Wales,out of the territory of which Queensland was taken).

See 5 & 6 Vict. c.76, s.51; 13 & 14 Vict. c.59, s.34.)

(c) The annexation to New Zealand of the Kermadec Islands by letters patent of the 18th of January 1887,and an Act of the New Zealand Legislature.

It is proposed by this Bill -

(1) To give to the Queen the same power of altering the boundaries of colonies fixed either by Act of Parliament or Order in Council or letters patent issued in pursuance of an Act of Parliament,as She has where the boundaries have been fixed without statutory authority.

(2) To provide that everything previously done shall be as valid as if this Act had previously passed.

It will be observed that the Bill applies only where the boundary has been fixed by or under an Act of Parliament,and does not touch the case where the boundaries have been already fixed by the prerogative power

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power of the Queen.

The Bill does not require the consent of a colony to be previously obtained, it being presumed that in the case of self governing colonies such consent always

1. will be obtained. The objection to inserting the requirement of such consent is that technically the annexed territory (e.g. the islands above mentioned in the case of Queensland) are in law colonies before the annexation.

It is a question whether the retrospective effect

2. of the Bill is better given by the words, "and be deemed always to have had", in line 15, or by sub-section (2).

Also whether the words "fixed without statutory

3. authority" are not better than "fixed by Order in Council or letters patent under Her Majesty's prerogative".

The Bill does not apply to India, but its indirect effect on India requires very careful consideration, as the alteration of the boundaries of British India is frequent.

H. Jenkyns.

21st May 1895.

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

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FILE/DOSSIER	TITLE/TITRE	DATES
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Action. GENERAL

No. 385018

DEPARTMENT OF THE INTERIOR,

1895

From D A Macdowall M P
Ottawa

Date
" (when rec'd.) 15 July

Subject Enclosing decl^n & baptismal cert re H Belaim of Louis Cochrane

385018

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Form No. 7.

No. 340834

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DEPARTMENT OF THE INTERIOR
COMMISSIONER'S OFFICE,
WINNIPEG, MAN.

From H.O.

Date
" (when rec'd.) 5 9 aug 15

Subject Copy to Louis Cochrane
appn for a H.B. Grant
disallowed

Action	Action Continued.	Action Continued

000036

00036

(Copy for the Commissioner).

FM.

LETTER

FILE 385018

"Your reply
To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

Department of the Interior,

Ottawa, 5th August, 1895.

Sir,

I am directed to inform you that your application to share in the Half-breed grant of scrip has been disallowed, as you were born subsequent to the 15th July, 1870, andalso owing to the fact that your application was not made within the prescribed time.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Mr. Louis Cochrane,
Cumberland House,
Sask.

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DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr Macdonald

Please advise claimant, at Cumberland House P.O., of disallowance of claim as per letter of today's date to Mr Macdowall M.P.

Fwch
31.7.95

Ottawa 189.

INTERIOR
TÉRIEUR

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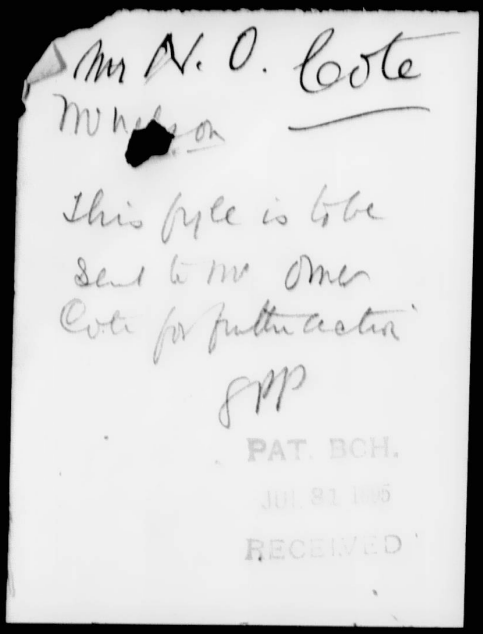

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PAT. BCH.
JUL 31 1895
RECEIVED

M. 385018.

Ottawa, 31st July, 1895.

Dear Mr. Macdowall,

Referring to your letter of the 15th instant, enclosing certain documents relating to the half-breed Scrip Claim of Louis Cochrane, I am asked by the Deputy Minister to say to you that according to the application of Mr. Cochrane he was born on the 5th of June, 1872, and the baptismal certificate which accompanies his application indicates that he was baptised on the 9th of the same month.

The claimant having been born subsequent to the 15th July, 1870, and, moreover, his application not having been made within the prescribed time, the Department has no recourse but to disallow the claim.

Disallowance noted Clerk 31.7.95

Yours sincerely,

sgd. John R. Hall

Acting D. M. I.

COPY FOR RETURN TO PARLIAMENT CALLED FOR BY Ref. 886601.

D.H.Macdowall, Esq., M.P.,
Prince Albert,
N.W.T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Department of the Interior,

Ref. 385018. Ottawa, 27th July, 1895.

Memorandum.

Mr. D.H. Macdowall, M.P., has fyled here an application for Half-breed scrip made at The Pas on the 1st April last before Mr. McKay, J.P., by Louis Cochrane, who, it is stated in the application, was born on the 5th June, 1872, and who was baptised, as appears by a baptismal certificate which accompanied the application, on the 9th of the same month.

The claimant was born subsequent to the 15th July, 1870, and, moreover, his application was not made within the prescribed time, and I, therefore, beg to submit the claim in question for your disallowance.

Respectfully submitted,

A.M. Burgess, Esq.,
Deputy Minister of the Interior.

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/Mr Cote

This appln was taken 1st April 1895, before a J.P. & has not been reported on by the Commr.

Applicant was born 5 June 1872.

F.W.C.
19-7-95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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y.

Mr. Henry

Pat Bch

385018

DEPT. OF THE INTERIOR RECEIVED JUL 19 1895 OTTAWA.

Ottawa, 17th July, 1895.

PAT. BCH.
JUL 19 1895
RECEIVED

Dear Macdowall,

I have your letter of the 15th instant enclosing a declaration and baptismal certificate in reference to the application of Mr. Louis Cochrane for Half-breed scrip respecting which Mr. Betts, M. L. A., wrote you. I shall see that this matter is looked into at once and that you are again written to on the subject as soon as possible.

Believe me,

Yours faithfully,

(380) T Mayne Daly

D. H. Macdowall, Esq., M. P.,
House of Commons,
Ottawa.

COPY FOR RETURN TO PARLIAMENT, CALLED FOR BY Ref. 886601

DEPARTMENT OF THE INTERIOR
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385013

THE INTERIOR
RECEIVED
JUL 18 1895
OTTAWA

July 15th 1895

My dear Daly,

Can you have this scrip (Cochrane's) looked into. Betts M. L. A. says he is entitled to it. Kindly let me know.

Yrs truly,

D. H. Macdowall

Hon: T. Mayne Daly M. P.
Minister of Interior

COPY FOR RET
TO PARLIAMEN
CALLED FOR B
Ref. 886601

MENT OF THE INTERIOR
RE DE L'INTÉRIEUR
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385018

DEPT. OF THE INTERIOR
RECEIVED
JUL 18 1895
OTTAWA

I hereby certify that Louisa [illegible] of James & Mary Cochrane was Baptized at Christ Church, Oxe Mission, June 9th 1872, by the Rev. Henry Budd as duly entered in the Baptismal Register kept there.

J. A. Mackay
Archdeacon

Oct. 5th 1893

COPY FOR RETURN TO PARLIAMENT CALLED FOR BY Ref. 886601

DEPARTMENT OF THE INTERIOR
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OTTAWA.

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000375

Declaration by Louis Cochrane

Concerning Half Breed scrip Claim to participate in any grant to Half-Breeds living in the North-West Territories.

Application for Half Breed Scrip 1899

1. What is your name and P. O. Address? Louis Cochrane. Cumberland Lake P.O.
2. Where and when were you born? The Pas. Saskatchewan. N.W.T. 5th June 1872
3. What was the name of your father? James Cochrane
4. What was the name of your mother? Mary Cochrane
5. Was your father a Half-Breed or Indian or either? Halfbreed
6. Was your mother a Half-Breed or Indian or either? Halfbreed
7. Where were you living each year since you were born? 2 years at The Pas Saskatchewan 8 years at Birch River Saskatchewan - 10½ years at The Pas 3 years at Prince Albert 3½ years at The Pas.
8. What has been your occupation? Cook. School Teacher.
9. If married when, where and to whom? Not married!
10. How many children have you living? None
11. Give their names, and dates of birth. None
12. What was the name of their respective (mothers or fathers as the case may be). Nil
13. How many children had you who died? None
14. Give dates of birth and death of those who died. "Nil"

Form No 143.

15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons. "Nil"
16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not. "Nil"
17. Have you ever had a homestead entry? No
18. If so, what became of it? "Nil"
19. Have you ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and what disposal did you make of them. Nil
20. What do you consider the value of all your property, land, implements, buildings, horses, cattle, &c.? None
21. Did you ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? None
22. Mention any names by which you have been called, other than your name given above. — None but above.
23. Do you receive any annuity as an Indian, or in any way participate in grants to Indians? None
24. State anything bearing on your claim that you may wish. — My parents both received Half Breed Scrip. — Consequently I am entitled to Scrip as well.

Dismissed as barred by 15 1st Regulation as applications for subsequent to 1870, + besides Nil application was not made within time prescribed by Act

J. Lucas Hall acting Dom. Lds. 31 July '95

D. M. Int.

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I, Louis Cochrane within named, make oath (or declare) and say that the within answers given by me are true in every particular. So help me God.

Sworn (or declared) before me, at The Pas Saskatchewan this first day of April A.D., 1895 having been first read over and explained in the Cree & English language to the deponent, who seemed perfectly to understand the same, and in my presence. Henry McKay J.P.

Louis Cochrane.

I, ~~Henry Thomas~~ Isiah Umpherville of The Pas make oath (or declare) and say that I know Louis Cochrane, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered 1.2.3.4.5.6.7.8.9.10.11.12.13.14.15.16.17.18.19.20.21.22.23.24. are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (or declared) before me, at The Pas Saskatchewan this first day of April A.D., 1895 having been first read over and explained in the Cree & English language to the deponent, who seemed perfectly to understand the same, and in my presence. H. McKay J.P.

Isiah his x mark Umpherville per H.McK J.P.

I, Jerynus Constant of The Pas make oath (or declare) and say that I know Louis Cochrane, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered 1.2.3.4.5.6.7.8.9.10.11.12.13.14.15.16.17.18.19.20.21.22.23.24. are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (or declared) before me, at The Pas Saskatchewan this first day of April A.D., 1895 having been first read over and explained in the Cree and English language to the deponent, who seemed perfectly to understand the same, and in my presence. Henry McKay J.P.

[illegible]

COPY FOR RETURN TO PARLIAMENT, CALLED FOR BY Ref. 886601

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385018

National Archives of Canada
Archives nationales du Canada

000377

Copy for the Commissioner.

FM.

LETTER.

FILE. 385018.

Address your reply to "The Secretary Department of the Interior, Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

Department of the Interior,

Ottawa, 5th August, 1896.

340834

Sir,

I am directed to inform you that your application to share in the Half-breed grant of scrip has been disallowed, as you were born subsequent to the 15th July, 1870, and also owing to the fact that your application was not made within the prescribed time.

July

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Mr. Louis Cochrane,

Cumberland House,

Sask.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385018

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

FILE/DOSSIER	TITLE/TITRE	DATES
384703	R.A. RUTTAN RE GUARANTEE BOND	1895-1900
384750	PIERRE DESJARDINS RE SCRIP CLAIM	1885-1895
384783	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF JOSEPH PAQUETTE AS HEIR OF HIS DECEASED SON JOSEPH PAQUETTE	1894-1895
384784	LAND COMMISSIONER, WINNIPEG, RE HALFBREED CLAIM OF NANCY BEAR, WIFE OF JOHN THOMAS	1893-1896
384787	LAND COMMISSION, WINNIPEG, RE HALFBREED CLAIM OF THE HEIRS OF COLLETTE KARACONTE	1895-1903
384891	JOHN DAVIDSON LAND WARRANT	1879
384892	THOMAS TAYLOR RE MILITARY BOUNTY ASSIGNED TO ADAM MCKENZIE	1880-1882
384961	W.C. HAMILTON LEGAL ADVISOR TO LIEUTENANT GOV. OF N.W.T.	1895-1897
384996	COLONIAL BOUNDARIES BILL	1895
385018	HALFBREED CLAIM OF LOUIS COCHRANE	1895
385108	SCRIP CLAIMS OF JEAN MARIE DESJARLAIS	1895
385111	INTERNATIONAL BOUNDARY BY POST BETWEEN MANITOBA AND ROCKY MOUNTAINS	1895

DEPARTMENT OF THE INTERIOR
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No. 385103

DEPARTMENT OF THE INTERIOR,

1895

From Rev Father Lacombe
Edmonton

Date
" (when rec'd.) 10/July

Subject. Re scrip claim of Jean Marie Desjardins
& his deceased wife Lizette Cardinal
also re scrip of his present wife Genevieve
Cardinal

Action.

L E 0 0 0 7

00038

Address reply as above to Secretary Department of the Interior, Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

FM.

LETTER.

FILE. 385108.

Department of the Interior,

Ottawa, 1st August, 1895.

Reverend Sir,

Referring to the Deputy Minister's letter to you of the 17th ultimo, respecting the Half-breed scrip claims of Jean Marie Desjarlais, of Lesser Slave Lake, of his deceased wife, Lisette Cardinal, and of his present wife, Genevieve Cardinal, I have the honour by direction to inform you that as no applications have been made in these cases, the claims in question cannot now be entertained, the time for fyling evidence in support of claims of this nature having expired on the 1st May, 1894.

I have the honour to be,
Reverend Sir,
Your obedient servant,

[illegible]

Assistant Secretary.

The Rev. Father Lacombe, O.M.I.,
Edmonton, N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385108

National Archives of Canada
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385-108

Mr. Macdonald

Please write
Father Lacombe as
per memo beneath

N.O.C.

27.7.95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385108

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00038

Department of the Interior,

Ref. 385108. Ottawa, 25th July, 1895.

PAT. BCH.
JUL 27 1895
RECEIVED

Memorandum.

Referring to the Rev. Father Lacombe's letter to you of the 10th instant, respecting the claim to Half-breed scrip of Jean Marie Desjarlais, of Lesser Slave Lake, of his deceased wife, Lisette Cardinal, and of his present wife, Genevieve Cardinal, I beg to report that, according to our records, no applications have been made in these cases, and that the claims in question cannot now be entertained, the time for filing evidence in these cases having expired on the 1st May, 1894.

Respectfully submitted,

N O Cote

I concur
A M Burgess
D.M.I.
26 July 95

A. M. Burgess, Esq.,

Deputy Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385108

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PAT. BCH.
JUL 22 1895
RECEIVED

PAT. BCH.
JUL 19 1895
RECEIVED

385108

M.

Memo.

Referred to Mr. N. O. Cote for report.

17/7/95.

Mr. Henry
Please register & return to
Pat. Bch. 19.7.95.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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385108

MEMORANDUM.

To .....

Department of the Interior,

Ottawa, ... 189

DEPT OF THE INTERIOR RECEIVED JUL 19 1895 OTTAWA

Writes from Lesser Slave Lake

Jean Marie Desjarlais son of Joseph Desjarlais and Josephte Cardinal - about 62 years of age

Also scrip of his deceased wife Lisette Cardinal daughter of old Batoche - she died about 27 years ago.

Also scrip of his present wife Genevieve Cardinal daughter of Joseph Cardinal and Marguerite Desjarlais - about 41 years of age.

Names do not appear in H B Indexes. Letter should be registered so that this applic can be noted

Fwch
19.7.95

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MINISTÈRE DE L'INTÉRIEUR

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File/dossier 385108

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M.

385108

DEPT OF THE INTERIOR RECEIVED JUL 19 1935 OTTAWA.

Ottawa, 17th July, 1935.

Dear Father Lacombe,

I beg to acknowledge the receipt of your letter of the 10th instant with reference to the scrip claim of Jean Marie Desjarlais and Genevieve Cardinal, and to say that the matter will be enquired into and you will be further communicated with as soon as possible.

Yours very truly,

(sd) A. M. Burgess

The Revd.
A. Lacombe,
O. M. I.
Edmonton, N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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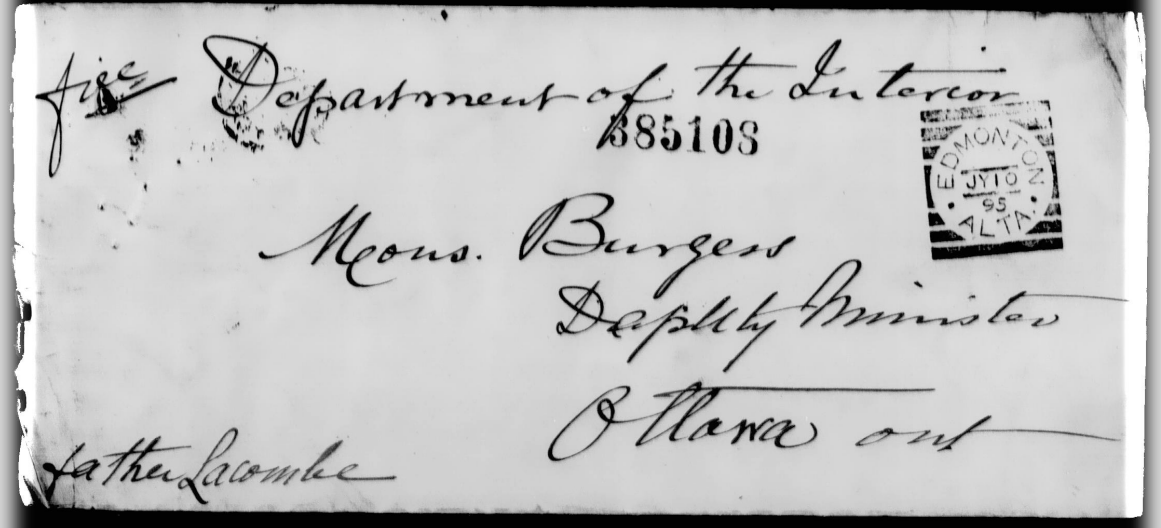

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DE L'INTÉRIEUR
RG 15, D-
File/dossi

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Archives nationales du Canada

L. I. C
A
M. I.

+

Petit Lac des Esclaves
N. W. C.
17 Juin 1895

Mon Révérend Père.

385108

C'est encore un de vos enfants métis qui a recours à votre charité. Par delà les bois et les grands lacs, on a dit-on, donné des scrips aux métis cris. Ne pourrai-je pas en avoir un. Comme eux je suis métis. Mais dit-on il me faudrait aller bien loin jusqu'à chez vous - or je suis vieux, pauvre et partant dans l'impossibilité d'entreprendre un voyage aussi long et aussi coûteux. Mon Rev. Père, ne pourriez pas pas me venir en aide - Ici j'ai vu M. Picard prendre des noms de métis et j'ai ouï dire qu'il avait l'intention de leur obtenir des scrips à ces métis qui n'auront pas la peine de se rendre à Edmonton - Que si M. Picard peut obtenir des scrips de la suite - Je ne le sais - Mais j'ai confiance que vous pourriez en obtenir pour moi -

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Voici que je connais de mes ancêtres:

Mon grand père Maternel Desjarlais était un Métis Sauteux qui après avoir habité le pays pendant quelques années s'en retourna a la Rivière rouge, comme tant ses enfants qui ne voulurent point demeurer dans le pays. — Mon père Joseph Desjarlais avait pris la femme de Pierre Ladouceur — et se fixa sans se fixer en tout au Lac La Biche —

Mon grand père Maternel Cardinal était un Canadien qui se maria dans le pays. Une de ces filles Josephte je crois après avoir vécu avec un homme Ladouceur, se maria a Joseph Desjarlais. Ce fut ma Mère — Je puis avoir 62 ans, d'ailleurs on pourrait le savoir par mon acte de Baptême qui devrait se trouver dans les registres du Lac La Biche.

Pourrai-je aussi obtenir un scrip pour ma défunte femme. Je ne pourrais pour elle établir la généalogie — Je sais qu'elle s'appellait Lisette Cardinal et qu'elle était fille du Vieux Batache

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et d'une Lanteuse — Elle est morte il y a 27 ans environ. Son acte de Baptême doit se trouver dans les registres du Lac La Biche.

Ma femme actuelle Geneviève Cardinal voudrait elle aussi avoir un scrip. Son grand père paternel s'appelait Cardinal et son grand père maternel était Desjarlais — Mes deux grands père a moi aussi — Joseph Cardinal était son père et Marguerite Desjarlais sa mère. Elle doit avoir 47 ans et a été baptisée au Lac La Biche.

Voila tous les renseignements que je puis vous donner, Mon Père — Si vous pouviez m'obtenir ce que je désire — Je vous serais très reconnaissant. Si vous nous obtenez des scrips, vous nous les adresserez ici au soin de la Mission Catholique.

Je suis toujours votre enfant devoué et reconnaissant —

+ ~~Gerald~~ Jean Marie Desjarlais —

+ Geneviève Cardinal —

Si le témoignage de l'écrivain pouvait être utile en quelque façon — Je suppose de certifier reconnaître que tout ce qui a écrit est la parole de Jean Marie Desjarlais et de son

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Pour Monsieur Cardinal en faire quoi
Nous [illegible]
C. Falher o.m.i.

DEPT OF THE INTERIOR • OTTAWA • RECEIVED JUL 10 1895

Edmonton, 10 juillet 1895

Mr Burgess
député Ministre
de l'Intérieur

Mon cher Ami,

Veuillez avoir la bonté de faire examiner le contenu de cette lettre par un de vos secrétaires français et faire obtenir un scrip aux signataires, Jean Marie Desjarlais et Geneviève Cardinal que je connois bien

A. Lacombe
o.m.i.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 7
File/dossier 385108

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

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384891	JOHN DAVIDSON LAND WARRANT	1879
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385018	HALFBREED CLAIM OF LOUIS COCHRANE	1895
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385111	INTERNATIONAL BOUNDARY BY POST BETWEEN MANITOBA AND ROCKY MOUNTAINS	1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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National Archives of Canada
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No. 385111

DEPARTMENT OF THE INTERIOR,

1895

From D M Agriculture
Ottawa

Date 20 June
" (when rec'd.)

Subject. Re marking the International Bdy by posts between the western frontier of Manitoba and the Rocky Mts

Action.

00039

385111

file

Mr Henry. 19/7/95

DEPT OF THE INTERIOR RECEIVED JUL 19 1895 OTTAWA

This correspondence originated by a request from the Dept. of Agriculture to re-mark certain boundary posts in order to facilitate the working of the Quarantine.

You will see, however, from the later papers herewith, that the question of having the whole of the boundary between Canada and the U.S. re-marked, is being considered.

These papers should, therefore, I think, be attached to your International boundary file.

[signature]

H. J. Henry Esq

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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385111

North West Mounted Police

Office of the Comptroller

Ref. No. ..... Ottawa 13th July 1895

DEPT OF THE INTERIOR RECEIVED JUL 15 1895 OTTAWA

DEPARTMENT OF THE INTERIOR JUL 15 1895

My dear Burgess,

Many thanks for your note of 3rd instant on your Departmental file 31/4.Imm. Admitting that the boundary line in the North West is marked by posts placed at intervals, not too far apart, by an International Commission, and that these marks cannot be touched except in the same manner and on the same authority, the fact remains that many of the mounds which cover the posts have become obliterated, and the Police are in constant danger of creating International complications by making arrest on U.S. territory, or of allowing wrong-doers to escape, when in doubt as to the exact location of the boundary.

A few months ago twomen were arrested and brought into Lethbridge, but had to be released because a Surveyor, who had been specially sent out to locate the boundary, testified that the arrest was made on U.S. territory. It so happened that these two men

A. M. Burgess, Esq.,

Deputy Minister of the Interior,

Ottawa.

31/4

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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385111

men were only too glad to remain on the Canadian side. Had they been free to go back to the United States, we should certainly have had a heavy claim for damages.

Then in connection with Quarantine and Customs Regulations. The Police are kept in the saddle almost night and day driving American cattle ~~xxxxx~~ back across the frontier. By way of convincing the Ranchers that they must hold their stock within their own territory, one or two bands of U.S. cattle have recently been seized on this side of the line under Customs regulations, but our men are handicapped by not being able to locate the boundary for miles at a ~~stretch~~.

It occurs to me that without touching the original boundary posts, one of your Surveyors might locate the mounds and plant some kind of a stake near by, which would enable the Police to form a pretty accurate idea with regard to the line. If you can pay the Surveyor, we will undertake to furnish him with transport.

Yours sincerely,

Fred White

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 385111

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H.E.H.
ral.

385111 31 No. 4 Ln

Ottawa, 15th July, 1895.

DEPT. OF THE INTERIOR OTTAWA JUL 16 1895

Dear Mr. Deville,

This question of the boundary may, I think, be very safely left to Mr. King for report—first, because he was employed on the marking of the boundary, is well aware of the character of the marks, and the difficulty or otherwise of discovering them, and ought to be a good judge as to whether the time has not arrived when it would be desirable to go over the ground again; Secondly, you will remember he made an investigation of a portion of the boundary lying East of the St. Lawrence, and his investigation shewed that to be in a very bad ~~position.~~ condition. I would like to see Mr. King and yourself together in regard to this whole question, because I am convinced that the marking of the whole of the boundary between Canada and the United States is in a condition which demands immediate attention. I desire during the recess to devote some attention to this question, and to make a report upon it for the information of the Minister and the Government. When I see King and yourself together I will indicate to you the nature of the report which I wish to have prepared, and the material which it would be necessary to get together in order to give effect to my views.

Yours very truly,

A. Deville, Esq.,
Surveyor General,
Ottawa.

DEPARTMENT OF THE INTERIOR
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DOMINION OF CANADA. 385111 22983

Department of Agriculture,

IN REPLY REFER TO
No.....

WRITE ONLY ON ONE SUBJECT IN ONE LETTER.

Ottawa, July 3rd 1895.....

DEPT. OF THE INTERIOR RECEIVED JUL 4 1895 OTTAWA

Dear Mr. Burgess,-

I duly received your letter of the 25th ult. in reply to a letter I wrote to you on the 20th ult. relating to the better marking of the boundary, by posts, between the Western frontier of Manitoba and the Rocky Mountains, and especially at points where there are trails or where the grass and water are such as to cause a tendency to inroads of cattle from the other side of the frontier.

I think the obstacles you point out to any present action are quite insuperable, and yet it is quite important for the service of the quarantine the frontier line should be well marked.

I am obliged to you for the information in your letter.

Believe me, &c.,

Yours truly,

D. M. A.

A.M.Burgess Esq.

Deputy Minister,

Dept. of the Interior

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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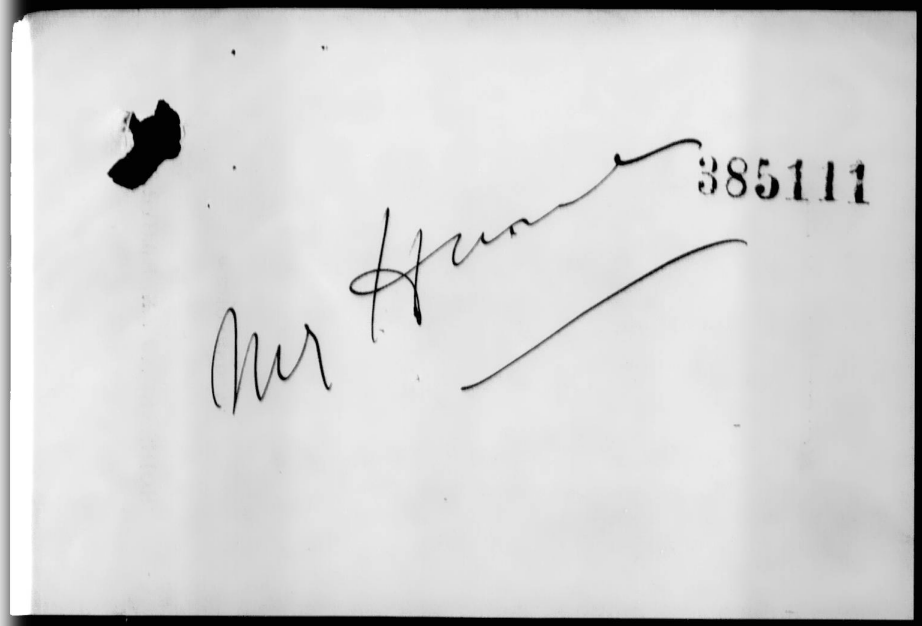

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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385111

M. 31/4.Imm:

Department of the Interior,
Dominion Lands Office,
Ottawa, 3rd July, '95. *189*

MEMO.

File to be returned to me. to put extract of last par. of SG's memo on another file wh. is being asked for

H.E.H.

M.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 385111

National Archives of Canada
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M.

31/4.Imm:

385111

Ottawa/ 3rd July/ 1895.

Dear Mr. White,

I enclose for your perusal a copy of a letter which I have received from the Deputy Minister of Agriculture, and of my two letters in reply. You may desire to transmit this copy of correspondence to your Commissioner.

Encls:

Yours very truly,

Edgar Burgess

Fred. White, Esq.,
Comptroller of the
North West Mounted Police,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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M.

31/4 Imm:

385111

Ottawa, 3rd July, 1895.

Dear Mr. Lowe,

Referring further to your letter of the 20th ultimo, with regard to the marking of the International Boundary, I now send you the following extract from a report which has been made to me by the Surveyor General on the subject;-

"I have read your letter of the 25th instant "to Mr. Lowe on the subject of marking by boundary posts "the boundary between the North West Territories and the "United States. Your answer that this could only be "done by an International Commission, is, I believe, "quite right. The United States have a perfect right to "object to any interference with the boundary marks, and, "very likely, they would object. Even if they did not, "we would be placed in this position: a boundary mark "altered or repaired by us would be evidence of the bound-"ary against Canada, but the United States could refuse "to accept it as evidence against them."

A copy of the correspondence in this connection has been sent to the Comptroller of the Mounted Police for transmission to the Commissioner.

Yours very truly/

John Lowe,
Deputy Minister of Agriculture,
Ottawa.

Adam Burgess

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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385111 22854

S 26444 **Department of the Interior,**

Ref 31 No. 4 Im. TOPOGRAPHICAL SURVEYS BRANCH,

Ottawa, 27th, June, 1895.

DEPT. OF THE INTERIOR RECEIVED JUN 27 1895 OTTAWA.

Mr Burpee

Memorandum

I have read you letter of the 25th instant to Mr. Lowe on the subject of marking by boundary posts the boundary between the North West Territories and the United States. Your answer that this could only be done by an International Commission is, I believe, quite right. The United States have a perfect right to object to any interference with the boundary marks, and, very likely, they would object. Even if they did not, we would be placed in this position: a boundary mark altered or repaired by us would be evidence of the boundary against Canada, but the United States could refuse to accept it as evidence against them.

I think that it is a mistake to let our International boundaries become obliterated: serious trouble is bound to follow and at no distant date. In some parts of the Province of Quebec, the boundary has, we may say, disappeared and its re-establishment will be a matter of considerable difficulty: the longer it is delayed, the worse it will be. Some years ago, we could have had the assistance of the State of New York for that purpose: if any such opportunity should occur again, I think it would be

The Deputy Minister
of the Interior

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be a great mistake not to accept it, the more so as the expense involved is trifling.

Respectfully submitted,

E Deville

Surveyor-General.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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jac ral.

385114 No. 4 Im.

Ottawa, 25th June, 1895.

DEPT OF THE INTERIOR
OTTAWA
JUN
27
1895
TOPOGRAPHICAL SURVEYS OF CANADA

Memo.

Mr. Deville,

Please read Mr. Lowe's letter of the 20th instant underneath and my reply of this date, and let me have the benefit of any observations you make think necessary to make in order to enable me to communicate with the Comptroller of the North West Mounted Police.

A. M. Burgess

jac.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 38511i

National Archives of Canada
Archives nationales du Canada

jac.
ral.

385111

Ottawa, 25th June, 1895.

Dear Mr. Lowe,

I am duly in receipt of your letter of the 20th instant, on the subject of marking the boundary by posts between the Western frontier of Manitoba and the Rocky Mountains. In reply I would state that in my opinion this is something that could only be done by a joint international commission. As a matter of fact the boundary is marked by posts placed at intervals, presumably not too far apart, by the international commission, of which General Cameron was the British representative, (1873-74.)

I do not think that we can either add to or take away from these boundary marks except in the same way and by the same authority. We have no money with which to do work of this kind this year. In fact any work of this description would have to be provided for by special appropriation. Under the circumstances I propose to communicate with the North West

John Lowe, Esq.,
Deputy Minister of Agriculture,
Ottawa.

Copied for enclosure to
L. White
3/7/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385111

National Archives of Canada
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West Mounted Police Department, in order to ascertain more definitely what it is Col. Herchmer desires to have accomplished. Before doing so, however, I shall await the receipt of a further communication from you.

Yours faithfully,

Sgd Alex Bruce

D.M.I.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385111

National Archives of Canada
Archives nationales du Canada

22731

DOMINION OF CANADA.

385111

Department of Agriculture,

Ottawa, June 20th 1895

IN REPLY REFER TO

No.

WRITE ONLY ON ONE SUBJECT IN ONE LETTER.

Mr. Burgess.

Dear Mr. Burgess,-

Mr. Angers desires that a representation be made to your Minister, based upon verbal information afforded by Col. Herchmer, Commissioner of N.W.M. Police, on the subject of marking the boundary by posts between the western frontier of Manitoba and the Rocky Mountains, and more particularly at the points where grass and water are found in more than usual abundance. Col. Herchmer states that the absence of such marking makes many of the duties of the Police much more difficult, and especially in the carrying out of the Cattle Quarantine Regulations. He further reports that the work would not be very expensive, and in view of its great practical importance it is the opinion of the Minister of Agriculture that it should be done.

Would you kindly make this representation to your Minister.

Believe me, &c.,

Yours truly,

J. Lowe

D. M. A.

A.M.Burgess Esq.

Deputy Minister

Dept. of the Interior

Copied for enclosure
F. White
3/7/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385111

National Archives of Canada
Archives nationales du Canada

22731

DOMINION OF CANADA.

385111

Department of Agriculture,

IN REPLY REFER TO

No.

WRITE ONLY ON ONE SUBJECT IN ONE LETTER.

Mr. Burgess

Ottawa, June 20th 1895

Dear Mr. Burgess,-

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Would you kindly make this representation to your Minister.

Believe me, &c.,

Yours truly,

J. Lowe

D. M. A.

A.M.Burgess Esq.

Deputy Minister

Dept. of the Interior

31

Copied for enclosure
F. White
1/7/95

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385111

National Archives of Canada
Archives nationales du Canada

DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

FILE/DOSSIER	TITLE/TITRE	DATES
385157	ALEXIS L'ESPERANCE RE HALFBREED CLAIM OF DANIEL BEAUDRY, DECEASED	1895
385432	HALFBREED GRANT CLAIM OF MICHEL DESROCHERS	1895-1896
385448	HALFBREED CLAIM OF PIERRE DESROCHERS	1895-1896
385533	FRANCOISE COURTEOREILLE, RE HER SCRIP	1885-1901
385569	EMPLOYEES RECENTLY SUPERANNUATED	1895
385816	BILL TO AMEND AND CONSOLIDATE DOMINION LANDS ACT	1890-1895
385840	HENRY MOBERLY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HIS HALFBREED SCRIP	1895-1899
385850	THERESE FINLEY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HER HALFBREED SCRIP	1895
385852	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM JR.	1895
385853	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM SR.	1895
385854	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF PIERRE JOACHIM JR.	1895

DEPARTMENT OF THE INTERIOR
MINISTèRE DE L'INTéRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385157

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385157

No. 385157

DEPARTMENT OF THE INTERIOR,

1895

From

Date

" (when rec'd.) 20 July

Subject Re H.B. claim of Daniel Beaudry deceased

Action GENERAL

1 h 0 0 9

00041

385157

DEPT. OF THE INTERIOR
RECEIVED
JUL 20 1895
OTTAWA

Memo re Power of Attorney.

PAT. BCH.
JUL 22 1895
RECEIVED

Alphonse Gaucher, to
Aleyes L'Esperance of
Winnipeg

Alphonse Gaucher son of Ignace Gaucher and Marguerite Beaudry re scrip to which he is entitled thro' his Mother who was an heir of her father Joseph Beaudry
" sister Pelagie Beaudry,
" brother Daniel Beaudry

original 383699
202531.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385157

National Archives of Canada
Archives nationales du Canada

00041

385157

Illeniore Power of Attorney
from

Alexandre Fagnant son of
Paul Fagnant & Marguerite Beaudry
~~re sc~~

to

Alexis L Esperance
of Winnipeg

re scrip to which he is entitled thro'
his mother, who ~~was~~ was an heir of
her father Joseph Beaudry
" sister Pelagie Beaudry
" brother Daniel Beaudry

original Rg 383/00
702529

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385157

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Archives nationales du Canada

DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

No. 385432

DEPARTMENT OF THE INTERIOR,

1895

From Land Com.

Wpg.

Date

" (when rec'd.) 18/23 July

Subject. Papers re H.B. grant by Michael Desrochers

Action. GENERAL

00041

Form No. 7.

No. 338309

189

DEPARTMENT OF THE INTERIOR
COMMISSIONER'S OFFICE,
WINNIPEG, MAN.

From Agt P. A

Date
" (when rec'd.) 6/9 July 95

Subject. Appn for a H.B grant by Michel Deroches

DEPT OF THE INTERIOR OTTAWA JUL 23 1895

Action.

Claim recommended in accordance with Mr. Gurlet's memorandum provided it is considered application was made in time.

H A Smith
Commissioner

17.7.95

333616 18/7/95 ~~Agent~~ ~~addressed~~ File sent H.D.

Action continued.

Action continued

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432
National Archives of Canada
Archives nationales du Canada

00041

00041

Address your reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

S.

LETTER

FILE 385432.

Department of the Interior,

Ottawa, 21st July, 1896.

PAT. BCH.
JUL 23 1896
RECEIVED

Sir,

I am directed to enclose herewith Scrip note No. 4255, for $240.00, issued under the authority of an Order in Council of the 14th June, 1869, and to replace Scrip note No. 0289 for 24o acres which has been returned and cancelled in satisfaction of the claim of Michel Desrochers, son of Baptiste, alias Napew, Desrochers, and to request you to return the accompanying form of receipt to this Department after it has been dated and signed.

Enclosure. Receipt No. 6803

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

J. E. Sinclair, Esq.,
Prince Albert,
Sask.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

00041

Address your reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

S.

LETTER

FILE 385432

Department of the Interior,

Ottawa, 21st July, 1896.

Sir,

With reference to the letter addressed to you from this Department on the 25th March last, I am directed to inform you that the Scrip note for 240 acres which was issued in favour of Mr. Michel Desrochers has been cancelled and a Scrip note for $240.00, has been issued in lieu thereof, which Scrip note has, in accordance with written instruction to that effect, been sent to Mr. John E. Sinclair, of Prince Albert, Saskatchewan.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA.

Assistant Secretary.

R. C. Macdonald, Esq.,
P.O.Box 1250,
Winnipeg,
Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

DEPARTMENT OF INTERIOR.

MEMORANDUM.

To The Asst. Secretary

Please see memo beneath

r O C

Ottawa 18.7. 1896

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

385·432 18.7.96

Memo

Land scrip to
J.E. Sinclair
Prince Albert,
Sask.

Also advise
Mr. R.C. Macdonald, referring
to our letter of 25th Mar. last. ROC

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

Department of the Interior,

PAT. BCH.
JUL 16 1896
RECEIVED

Ottawa, 16th July 1896

MEMO. Mr. Burgess.

N. W. H. Breed land scrip No. 0289 for 240 acres issued on 24th Oct. last to Michel Desrochers who now asks to have it exchanged for scrip for $240, which request I beg to recommend be granted.

Respectfully submitted

N O Coté

If you approve of this recommendation please sign requisition hereunder

Done
[illegible]

N O C

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

Ref. No. 385432

N. W. T.

Department of the Interior,

PATENTS BRANCH.

Ottawa, July 16th 1896

To the Accountant
Department of the Interior.

N.W. 1/2 R. Scrip No.

4255

for $240.00

Required the Issue of the following Scrip, viz.;—

Michel Desrochers, $240.00

son of Baptiste alias Napew Desrochers

Approved
Am. Bruce
16 July 96
D. M. I.

Issued to replace Scrip note No. 0289 for 240 acres, in favor of Michel Desrochers, which has been returned and Cancelled.

Under the authority of an Order in Council dated the 14 June 89

The above mentioned Scrip issued this 17th July 1896

[illegible] Acc't.

N. O. Cote for Chief Clerk.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

407992

398674

PAT. BCH.
JUL 15 1896
RECEIVED

DEPT. OF THE INTERIOR
RECEIVED
JUL 14 1896
OTTAWA

Prince Albert. 7 July 1896

To Minister of Interior

Dear Sir,

Kindly exchange my Land scrip which you have now at Ottawa for money scrip which will be of more benefit to me and forward same to J. Sinclair Prince Albert & oblige.

Remain Your Respt.

Witness R. J. Pritchard

Michel Dérochers

Witness. Alex. Fraser

Pat Sch

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

00042

Address reply "The Secretary Department of the Interior, Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

FM.

LETTER.....

FILE..... 385432.

Department of the Interior,

Ottawa, 7th May, 1896.

Sir,

I am directed to acknowledge the receipt of your letter of the 24th ultimo, and in reply to say as it was at Mr. Michel Desrochers' own request that land scrip was sent him, it will be necessary, if he desires such land scrip to be exchanged for scrip for $240, to fyle here a written request to that effect over his own signature, attested by two witnesses.

I am to add that as Mr. Desrochers is able to sign his own name, the document above mentioned must bear his proper signature, not his mark. This caution is given you as a communication has recently been received from Mr. Desrochers to which his mark is affixed.

I am, Sir,

Your obedient servant,

Assistant Secretary.

John E. Sinclair, Esq.,
Prince Albert, Sask.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

40344 X

39874 Prince Albert

April 24th 1896

PAT. BCH.

MAY 2 1896

RECEIVED

DEPT. OF THE INTERIOR OTTAWA RECEIVED MAY 1 1896

Secretary

Department of the Interior

Sir

I beg to request that the Land Scrip issued to Michel Desrochers, be changed into a Cash Scrip, if allowable, and if not please return the land scrip to me.

I have the honor

to be

your obedient Servant

John E. Sinclair

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

403444

398674

Prince Albert
April 24th 1896

DEPT OF THE INTERIOR
RECEIVED
MAY 1 1896
OTTAWA

PAT. BCH.
MAY 2 1896
RECEIVED

To the Secretary
Department of the Interior
Sir

I beg to request that the Land Scrip issued to Michel Desrochers, be exchanged into a Cash Scrip, if allowable, and if not kindly return the Land Scrip to me

I have the honor
to be
Your obedient Servant
John E Sinclair

[signature]

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

00042

Address your reply "To the Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER

FILE 385432.

Department of the Interior,

Ottawa, 25th March, 1896.

Sir,

I am directed to acknowledge the receipt of your letter of the 14th instant, enclosing a letter purporting to have been signed by Michel Desrochers, in which he requests that theland scrip recently issued to him be exchanged for $240, and to say that as Mr. Desrochers can sign his own name, as is shown by the power of attorney on fyle here in favour of Mr. John Sinclair, and by Mr. Desrochers' previous letter asking that a land scrip be issued in satisfaction of his claim, the document first referred to, to which his mark is affixed, cannot be accepted as sufficient authority to warrant the Department in making the desired exchange, as such document should bear his proper signature.

I am to add that your request that the scrip in this case be sent to your address could not, in any event, have been complied with, as Mr. Sinclair is Mr. Desrochers' duly appointed attorney, and there is no provision in the power of attorney under which Mr. Sinclair can appoint a substitute.

I am, Sir,

Your obedient servant,

LYNDWOOD PEREIRA

Assistant Secretary.

R. C. Macdonald, Esq.,
P.O. Box 1250,
Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

400051

Sun Insurance Office
of London, England.
Canadian Branch Head Office, Toronto.

FOUNDED A.D. 1710.

H. M. Blackburn,
Manager.

DEPT. OF THE INTERIOR
RECEIVED
MAR 19 1896
OTTAWA

Winnipeg Agency Mch 14th 1896

PAT. BCH.
MAR 20 1896
RECEIVED

To the Secretary
Dept of the Interior, Ottawa

Sir

Replying to your letter of recent date in the matter of changing 240 acres of Scrip to $740 money scrip, favor Michael Desrochers, and requiring written instructions from the said Desrochers before change could be effected, I now beg to inclose such request signed in presence of two witness.

Be good enough to return Scrip after change is made to my address here

I have the honor to be
Sir
Your Obdt Servant
R. C. Macdonald
Box 1750 Ld. P.O.

Left Sec

398674

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

400051

Prince Albert 11th March 1896

To Minister of Interior

Kindly change my land scrip of $240.00 issued by you for Money Scrip, as the latter will be more beneficial to me.

Remain Sir

Your obedient Servt

Michel his x mark Desrochers

Witnessed.

A. Laundry

W. R. Fisk.

DEPT. OF THE INTERIOR RECEIVED MAR 17 1896 OTTAWA

~~See Rg 390271 + 390~~

This man can sign see p. of atty. + letter both bearing Rg. No. 390271

21.3.96

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

00042

In reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

EDL.

Letter

File 385432

Department of the Interior,

Ottawa, 3rd March, 1896.

Sir,

Referring to your letter of the 22nd ultimo, I am directed to inform you that as it was at Mr. Michel Desrochers' own request that land scrip was sent him, it will be necessary, if he desires such land scrip to be exchanged for scrip for $240, to fyle here a written to that effect over his signature, attested by two witnesses.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

R.C. Macdonald, Esq.,
P. O. Box 1260,
Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

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Archives nationales du Canada

DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr. Macdonald

Say

That as Michel Desrochers asked for a land scrip it will be necessary if he wants to have it exchanged for scrip for $240 to make a written request to that effect over his signature attested by two witnesses

N.D.C.

Ottawa 2. 3. 1896.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

Department of the Interior,

Ottawa, 28th February, 1896

PAT. BCH.
MAR 2 1896
RECEIVED

DEPT. OF THE INTERIOR
RECEIVED
FEB 28 1896
OTTAWA.

McLeay

385437

Sir,

I beg to inform you that your letter of the 22nd instant; . . . . . containing a scrip note for 240 acres, has been received at this Department.

You will be further advised in regard to the matter in due course.

I am, Sir,

Your obedient servant,

John R. Hall,

Secretary.

Mrs . . R. G. Macdonald, Esq.,

. . . P.O. Box 1250, ...

. . Winnipeg, Man. . .

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

398674

240 acres Scrip
0289 27/4/96

Slip amt acct
& cancel scrip
17.7.96

DEPT. OF THE INTERIOR
RECEIVED
FEB 27 1896
OTTAWA

Winnipeg February 22nd 1896

PAT. BCH.
MAR 9 1896
RECEIVED

To the Secretary,

Department of the Interior,

Ottawa, Ont.

Sir:-

I am instructed by Michel Desrochers to return the enclosed 240 Acres of Land Scrip and to request your Department to make an exchange for $240.00 Money Scrip.

Trusting your Department will see fit to meet this request.

I have the honor, to be,

Sir,

Your obedient Servant,

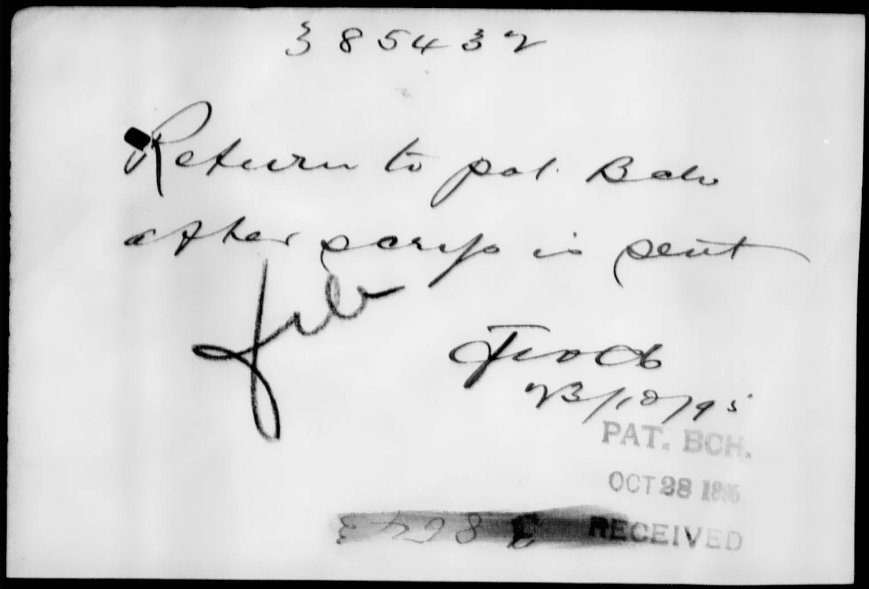
R. C. Macdonald

Box 1250.

Acct
in
[illegible]

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada



385432

Return to pat. Bch
after scrip is sent

file

[illegible]
23/10/95

PAT. BCH.
OCT 28 1995
RECEIVED

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

385432

Return to pol. Bdw
after scrip is sent
file

Fiock
23/10/95

REPE
RÉPÉ

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

00043

Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

C.

LETTER.....

FILE..... 385432.

Department of the Interior,

Ottawa, 26th October, 1895.

Fwd
Rest-638

Sir,

I am directed to enclose herewith scrip note No. 0289 for 240 acres of land, issued under the authority of an Order in Council of the 14th June, 1889, in satisfaction of the claim of Michel Desrochers, son of Baptiste alias Wapew Desrochers,

Encs.

and to request you to return the accompanying form of receipt to this Department after it has been dated and signed.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA.

Assistant Secretary.

J. E. Sinclair, Esq.,

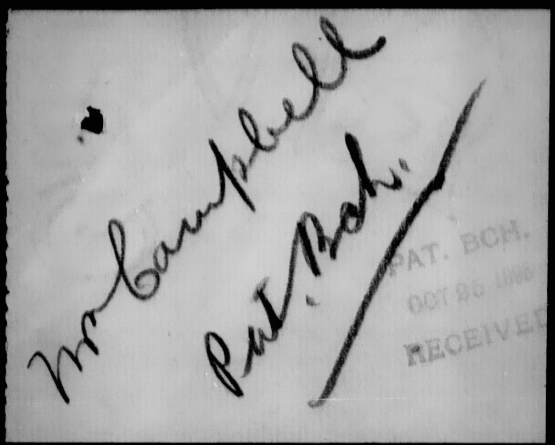
Prince Albert,

Sask.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada



DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

385432

Send scrip to

John E Sinclair Esq

Prince Albert

Sask

Fod
23/10/95

NWT.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

Ref. No. 385432

Department of the Interior,

PATENTS BRANCH.

N. W. T.

Ottawa, Oct 23rd 1895

To the Accountant
Department of the Interior.

6

N.W. ½ B. Scrip No.	Required the Issue of the following Scrip, viz.;—
0289 for 240 acres	Michel Desrochers, son of Baptiste and of Napew Desrochers. Approved 24 Oct 95 D. M. I. 240 Acres of Land

Under the authority of an Order in Council dated the 14 June '89

The above mentioned Scrip issued this 24th October 1895

[illegible] Acc't.

N. O. Cote for Chief Clerk.

6

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

390271

DEPT. OF THE INTERIOR
RECEIVED
OCT 12 1895
OTTAWA

Prince Albert
Oct 3d 1895

To the Secretary of
Department of the Interior
Ottawa
Sir

PAT. BCH.
OCT 14 1895
RECEIVED

I have the honor to acknowledge the receipt of your letter dated August 5th 1895 Ref. 385432. advising me of the granting of my Halfbreed claim and to request you to be good enough to forward to ~~my address care of~~ J. E. Sinclair Prince Albert a scrip for 240 acres of land, instead of a scrip for $240.00 Mr Sinclair holds a Power of Atty. from me.

I have the Honor to be
Sir
Your obedient Servant
Michel Dirochers

Scrip not issued
asks for Land
Fidel 15/10/95

Wilhelmes
W R Gunn
J. E. Sinclair

Pat 15 D.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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National Archives of Canada
Archives nationales du Canada

00044

390271

Know all men by these Presents that I Michel Desrochers of Green Lake in the District of Saskatchewan in the North West Territories, Hunter, Do hereby make nominate constitute and appoint John E Sinclair of Prince Albert in the Northwest Territories, Merchant my true and lawful attorney for me and in my name place and stead, to apply for and receive from the Government of the Dominion of Canada or their proper Officers in that behalf the Scrip which I am entitled to receive as a child of Staffbreed parents resident in the said Territories on the 15th Day of July A D 1870, And I give unto my said attorney full and absolute power and authority to sign all such receipts and acquittances therefor as may be required and to do perform and execute all such acts deeds matters and things that may be necessary to be done to obtain the said scrip as fully and effectually as I could do if personally present and acting in the premises, In witness whereof I have hereunto set my hand and seal this Third Day of October A D 1895

Signed sealed and delivered in the presence of
J. E. Sinclair
W. Green

Michel Desrochers

DEPT OF THE INTERIOR OTTAWA. RECEIVED OCT 1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

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N.W.T. Territories
Prince Albert
To wit

I Frederick C. Sinclair of Prince Albert in the North West Territories Clerk make oath and say:

1. That I was personally present and did see the within Power of Attorney duly signed sealed and executed by Michel Desrochers one of the parties thereto.
2. That the same was executed on the date thereof at Prince Albert aforesaid and that I am a subscribing Witness thereto.
3. That I well know the said party.

Sworn before me at Prince Albert in the North West Territories this 5th day of October A.D. 1895.

F.C. Sinclair

W.R. Gunn
A Notary Public in and for the N.W. Territories

Oct 30 1895

M. Desrochers
to
J. E. Sinclair
Power of Attorney

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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00044

(Copy for the Commissioner and A.D.L., Prince Albert).

Address [illegible]ly
"T[illegible]retary
[illegible]tment of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM. Sent 66

LETTER

FILE 385432.

Department of the Interior,

Ottawa, 5th August, 1895.

Sir,

I am directed to inform you that the claim preferred by you to share in the Half-breed grant of scrip has been approved, and that scrip for $240.00, in satisfaction thereof, will be issued and sent to your address, upon the receipt here of an application to that effect over your own signature, attested by two witnesses; or such scrip will be forwarded to your attorney, upon a satisfactory power of attorney, with an affidavit of execution endorsed thereon, being fyled in this Department.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Mr. Michel Desrochers,
Green Lake,
Prince Albert P.O.,
Sask.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr. Macdonald

To notify claimant of approval & say scrip for $240 will be sent &c.

Duplicates for Commrs & D.P.A., P.A.

Ottawa 29.7 1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
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PAT. BCH.
JUL 29 1895
RECEIVED Ref. 385432

Memorandum.

Department of the Interior,
Patent Branch,
Ottawa, 29th July 1895

A. M. Burgess, Esq.,
Deputy of the
Minister of the Interior,

For your approval
of the claim to share in the Half Breed grant of scrip of Michel Desrochers. The formal application in this case was made on 2nd Inst., but, in accordance with our practice in such cases, as the applicant's name appears on a list of claimants sent Mr. Goulet by our Payette of Green Lake in Feby. 1893, this application may be treated as having been made in due time

Respectfully submitted,
N. O. Cote

Done
A.M.B.
D.M.I.
29 July 95
Noted
[illegible]

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
Archives nationales du Canada

00044

385432

No other applic. Pat. Sch. 9

OFFICE OF THE

Dominion Lands Commission,

No. 338612

Ref. 338509

DEPT OF THE INTERIOR JUL 23 1895 OTTAWA

PAT. SCH. JUL 24 1895 RECEIVED

Winnipeg, July 18th 1895.

Sir:

I have the honour, by direction of the Commissioner, to enclose herewith file No. 338509 of this office having reference to the claim of Michael Desrochers

Pat Bek

with the recommendation of the Commissioner of Dominion Lands endorsed thereon as follows:

"Claim recommended in accordance with Mr Goulet's memorandum provided it is considered application was made in time."

Approved A.M. Burgess 29 July 95 D.M. Int.

Enc. file

I have the honour to be,

Sir,

Your obedient servant,

J.M. Burgess

Secretary.

The Secretary,
Department of the Interior,
Ottawa, Ont.

Form No. 38.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385432

National Archives of Canada
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Form No. 20.

Memorandum.

To.....

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg,.....189

This claim of Michel Desrochers to scrip as a half breed child for the North west Territory is good & should be allowed provided that the List sent me in February 1893 by Baptiste Payette on behalf of these people at Green Lake, on which it is said his name appear, is sufficient to show that he applied for his scrip before the 1st May 1894 – Baptiste Payette who sent me that List in 1893 is, I think, a Justice of the Peace for the N.W. Terr and I beleive he thought it was all that was wanted to do to apply for scrip – There was about between 15 to 20 names, so far as I can remember, on that list, Mr McTaggart says in his letter of 6th inst, that the name of that man was on that list – That list was sent by me to Ottawa after the 1st May 1894 & sometime last Spring I think –

R. Goulet

Winnipeg 18th July 1895 –

name of Michel Desrochers appeared on list – referred to
Fw CC 26.7.95

Ab 355116

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 385432

National Archives of Canada
Archives nationales du Canada

00044

In your reply
Please refer to No. 12548

Dominion Lands Office,

Prince Albert 6th July 1895

Sir.

238309

I have the honor to enclose herewith the application for Halfbreed Scrip of Mr. Michel Desrochers of Green Lake, whose name appears on the list furnished by Mr. Jean Baptiste Payette to Mr. Goulet on February 1893, on behalf of the Lariviere family.

File no. 12974

I have the honor to be
Sir
Your obedient Servant
Jas. McKaggan
Agent.

The Commissioner
of Dominion Lands
Winnipeg.

Form No. 27.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada

338309

Extrait du Régistre de Baptêmes, Mariages, et Sepultures de la Mission Catholique de l'Ile à la Crosse.

Nous, prêtre soussigné en l'année mil huit cent soixante huit, le dix sept février, avons baptisé Michel né depuis six mois du légitime mariage de Napew Durocher et de Marie Omiskawaskwew.

Le parrain a été moi même ici soussigné, et la marraine Indile Pewapiskussa qui n'a signé

P. M. Légeard.
o. m. i. prêtre

Pour copie conforme. J. E. Teston
o. m. i. p.tre

T OF THE INTERIOR
DE L'INTÉRIEUR

RG 15, D-II-1, vol.
File/dossier 385432

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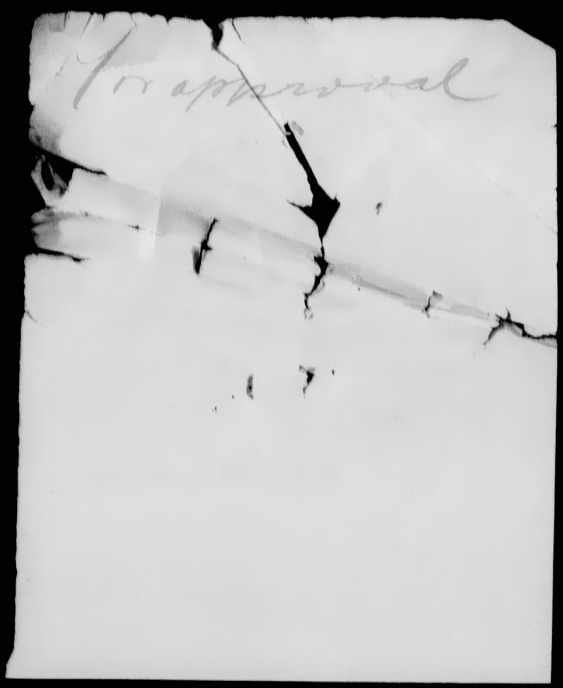

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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12974

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Declaration by Michel Desrochers

Concerning his Claim

to participate in any grant to Half-Breeds living in the North-West Territories.

Indexed no other applic. Dec 6 2.7.98

Approved under O. in C. 14th June, 1889. 24 Jan. Gouts's report dated 18th May, 1895. & Council's recommendation 1895-432

1. What is your name and P. O. Address? Michel Desrochers Green Lake, Albert P.O, Prince
2. Where and when were you born? Lac Assiniboine in August 1867
3. What was the name of your father? Baptiste alias Napew Desrochers
4. What was the name of your mother? Marie Omiskawaskiew
5. Was your father a Half-Breed or Indian or either? Halfbreed
6. Was your mother a Half-Breed or Indian or either? Halfbreed
7. Where were you living each year since you were born? at Green Lake with my parents up to 1873 at Isle à la Crosse from 1873 to 1885 and at Green Lake again from 1885 to present time - On the 15th July 1870 I was with my parents at Green Lake
8. What has been your occupation? Laborer
9. If married when, where and to whom? in 1886 at Green Lake with Sarazine Morin
10. How many children have you living? Two
11. Give their names, and dates of birth. 1° Marie Josephine born at Green Lake December 1890 - 2° Flora born at Green Lake in February 1895 -
12. What was the name of their respective (mothers or fathers as the case may be). Michel Desrochers and Sarazine Morin
13. How many children had you who died? one
14. Give dates of birth and death of those who died. Edouard born in ~~January~~ Spring 1892 1894 at Green Lake. Died at Green Lake January 1894

Form No 143.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons. —

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not. —

17. Have you ever had a homestead entry? No

18. If so, what became of it? —

19. Have you ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and what disposal did you make of them. No

20. What do you consider the value of all your property, land, implements, buildings, horses, cattle, &c.? —

21. Did you ever receive land or scrip in Manitoba or N.W.T. in commutation of the Half-Breed rights? No

22. Mention any names by which you have been called, other than your name given above. No other name

23. Do you receive any annuity as an Indian, or in any way participate in grants to Indians? No

24. State anything bearing on your claim that you may wish. — My uncles Basile and Paul Desrochers have obtained scrip at Green Lake from Mr Roger Goulet in about 1889. I was then absent from Green Lake (on a trip to Isle à la Crosse) that is why I did not obtain my scrip —

I herewith produce my baptismal certificate —

DEPARTMENT OF THE INTERIOR
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File/dossier 385432

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I, Michel Desrochers within named,
make oath (~~or declare~~) and say that the within answers given by me are true in every particular. So help me God.

Sworn (~~or declared~~) before me, at Town of Prince Albert this 2nd day of July A.D., 1895 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence.

Michel Desrochers

338309

L. Schmidt
asst Ind. Agent

I, Baptiste Payette of Green Lake
make oath (~~or declare~~) and say that I know Michel Desrochers since his childhood, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered generally are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at Town of Prince Albert this 2nd day of July A.D., 1895 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence.

J B Payette

L. Schmidt
asst Land Agent

I, Pierre Desrochers of Green Lake
make oath (~~or declare~~) and say that I know Michel Desrochers since he was born, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered generally are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at Town of Prince Albert this 2nd day of July A.D., 1895 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence.

Pierre his X mark Desrochers

L. Schmidt
asst Land Agent

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

FILE/DOSSIER	TITLE/TITRE	DATES
385157	ALEXIS L'ESPERANCE RE HALFBREED CLAIM OF DANIEL BEAUDRY, DECEASED	1895
385432	HALFBREED GRANT CLAIM OF MICHEL DESROCHERS	1895-1896
385448	HALFBREED CLAIM OF PIERRE DESROCHERS	1895-1896
385533	FRANCOISE COURTEOREILLE, RE HER SCRIP	1885-1901
385569	EMPLOYEES RECENTLY SUPERANNUATED	1895
385816	BILL TO AMEND AND CONSOLIDATE DOMINION LANDS ACT	1890-1895
385840	HENRY MOBERLY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HIS HALFBREED SCRIP	1895-1899
385850	THERESE FINLEY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HER HALFBREED SCRIP	1895
385852	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM JR.	1895
385853	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM SR.	1895
385854	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF PIERRE JOACHIM JR.	1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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National Archives of Canada
Archives nationales du Canada

No. 385448

DEPARTMENT OF THE INTERIOR,
1895

From D. T. A

Date 18
" (when rec'd.) 23 July

Subject. H. B. Claim of Pierre Desrochers appd

Reg. 383

Action GENERA

00045

Form No. 7.

No. 238310

189

DEPARTMENT OF THE INTERIOR.
COMMISSIONER'S OFFICE,
WINNIPEG, MAN.

From Agent P.A.

Date
" (when rec'd.) 6 9 July 95

Subject. appn for a P.A. grant by Pierre Derochers

OTTAWA JUL 23 1895 DEPT. OF THE INTERIOR

Action.

Claim recommended in accordance with Hon. Sifton's memorandum provided it is considered application was made in time

A.A. Smith
14.7.95 Commissioner

333615. 18/7/95 File sent H.O.

Action continued.

Action continued

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448
National Archives of Canada
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00045

Address "The Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER.....

FILE.....385448.

Department of the Interior,

Ottawa, 3rd August, 1896.

Sir,

I am directed to send you herewith, in accordance with a request which has been made to this Department by Mr. Pierre Desrochers, son of Louis Desrochers, alias Assinis, Scrip Note No. 4256 for $240, which has issued to Mr. Desrochers to replace Scrip Note No. 0288 for 240 acres of land, this latter scrip note having been returned and cancelled.

Please return here the accompanying form of receipt after you have dated it and it has been signed by you and a witness to your signature.

Rec'd 2 Receipt No. 6776

ENCLS.

I am, Sir,
Your obedient servant,

Assistant Secretary.

Frederick Charles Baker, Esq.,
Prince Albert, Sask.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

00045

Address reply only
"To the Secretary
Department of the Interior,
Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

FM.

LETTER.....

FILE.....385448.

Department of the Interior,

Ottawa, 3rd August, 1896.

Sir,

Referring further to your letter of the 21st ultimo, I am directed to inform you that the scrip note for 240 acres of land, enclosed therewith, in favour of Mr. Pierre Desrochers, has been cancelled, and a scrip note for $240, to replace it, has issued in Mr. Desrochers' name. This latter scrip note has been sent under cover of a communication of this day's date, in accordance with the written request fromthe allottee which accompanied your communication, to Mr. Frederick Charles Baker, at Prince Albert.

I am, Sir,
Your obedient servant,

Assistant Secretary.

James McKay, Esq., Q.C.,
Prince Albert, Sask.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

Department of the Interior,

Ottawa, ... 189

MEMO. 385448

Send scrip to.
Frederick Charles Baker. Esq.
Prince Albert
Sask.
N.W.T.

Advise Jas McKay. QC.
Prince Albert.

Foch
31-1-96

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol.
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National Archives of Canada
Archives nationales du Canada

Ref. No. 385448

Department of the Interior,

PATENTS BRANCH.

N. W. T.

Ottawa, 31st July 1896

To the Accountant
Department of the Interior.

Enld

N.W.½B. Scrip No.	Required the Issue of the following Scrip, viz.;—
4256 for $240.00 issued this 3rd August 1896, to replace Scrip Note No 0288 for 240 acres, which has been returned and cancelled.	Pierre Desrochers, son of Louis Desrochers, alias Assinis $240.00

Approved
Aug 96
D. M. I.

Issued to replace Scrip Note No 0288 for 240 acres, in favor of Pierre Desrochers, which has been returned and cancelled.

Under the authority of an Order in Council dated the 14th June '89

The above mentioned Scrip issued this 3rd August 1896
[illegible] Acc't.

Wm. M. Roodewe
Chief Clerk.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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N. O. Coté

Department of the Interior,

Ottawa, July 30th 1896

PAT. BCH.
JUL 31 1896
RECEIVED

MEMO.

Mr Burgess.

N. W. H.B. Land Scrip No 0288 for 240 acres issued on the 17th Sept last to Pierre Desrochers alias Assinis, who now returns it and asks to have it exchanged for scrip for $240.00

Similar exchanges have been made before and I beg to recommend that his request be granted.

Approved
A. M. Burgess
Dy.

Respectfully submitted
F. W. C. Cuming

30 July 96

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

00046

Pat Bch

PAT. BCH.
JUL 29 1896
RECEIVED

No. 40886l.

Department of the Interior,

Ottawa, 28th July, 1896.

Sir,

I beg to inform you that your letter of the 21st instant, enclosing a Scrip note for 240 acres, has been received at this Department.

You will, if necessary, be further advised in regard to the matter in due course.

I am,

Your obedient servant,

Lyndwode Pereira

Assistant Secretary.

James McKay, Esq., Q.C.,
Prince Albert,
Saskatchewan.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
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James McKay, Q.C.,
Advocate, Solicitor,
Notary, Etc.

408861

SOLICITOR FOR THE IMPERIAL BANK OF CANADA
THE HUDSON'S BAY CO.
CAN. MUTUAL LOAN & INVESTMENT CO., ETC.

Pat Bch
0288 Scrip
240 acres
385067
28/7/96

Prince Albert, N.W.T. July 21st 1896

PAT. BCH.
JUL 29 1896
RECEIVED

DEPT. OF THE INTERIOR
RECEIVED
JUL 29 1896
OTTAWA

The Secty
The Minister of Interior
Ottawa Ont.

Sir

Scrip Pierre Desrochers

Referring to your letter of the 19th Sept 95 addressed to F.C. Baker, enclosing him Scrip note No. ~~6288~~ 0288 Fwd for 240 acres of land issued in favor of Pierre Desrochers, I have the honor to return herewith the said Scrip, & also enclose therewith application of said Pierre Desrochers requesting that the said land Scrip be changed to money Scrip for $240.00, & that the latter when issued be mailed to F.C. Baker.

I have the honor
to be
Your obedt Servant
Jas. McKay

Encl.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

James Dee Bray, B.C.
Wilcocks Activities
Notary Public

4C8861

SOLICITOR FOR THE IMPERIAL BANK OF CANADA
THE HUDSON'S BAY CO.
CAN. MUTUAL LOAN & INVESTMENT CO., ETC.

0288 Scrip
240 acres
385067
28/7/96

Prince Albert N.W.T. July 21st 96

The Secy
The Minister of Interior
Ottawa Ont.

Sir

x Scrip Pierre Desrochers

Referring to your letter of the 19th Sept 95 addressed to F.C. Baker, enclosing him Scrip note No 6288 for 240 acres of land issued in favor of Pierre Desrochers, I have the honor to return herewith the said Scrip, & also enclose therewith application of said Pierre Desrochers requesting that the said Land Scrip be changed to money scrip for $240.00, & that the latter when issued be mailed to F.C. Baker.

I have the honor
to be
Your obedt Servant
J.S. Dekay

Encls

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

00046

L08861

CANADA,
NORTH-WEST TERRITORIES,
TO WIT:

I, Harold Edward Ross
of the Town of Prince Albert
in the North-West Territories, Clerk
make oath and say:

PAT. BCH.
JUL 29 1896
RECEIVED

DEPT. OF THE INTERIOR
RECEIVED
JUL 28 1896
OTTAWA

1. That I was personally present and did see Pierre Desrochers named in the within instrument ——— who is personally known to me to be the person named therein, duly sign, ~~seal~~ and execute the same for the purposes named therein.

I.M.

I.M. 2. THAT the said instrument ——— was ~~were~~ executed on the day of the date thereof at the Town of Prince Albert in the North-West Territories, and that I am the subscribing witness to the said instrument

I.M. 3 THE said instrument ——— was, prior to ~~their~~ execution, perused by and explained to the said party and he appeared to perfectly understand the same.

Sworn before me at Prince Albert
in the North-West Territories this
21st day of July
in the year of our Lord 1896

H. E. Ross

Jas. Dickey
... North-West Territories

... that the same be done accordingly
3. That the said ~~Scrip~~ applicant requests that the said Scrip for $240.00 when issued be mailed to, Frederick Charles Baker, of the Town of Prince Albert, Saskatchewan, Merchant.
Dated at Prince Albert in the North-West Territories this 21st day of July 1896.

Signed in the presence of, having been first read over and explained to the said Pierre Desrochers

H. E. Ross
Jas. Dickey

Pierre His + Mark Desrochers

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

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Archives nationales du Canada

00046

408861

DEPT. OF THE INTERIOR RECEIVED JUL 28 1896 OTTAWA

To The Honorable
The Minister of the Interior
Ottawa.

JUL 29 1896 RECEIVED

The Application of Pierre Desrochers of Green Lake in the North West Territories Showeth

1. That Scrip note No 0288 for 240 acres of lands hereto annexed was issued by the Dominion Government to the applicant in satisfaction of his claim to share in the Half-breed grant.
2. That your applicant is desirous of having said Scrip note No 0288 for 240 acres cancelled and Scrip for $240.00 issued in lieu thereof, and humbly respectfully requests that the same be done accordingly
3. That the said ~~Scrip~~ applicant requests that the said Scrip for $240.00 when issued be mailed to, Frederick Charles Baker, of the Town of Prince Albert, Saskatchewan, Merchant.

Dated at Prince Albert in the North-West Territories this 21st day of July 1896.

Signed in the presence of, having been first read over and explained to the said Pierre Desrochers

A. E. Ross
Jas. Mowry

Pierre His + Desrochers Mark

REPE/
RÉPÉ

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

00046

N. W. T. 108861

Form No. 65.

DEPT. OF THE INTERIOR RECEIVED JUL 29 1889 OTTAWA

Department of the Interior.

SCRIP.

Ref. No. 385448

Received *from the Honourable the Minister of the Interior, Scrip Note No.* 0288 *for* Two hundred and forty acres ~~Dollars,~~ *issued in accordance with the terms of an Order in Council of the* 11th June 1889 *to* Pierre Dessoches, Son ~~to~~ of Louis Dessoches, Alias Assiniss

Signed in Duplicate at ..... *the* .....

day of 189

Witness: ..... *Signature:* .....

N. W. T.

Form No. 65.

Department of the Interior.

DUPLICATE.

SCRIP.

Ref. No. 385448

Received *from the Honourable the Minister of the Interior, Scrip Note No.* 0288 *for* Two hundred and forty acres ~~Dollars,~~ *issued in accordance with the terms of an Order in Council of the* 11th June 1889 *to* Pierre Dessoches, Son ~~to~~ of Louis Dessoches, Alias Assiniss

Signed in Duplicate at ..... *the* .....

day of 189

Witness: ..... *Signature:* .....

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

Office of

F. C. Baker

General Merchant.

389335

385067 &
385448

Prince Albert, Sept 22 1895

DEPT OF ... RE... SEP 22 1895 OTTAWA.

The Secretary
Department of the Interior
Ottawa

SCH
SEP 30 1895
RECEIVED

Sir:-

In reply to yours of 18th inst. re. Pierre Desrochers claim. I dont understand why there should be any delay in this case as I have before me your letter of August 5th "File 385448," to Pierre Desrochers, in which you say scrip will issue to him or his Attorney on receipt of application.

I hope you will be able to issue the Scrip for land instead of money, as per Pierre Desrochers letter of 4th inst.

I have the honor to be
Sir
Your obedient servant
F. C. Baker

Put by crossed ours uncl. scrip

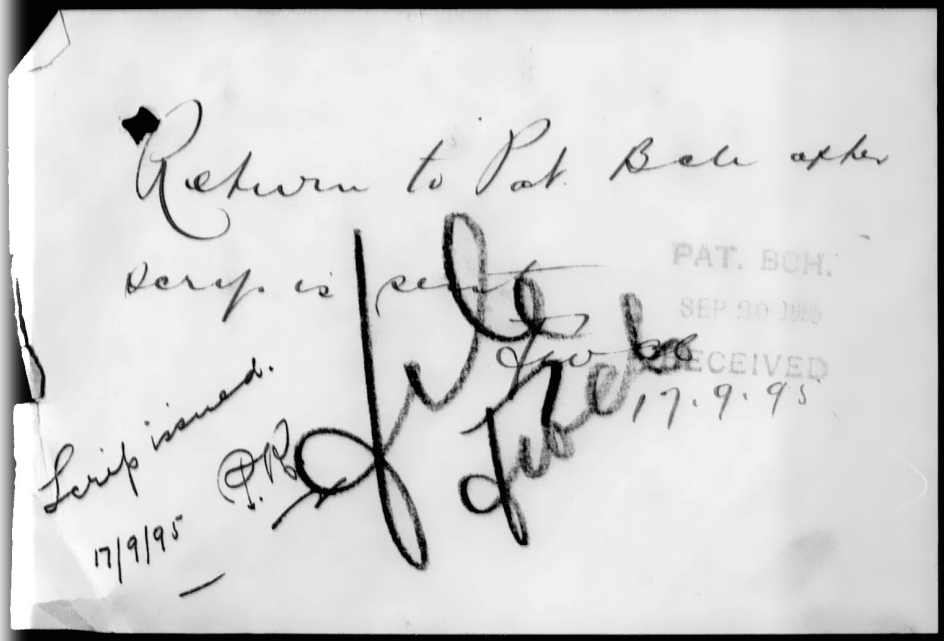
19th

V.O.B.
30.9.95

RTMENT OF THE INTERIOR
STÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol.
File/dossier 385448

National Archives of Canada
Archives nationales du Canada



DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

Office of

H. C. Baker

General Merchant.

389335

385067 &
385448

Prince Albert, Sept 22 1895

DEPT OF ... RE... SEP 1895 ... OTTAWA.

The Secretary
Department of the Interior
Ottawa

Sir:-

In reply to yours of 18th inst. re. Pierre Desrochers claim. I dont understand why there should be any delay in this case as I have before me your letter of August 5th "File 385448," to Pierre Desrochers in which you say scrip will issue to him or his Attorney on receipt of application.

I hope you will be able to issue the Scrip for land instead of money, as per Pierre Desrochers letter of 4th inst.

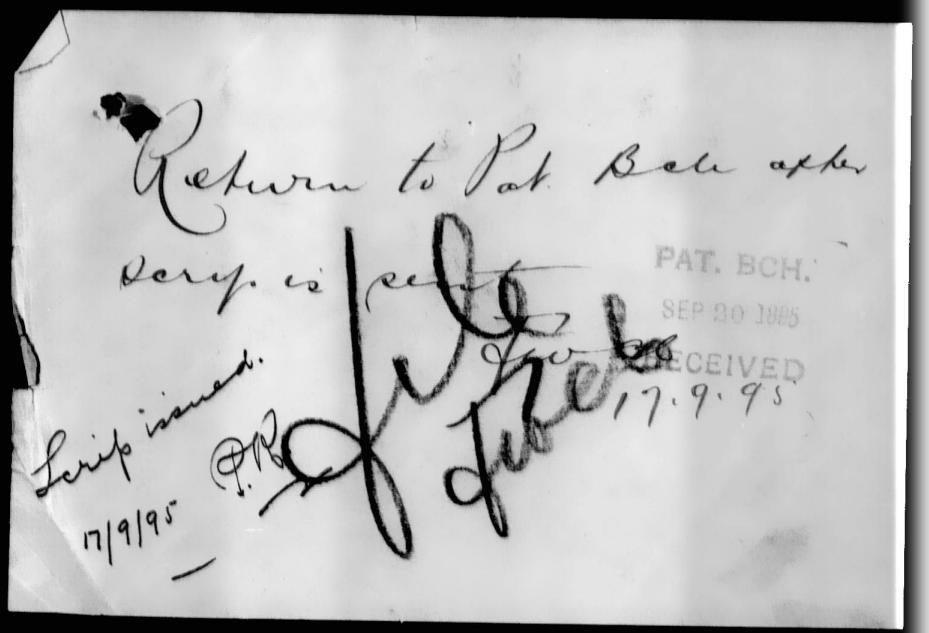
I have the honor to be
Sir
Your obedient servant
H. C. Baker

Put by crossed ours of 19th inclsg scrip

T.O.B. 30.9.95

...ENT OF THE INTERIOR
...RE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 72
File/dossier 385448

National Archives of Canada
Archives nationales du Canada



DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

G.

LETTER 383442.
FILE 383448.

Department of the Interior,

Ottawa, 19th September, 1885.

Sir,

With reference to the power of attorney from Pierre Desrochers in your favour which has been filed here, I am directed to enclose herewith scrip note No. 8288 for 240 acres of land issued in satisfaction of his claim to share in the Half-breed grant, and to request you to return the accompanying form of receipt to this Department after it has been dated and signed.

filed

Encs.

I am to add that land scrip is not transferrable and must be applied to land entered for by the the grantee personally.

I am, Sir,

Your obedient servant,

Assistant Secretary.

F. C. Baker, Esq.,
Prince Albert,
Sask.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

385448.

Send scrip to.
Fredk. Chas. Baker Esq.
Prince Albert
Sask
N.W.T.
& say land scrip
is not transferable
& must be entered
for by the parties
personally.
DOC

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

Coal Sale 70. - 24 Sept 90.
HW Edmunds J A Webster
P. 1 June 90.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

Ref. No. 385448

N. W. T.

Department of the Interior,

PATENTS BRANCH.

Ottawa, Sept 17th 1895

To the Accountant
Department of the Interior.

N.W.½ B Scrip No.	Required the Issue of the following Scrip, viz.;—
0288 for 240 Acres	Pierre Desrochers, son of Louis Desrochers, alias Assinis

Approved

240 Acres

D. M. I.

Appd MH adj Dept 17 Sept 95

Under the authority of an Order in Council dated the 14th June '89

The above mentioned Scrip issued this 17th Sept 1895

N. P. Acc't.

N. O. Cote for Chief Clerk.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

Coal Vol 70. - 24 Sept 90.
Hr Edmundo Jacobsen
P. 1 June 90.

...NT OF THE INTERIOR
...RE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

Ref. No. 385448

N. W. T.

Department of the Interior,

PATENTS BRANCH.

Ottawa, Sept 17th 1895

To the Accountant
Department of the Interior.

N.W.T. Scrip No.	Required the Issue of the following Scrip, viz.;—
0288	Pierre Desrochers, son
for 240 Acres	of Louis Desrochers, alias
	Assiniis

240 Acres

Approved

D. M. I.

Under the authority of an Order in Council dated the 14th June '89

The above mentioned Scrip issued this 17th Sept 1895

N.W.T. Acc't.

for Chief Clerk.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

388442
385448

DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr Cote

See ref 388383 in connection with this P/A, also letter to Desrochers dated 5 ultimo

Prepare reqn for scrip for 240 acres Island

Fco cb
11.9.95

Ottawa 189.

16.9.95

F THE INTERIOR
L'INTÉRIEUR
RG 15, D-II-1
File/dossier

National Archives of Canada
Archives nationales du Canada

00047

388442

DEPT. OF THE INTERIOR
RECEIVED
SEP 10 1895
OTTAWA

Received under cover of Reg. 388441 from F. C. Baker, Prince Albert dated 4 Sept 1895 Tues 11-9-95

Know all Men by these presents that I Pierre Desrochers of Green Lake in the North West Territories Hunter do hereby make, nominate constitute and appoint Frederick Charles Baker of Prince Albert in said Territories Merchant my true and lawful attorney for me and in my name place and stead to apply for and receive from the Government of the Dominion of Canada or their proper officers in that behalf the scrip which I am entitled to receive as a Half Breed resident in the North West Territories on the 15th day of July A D 1870

and I hereby give to my said attorney full and absolute power and authority to sign and give all such receipts and acquittances therefor as may be required and to do perform and Execute all such deeds acts matters and things as may be necessary to be done in the premises to obtain the same as fully and as effectually as I could do if personally present and acting therein. I hereby agreeing to ratify and confirm all that my said attorney shall lawfully do or cause to be done by virtue hereof

In Witness whereof I have hereunto

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

00047

388442

DEPT. OF THE INTERIOR RECEIVED SEP 10 1895 OTTAWA

Received under cover of Ref. 388441 from F. B. Baker, Prince Albert dated 4 Sept 1895 Fwd 11.9.95

Know all Men by these presents that I Pierre Desrochers of Green Lake in the North West Territories Hunter do hereby make, nominate constitute and appoint Frederick Charles Baker of Prince Albert in said Territories Merchant my true and lawful attorney for me and in my name place and stead to apply for and receive from the Government of the Dominion of Canada or their proper officers in that behalf the scrip which I am entitled to receive as a Half Breed resident in the North West Territories on the 15th day of July A D 1870

and I hereby give to my said attorney full and absolute power and authority to sign and give all such receipts and acquittances therefor as may be required and to do perform and execute all such deeds acts matters and things as may be necessary to be done in the premises to obtain the same as fully and as effectually as I could do if personally present and acting therein I hereby agreeing to ratify and confirm all that my said attorney shall lawfully do or cause to be done by virtue hereof

In Witness whereof I have hereunto

REPEAT/ RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

00047

hereunto set my hand and seal at Prince Albert aforesaid this 4th day of September AD 1895

Signed, sealed and delivered in the presence of having been first read over and explained to the said Pierre Descrochers who appeared perfectly to understand the same and made his mark in our presence

his
Pierre X Descrochers
mark

J. W. Phelion
Jas. Sinclair

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

0004

Canada
North West Territories
To Wit

I James Nicholas Sinclair of Prince Albert in the North West Territories make oath and say

1st That I was personally present and did see the within power of attorney duly signed sealed and executed by Pierre Desrochers the party thereto

2nd That the said Instrument was executed at said Prince Albert

3rd That I well know the said party

4th That I am a subscribing witness to the said Instrument.

Sworn before me at Prince Albert in the North West Territories this 4th day of September in the year of our Lord 1895

James N. Sinclair

W. R. Gunn
A Notary Public for the N.W.T.

Pierre Desrochers
to
F. C. Baker
Power
of
Attorney

W. R. GUNN,
Advocate &c., &c.,
PRINCE ALBERT, SASK.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

0004

Canada
North West Territories
To Wit

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2° That the said Instrument was executed at said Prince Albert

3° That I well know the said party

4° That I am a subscribing witness to the said Instrument.

Sworn before me at Prince Albert in the North West Territories this 4th day of September in the year of our Lord 1895

James N. Sinclair

W.R. Gunn
a Notary Public
for the N.W.T.

Pierre Desrochers
to
J. C. Baker
Power
of
Attorney

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

388383

DEPT OF THE INTERIOR RECEIVED SEP 16 OTTAWA

Prince Albert, Sask.
Sept. 4th 1895

PAT. BCH.
SEP 11 1895
RECEIVED

Sir:

I have the honor to acknowledge the receipt of your letter dated the 5th August, Ref. 385448, advising me of the granting of my Halfbreed Claim, and to request you to be good enough to forward to F. C. Baker, Prince Albert, a scrip for 240 acres of land, instead of a scrip for 240 dollars.

I have the honor to be
Sir
Your obedient servant
Pierre his x mark Desrocher

Witnesses
[illegible]
Jas. Sinclair

The Secretary
Department of the Interior
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

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(Copies for the Commissioner and A.D.L., Prince Albert).

Address your reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM. sent O.S.

LETTER

FILE 385448.

Department of the Interior,

Ottawa, 5th August, 1895.

Sir,

I am directed to inform you that your claim to share in the Half-breed grant of scrip has been approved, and that scrip for $240.00, in satisfaction thereof, will be issued and sent to your address, upon the receipt here of an application to that effect over your own signature, attested by two witnesses; or such scrip will be forwarded to your attorney, upon a satisfactory power of attorney, with an affidavit of execution endorsed thereon, being fyled in this Department.

I am, Sir,

Your obedient servant,

LINDWODE PERRIAL

Assistant Secretary.

Mr. Pierre Desrochers,

Green Lake,

Prince Albert P.O.,

DSask.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr. Macdonald

To notify claimant of approval & say scrip for ~~$100~~ $240 will be sent him &c.

vdc

Duplicate for Comm. & D.L.A., P. Albert

Ottawa 29. 7 1895

THE INTERIOR
L'INTÉRIEUR
RG 15, D-II-1,
File/dossier 38

National Archives of Canada
Archives nationales du Canada

PAT. BCH.
JUL 29 1895
RECEIVED

Ref. 385448

Memorandum.

Department of the Interior,
Patent Branch,
Ottawa, 29th July 1895

A. M. Burgess, Esq.,
Deputy of the
Minister of the Interior,

For your ....approval.....
of the claim to share in the Half Breed grant of scrip of
Pierre Desrochers. The formal application in this case was made on 2nd Inst., but, in accordance with our practice in such cases, as the claimant's name appears on a list of claimants sent Mr. Goulet by Mr. J. B. Boyette in July 1893, this applica- ~~Respectfully submitted,~~ tion may be treated as having been made in due time.

Respectfully submitted

N O Coté

Done
A.M.B.
29 July 95.
[illegible]

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

Mr Henry

Please register overhead
to me

Fred C 24/7/95

FILE BCH.
JUL 25 1895
RECEIVED

Apply beneath

OF THE INTERIOR
DE L'INTÉRIEUR

RG 15, D-II
File/dossier

National Archives of Canada
Archives nationales du Canada

Prince Albert, Sask. 385067

July 4th 1895

Secretary of the Department of Interior
Ottawa

385543

PAT. BCH.
JUL 25 1895
RECEIVED

DEPT OF THE INTERIOR
RECEIVED
JUL 1895
OTTAWA

Sir:- kindly deliver to F. C. Baker "Merchant," Prince Albert, all Scrip due me, as per my application made in Dominion Land Office here.

Witnesses
J. W. Philion
J. B. Payette

Pierre his × mark Desrocher

PAT. BCH.
JUL 22 1895
RECEIVED

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

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Copy. 385543

Prince Albert- July 13th 1895

Secretary Dpt'mt of Interior
Ottawa

Dear Sir

Enclosed please find orders from Pierre Desrochers and J.B. Payette who have made applications for Camps and from whom I have brought same providing it is issued

Kindly forward same to my address here as per orders enclosed

respectfully yours
(Sgd). F.C. Baker.

Orginal Rg 385-067.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

Department of the Interior,

Ottawa,..... 189

MEMO.

For correspondence re
Larivière family
& others
Re 35-5-116

TMENT OF THE INTERIOR
TÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

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385448

DEPT OF THE INTERIOR JUL 23 1895 OTTAWA

OFFICE OF THE

No 338610

Ref. 338310

Dominion Lands Commission,

PAT. BCH JUL 25 1895 RECEIVED

Winnipeg, July 18th 1895.

Sir:

I have the honour, by direction of the Commissioner, to enclose herewith file No. 338310 of this office having reference to the claim of Pierre Desrochers

with the recommendation of the Commissioner of Dominion Lands endorsed thereon as follows:

"Claim recommended in accordance with Mr Goulet's memorandum provided it is considered application was made in time."

approved Ann Bryce 29 July 95 D.M. Int.

Anc. file

I have the honour to be,

Sir,

Your obedient servant,

J. R. Bruce

Secretary.

The Secretary,
Department of the Interior,
Ottawa, Ont.

Form No. 38.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

Form No. 26.

Memorandum. 385448

To

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg, 189

This claim of Pierre Desrochers to scrip as a half breed child for the North west Territory is good & should be allowed, provided that the list of about 15 to 20 names of some of the people of Green Lake, sent to me in February 1893 by Baptiste Payette on behalf of these people, on which it is said his name appear, is sufficient to constitute an application for scrip before the 1st May 1894 - Baptiste Payette who sent me that list in 1893 is, I think, a J.P. for the N.W. Terr, I believe he thought it was all that was necessary for these people to do to apply for their scrips - Mr McTaggart says in his accompanying letter of the 6th inst, that the name of this man was on that list - That list is at Ottawa where I sent it in, last spring I think -

R. Goulet

Winnipeg 18th July 95 -

Name of Pierre Desroche appears on list - referred to Fol 267.95

Cf 355116

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

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In your reply
Please refer to No. 12549

385448

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
JUL 10 1895
OTTAWA

Dominion Lands Office,

Prince Albert 6th July 1895

338316

Sir.

I have the honor to enclose herewith the application for half-breed scrip of Mr. Pierre Derochers of Green Lake, whose name appears on the list furnished by Mr. Jean Baptiste Payette to Mr. Goulet in February 1893 on behalf of the Lariviere family.

File No. 12975

I have the honor to be
Sir
Your obedient servant
J. A. McKaggan
Agent

The Commissioner
of Dominion Lands
Winnipeg

Form No. 27.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
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12975

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385448

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Archives nationales du Canada

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12975

Declaration by Pierre Desrochers

Concerning his Claim to participate in any grant to Half-Breeds living in the North-West Territories.

1. What is your name and P. O. Address? Pierre Desrochers Green Lake Prince Albert P.O.
2. Where and when were you born? Lac Assiniboine in 1857
3. What was the name of your father? Louis Desrochers alias Assinis
4. What was the name of your mother? Elise Ochaca
5. Was your father a Half-Breed or Indian or either? ~~Half-breed~~ Indian
6. Was your mother a Half-Breed or Indian or either? Half-breed
7. Where were you living each year since you were born? all the time at Green Lake and in the neighbourhood - on 15th July 1870 I was at Green Lake
8. What has been your occupation? Hunter
9. If married when, where and to whom? in 1872 at Isle à la Crosse to Caroline Lavière
10. How many children have you living? Seven
11. Give their names, and dates of birth. 1° Marie Thérèse, born in 1875 - 2° Marie Angèle born in 1877 - 3° Cornelius born in 1879 - 4° Louis born 1883 - 5° Francis born 1885 - 6° Célestin born 1887 - 7° a boy Léon born in 1894
12. What was the name of their respective (mothers or fathers as the case may be). Pierre Desrochers and Caroline Lavière
13. How many children had you who died? Three
14. Give dates of birth and death of those who died. 1° Caroline born 1873 Died 1877 2° a boy died at birth - 3° a boy died one week old forgot the name -

Form No 143.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

00049

15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons. —

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not. —

17. Have you ever had a homestead entry? NO

18. If so, what became of it? —

19. Have you ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and what disposal did you make of them. NO

20. What do you consider the value of all your property, land, implements, buildings, horses, cattle, &c.?

21. Did you ever receive land or scrip in Manitoba or N.W.T. in commutation of the Half-Breed rights? NO

22. Mention any names by which you have been called, other than your name given above. No other name

23. Do you receive any annuity as an Indian, or in any way participate in grants to Indians? NO

24. State anything bearing on your claim that you may wish. — my brothers Basile and Paul Desrochers obtained scrip from M. Roger Goulet at Green Lake — I was then myself going to make my application for one when I met a man who told me that it was useless, that I would not obtain it —

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385448

National Archives of Canada
Archives nationales du Canada

00049

385448

I, Pierre Desrochers within named, make oath (~~or declare~~) and say that the within answers given by me are true in every particular. So help me God.

Sworn (~~or declared~~) before me, at Town of Prince Albert this 2nd day of July A.D., 1895 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence.

Pierre his X mark Desrochers

338316

L. Schmidt
asst agt D. Lands

I, Baptiste Payette of Green Lake make oath (or declare) and say that I know Pierre Desrochers since his childhood, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered generally are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at Town of Prince Albert this 2nd day of July A.D., 1895 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence.

J B Payette

L. Schmidt
asst D. L. agt

I, Michel Desrochers of Green Lake make oath (~~or declare~~) and say that I know Pierre Desrochers since 1873, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered generally are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at Town of Prince Albert this 2nd day of July A.D., 1895 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence.

Michel Derocher

L. Schmidt
asst agt D. Lands

DEPARTMENT OF THE INTERIOR
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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
385157	ALEXIS L'ESPERANCE RE HALFBREED CLAIM OF DANIEL BEAUDRY, DECEASED	1895
385432	HALFBREED GRANT CLAIM OF MICHEL DESROCHERS	1895-1896
385448	HALFBREED CLAIM OF PIERRE DESROCHERS	1895-1896
385533	FRANCOISE COURTEOREILLE, RE HER SCRIP	1885-1901
385569	EMPLOYEES RECENTLY SUPERANNUATED	1895
385816	BILL TO AMEND AND CONSOLIDATE DOMINION LANDS ACT	1890-1895
385840	HENRY MOBERLY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HIS HALFBREED SCRIP	1895-1899
385850	THERESE FINLEY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HER HALFBREED SCRIP	1895
385852	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM JR.	1895
385853	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM SR.	1895
385854	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF PIERRE JOACHIM JR.	1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385533

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada

GENERAL

Action.

No. 385533

DEPARTMENT OF THE INTERIOR,

1895

From Françoise Courtoreille wife of Baptiste Lafleur. Lac La Biche

Date

" (when rec'd.) 24 July.

Subject. Re scrip as one of the heirs of her father Louis Courtoreille

385533

00049

Address your letter "To the Secretary Department of the Interior, Ottawa." Write about more than one subject in the same letter. Write legibly your full name and address. If you reply to the letter quote its file number.

FM.

LETTER.....

FILE.....385533.....

Department of the Interior,

Ottawa, 20th June, 1901.

Sir,

FCM

I am directed to acknowledge the receipt of your letter of the 8th instant, enclosing a power from Francoise Lafleur, née Coubteoreille, authorizing you to receive the scrip to which she claims to be entitled as an heir of the late Louis Courteoreille; and to return herewith such power of attorney, as scrip for $20 in satisfaction ofthe claim of the said Francoise Lafleur as one of the heirs of the said Louis Courteoreille was issued in July, 1895, and was sent on the 30th of the same month to her address at Lac la Biche in care of the Rev. Father Grandin.

1 Enc.

Your obedient servant,

P. G. KEYES,

Secretary.

B. E. Chaffey, Esq.,
Barrister,
Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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National Archives of Canada
Archives nationales du Canada

B. E. CHAFFEY,
BARRISTER, SOLICITOR,
NOTARY PUBLIC, &c.
SPECIAL EXAMINER IN Q.B.
'PHONE 213.
367 MAIN STREET.

637277

DEPT. OF THE INTERIOR CORRESPONDENCE JUN 11 1901 REGISTRATION BRANCH OTTAWA

Winnipeg, Man., June 8, 1901.

Sir:-

I enclose Power of Attorney duly attested, to me to receive scrip from Francois Courtebreille of LacLaBiche in Alberta, and wife of Baptisle Lafleur as one of the heirs of the deceased Louis Courtebreille.

Please issue the scrip and forward to me, or advise me in the matter.

PAT. B'CH. JUN 13 1901 RECEIVED

PATENT BRANCH.

The Secretary
Department of Interior
Ottawa
O N T.

Your obedient servant,
B. E. Chaffey

Su letter of 30 July 95 enclosing scrip
Rec'd 18/6/01

385533

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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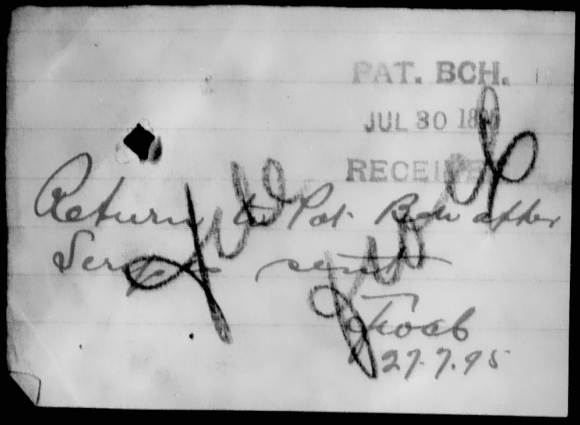

DEPARTMENT OF THE INTERIOR
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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

C.

LETTER.....

FILE.....385533.

Department of the Interior,

Ottawa, 30th July, 1885.

Madam,

I am directed to enclose herewith scrip note No. 12902 for $20.00 issued to bearer under the authority of an Order in Council of the 30th March, 1885, in satisfaction of your claim to share in the Half-breed grant of scrip as one of the heirs of Louis Courtecreille, and to request you to return the accompanying form of receipt to this Department after it has been dated and signed.

Encs.

I have the honour to be,

Madam,

Your obedient servant,

Assistant Secretary.

Mrs. Francoise Lafleur,

c/o Revd. Father Grandin,

Lac la Biche,

Alberta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada

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Send scrip to

Mrs. Francoise Lafleur
C/o Rev. Father Grandin
Lac La Biche
Alta

M.M.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Ref. No. 385533

N. W. 7.

Department of the Interior,

PATENTS BRANCH.

Ottawa, July 27th 1895

To the Accountant
Department of the Interior.

E

N.W. Scrip No.	Required the Issue of the following Scrip, viz.;—	
12.902	Francoise Lafleur, wife of Baptiste Lafleur, née Courtoreille, one of the heirs of Louis Courtoreille	$20.00/-

Approved
Aug 27 July 95
D. M. I.

Rec'd 11.00 am
29/7/95
H. H. S.

Under the authority of an Order in Council dated the 30 Mar 85

The above mentioned Scrip issued this 29/7/95
[signature] Acc't.

N. D. Cole for Chief Clerk.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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00050

385533

No 1062 of 1885

DEPT OF THE INTERIOR JUL 24 1895 OTTAWA

Lac La Biche 1895

PAT. BCH.
JUL 26 1895
RECEIVED

The Secretary
Depart^t of the Interior
Ottawa

Sir,

I have the honor to make application for the issue to me of a Scrip, being my share on the scrip of my deceased Father Louis Courtoreille as one of his heirs he was a half-breed head of family for the North West Territories, his father was Laurent Courtoreille and his mother was Lizette Desjarlais.

And to send said Scrip to my address:-
Françoise Lafleur Care of Rev. F. Grandin
Lac La Biche Alta

Vaso file
$20
not issued
Fwd 26.7.95
Bupare req^ue for this share
27.7.95 NDC

I have the honor to be,
Sir,
Your obedient Servant,
Francoise + her mark Courtoreille Wife of Baptiste Lafleur

2 Witness- H. Grandin

Tissier Ptre
Ptre
Oblt

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada

No. 213 **Form S.**

Department of the Interior, Canada.

North West Half-Breed Commission.

St Albert 29 June 1885

This is to Certify that Josephte Courterelle a Half-Breed, has proved to the satisfaction of the Commission that she is entitled to 20 dollars in Scrip as one of the heirs of Louis Courterelle, who, it has been proved to the satisfaction of the said Commission, was residing in the North West Territory previous to the 15th day of July, 1870, and at that date a head of a family, or married, and under Sub-Clause (E) of Clause 81 of the Dominion Lands Act, 1883, and the Order in Council of the 30th March, 1885, would have been, if living, entitled to 160 dollars in Scrip.

The Scrip called for by this Certificate, amounting to 20 dollars will be payable to bearer, will specify the name of the person in whose favour it is granted and will be delivered to the person producing this Certificate. Said Scrip will be accepted at par in payment of Dominion Lands.

W. R. Hurd

Chairman of the Commission.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada

No. 209 **Form S.**

Department of the Interior, Canada.

North West Half-Breed Commission.

St Albert 27 June 1885

This is to Certify that Alex.r Marguerite Alfred Courtorielle a Half-Breed, has proved to the satisfaction of the Commission that ~~he~~ they ~~is~~ are entitled to 60 dollars in Scrip as ~~one~~ three of the heirs of Louis Courtorielle, who, it has been proved to the satisfaction of the said Commission, was residing in the North West Territory previous to the 15th day of July, 1870, and at that date a head of a family, or married, and under Sub-Clause (E) of Clause 81 of the Dominion Lands Act, 1883, and the Order in Council of the 30th March, 1885, would have been, if living, entitled to 160 dollars in Scrip.

The Scrip called for by this Certificate, amounting to 60 dollars will be payable to bearer, will specify the name of the person in whose favour it is granted and will be delivered to the person producing this Certificate. Said Scrip will be accepted at par in payment of Dominion Lands.

W. D. K. Stuart

Chairman of the Commission.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada

This is to Certify that on the fifth day of April A.D. 1884 Letters of Guardianship were granted to Charles Dumas appointing him Guardian of the children of the late Louis Courteoreille; namely Alexandre Courteoreille eleven years of age Marguerite Courteoreille eight years of age and Alfred Courteoreille six years of age, and that the said Letters of Guardianship are now on record in my office

L. Munro

Clerk of the Saskatchewan District Court Edmonton Division
& Surrogate Clerk

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 385533
National Archives of Canada
Archives nationales du Canada

1062 ✓

Louis Courteoreille
Head of family
deceased.

Scrip
$160. 8 shares.

✓ 209 R +60 for sharing
Alexander
Marguerite
+ Alfred +20 each
27/6/85 WS

✓ 213 R +20 Josephte
29/6/85 WS

00050

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada
REPEAT/
RÉPÉTITI

1062 ✓

Louis Courteoreille
Head of family
deceased.

Scrip
$160. 8 shares.

✓ 209 R +60 for shares
Alexander
Marguerite
+ Alfred +20 each
27/6/85 WS

✓ 213 R +20 Joseph
29/6/85 WS

00050

00050

Declaration by Charles Dumas - Guardian to three children of deceased Louis Courteoreille

Concerning the Claim of said ~~of~~ deceased Louis Courteoreille, entitled, if living - to participate in any grant to Half-Breeds living in the North-West Territories, as Head of family.

1. What is your name and P. O. Address? St Albert.
2. Where and when ~~were you~~ was Louis Courteoreille born? Lake La Biche about 1820.
3. What was the name of ~~your~~ his father? ~~Joseph~~ Laurent Courteoreille
4. What was the name of ~~your~~ his mother? ~~Mary Bernard~~ Lizette Desparlais Moyen as La Petite Tête -
5. Was ~~your~~ his father a Half-breed or Indian or either? Halfbreed
6. Was ~~your~~ his mother a Half-breed or Indian or either? ~~[illegible]~~ Halfbreed
7. Where ~~were you~~ was he living each year ~~since you~~ he was were born? always in the Territories St Albert was his place of residence on 15th July 1870. He died on 15th Feb. 1881, at Peace River
8. What has been your occupation? ~~[illegible]~~ in Hudson's Bay employ and farmer.
9. If married when, where and to whom? Deceased was married twice - 1st to Louise Page Halfbreed 2d to Marie Tranquille - Cree Indian.
10. ~~How many children have you living?~~
11. ~~Give their names, and dates of birth?~~

The late Louis Courteoreille died at Peace River on 15th February 1881. I was present at his death and help to bury his remains.

12. ~~What was the name of their respective (mothers or fathers as the case may be).~~

I was subsequently appointed the legal guardian of his three minor children Alexandre - Marguerite and Alfred.

13. ~~How many children had you who died?~~
14. ~~Give dates of birth and death of those who died?~~

I herewith produce a certificate of the Clerk of the Court certifying my said appointment.

Form No. 143.

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Archives nationales du Canada

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DEPT. OF THE INTERIOR
RECEIVED
AUG
26
1885
OTTAWA

15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons?.....

.....

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not.....

cannot procure Burial certificate

17. Have you ever had a homestead entry?.....

18. If so, what became of it?.....

.....

19. Have you ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and, what disposal did you make of them?.....

.....

.....

.....

20. What do you consider the value of all your property, land, implements, building, horses, cattle, &c.?.....

21. Did you ever receive land or scrip in Manitoba in commutation of the Half-Breed rights?.....

22. Mention any names by which you have been called, other than your name given above?.....

.....

23. Do you receive any annuity as an Indian, or in any way participate in grants to Indians?.....

24. State anything bearing on your claim that you may wish.....

Heirs — Deceased the following children as Heirs at Law:

By his first wife:

1. Francoise Courteoreille — wife of Baptiste Lafleur, of Lake La Biche.
2. James " of Peace River
3. Josephte " wife of Charles Dumas
4. Olivier " Lake La Biche.
5. Louise " deceased wife of Baptiste Lamoureux
   leaves 1. Rose Celema Lamoureux
   2. Joseph "
   3. Genevieve "

By his second wife

6. Alexandre Courteoreille } aged 11 years } live with
7. Marguerite " " 8 " } deponent. their
8. Alfred " " 5 " } legal guardian

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada

00050

I, Charles Dumas within named, make oath (or ~~declare~~) and say that the within answers given by me are true in every particular. So help me God.

his
Charles X Dumas
mark.

Sworn (or ~~declared~~) before me, at St Albert this 27th day of June A.D., 188 5, having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence, made his mark

A Forget
Comm

I, Olivier Villeneuve of St Albert make oath (or ~~declare~~) and say that I know Charles Dumas, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered 1. 7. 21. 22. 23 are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular. Deceased was a Halfbreed.

his
Olivier X Villeneuve
mark.

Sworn (or ~~declared~~) before me, at St Albert this 27th day of June A.D., 188 5, having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence, made his mark

A Forget
Comm

I, Louis Ladouceur of St Albert. make oath (or ~~declare~~) and say that I know Charles Dumas, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered 1. 4. 6. 7. are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

her
Louise + Ladouceur
mark.

Sworn (or ~~declared~~) before me, at St Albert this 27th day of June A.D., 188 5, having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence, made his mark

A Forget
Comm

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
Archives nationales du Canada

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I, Charles Dumas within named, make oath (~~or declare~~) and say that the within answers given by me are true in every particular. So help me God.

Sworn (~~or declared~~) before me, at St Albert this 27th day of June A.D., 1885 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence, made his mark

Charles his X Dumas mark.

A.E. Forget
Commr

I, Olivier Bellerose of St Albert make oath (~~or declare~~) and say that I know Charles Dumas, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered 1. 7. 21. 22. 23 are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular. Deceased was a Halfbreed.

Sworn (~~or declared~~) before me, at St Albert this 27th day of June A.D., 1885 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence, made his mark

Olivier his X Bellerose mark.

A.E. Forget
Commr

I, Louise Ladouceur of St Albert make oath (~~or declare~~) and say that I know Charles Dumas, who has made oath to the correctness of the within answers, and so far as his answers to questions numbered 1. 4. 6. 7. are concerned, I know them to be correct, and so far as the remainder are concerned, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at St Albert this 27th day of June A.D., 1885 having been first read over and explained in the French language to the deponent, who seemed perfectly to understand the same, and in my presence, made his mark

Louise her X Ladouceur mark.

A.E. Forget
Commr

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Archives nationales du Canada

DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
385157	ALEXIS L'ESPERANCE RE HALFBREED CLAIM OF DANIEL BEAUDRY, DECEASED	1895
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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 385569
National Archives of Canada
Archives nationales du Canada

Action. GENERAL

No. 385569

DEPARTMENT OF THE INTERIOR,

1895

From Acct Interior
Ottawa

Date
" (when rec'd) July 25th

Subject. Return so far as Dept is concerned showing names, salaries &c of employees recently superannuated &c

1500 0051

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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385569

Return, showing in so far as the Department of the Interior is concerned, the names, salaries, years of service and age of certain Employees recently superannuated; also the amount contributed by each to the Superannuation Fund; the yearly Retiring Allowance; and the reasons which caused the superannuation of the said Employees

Names	Salaries		Years of service	Age	Amount contributed by each to the Superan^tn Fund $	c	Retiring Allowance $	c	Reasons which caused the superannuation
Louis Telesphore Lacasse	1.000	00	22	47	422	83	440	00	"to promote efficiency and economy"
John Charles Poper	1.000	00	12	47	228	40	240	00	"to promote efficiency and economy"
Walter Hatch	950	00	22	39	271	36	379	50	
William Henry Stevenson	1.500	00	13	69	337	80	390	00	"age and ill-health"
Thomas Anderson	1.500	00	14	70	344	01	420	00	"age"

Department of the Interior, Accountants Branch,
Ottawa. 10th July, 1895.

Chas. H. Beddoe
Asst Accountant.

00051

00051

385569

Return, in so far as the Department of the Interior is concerned, showing the names of the several parties superannuated since 1st January, 1895 to 10th July, 1895; the date of their superannuation; their age at retirement; and the amount of retiring allowance granted.

Names.	Date of Superannuation.	Age at retirement	Amount of retiring allowance. $	c
Louis Telesphore Lacasse.	30th June, 1895	47 years	440	00
John Charles Poper.	30th June, 1895	47 years	240	00
Walter Hatch.	30th June, 1895	39 years	379	50
William Henry Stevenson	30th June, 1895	69 years	390	00
Thomas Anderson	30th June, 1895	70 years	1120	00

Department of the Interior, Accountants Branch
Ottawa. 10th July, 1895.

Chas. N. Reddue
Asst Accountant.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385569

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
385157	ALEXIS L'ESPERANCE RE HALFBREED CLAIM OF DANIEL BEAUDRY, DECEASED	1895
385432	HALFBREED GRANT CLAIM OF MICHEL DESROCHERS	1895-1896
385448	HALFBREED CLAIM OF PIERRE DESROCHERS	1895-1896
385533	FRANCOISE COURTEOREILLE, RE HER SCRIP	1885-1901
385569	EMPLOYEES RECENTLY SUPERANNUATED	1895
385816	BILL TO AMEND AND CONSOLIDATE DOMINION LANDS ACT	1890-1895
385840	HENRY MOBERLY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HIS HALFBREED SCRIP	1895-1899
385850	THERESE FINLEY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HER HALFBREED SCRIP	1895
385852	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM JR.	1895
385853	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM SR.	1895
385854	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF PIERRE JOACHIM JR.	1895

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0005

Department of the Interior,
Ottawa, 5th August, 1895.

Memorandum : 385816 -

To the Acting Deputy Minister,

I hope to clear off on or before the end of next week the remainder of the cases that accumulated in my office during the past Session and am therefore in a position to go ahead with the new office consolidation of the Dominion Lands Act and amendments, if I had the material.

You will notice that I have asked for and obtained a certified copy of the amending Act of last Session, but I find out to-day, from Mr. Rogers and Mr. Henry that the Order-in-Council to amend forms referred to in your memorandum to me of the 19th ultimo has not yet passed. As I cannot hasten action in that quarter -- Council -- I bring the matter to your attention.

I understand -- although I have had no official intimation to that effect -- that the Deputy Minister and Mr. Fraser of the Department of Justice have been working upon a bill to amend and consolidate the Dominion Lands Act and its amendments, which it was intended to bring down last Session, but which was put over until next Session.

If this be the fact I presume that 500 copies of the office consolidation of our present Acts

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Department of the Interior,
Ottawa, 5th August, 1895.

Memorandum : A 385816 -

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Acts

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MINISTÈRE DE L'INTÉRIEUR
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Acts will be a sufficient quantity to order for use until the consolidated Act referred to comes into force ?

T. G. Rothwell

Encl. Copy of act detached & with me TGR

Re-attached 6/8/15 R

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DEPT. OF THE INTERIOR
RECEIVED
AUG
1895
OTTAWA

Office of the Clerk of the Parliaments.

I, Edouard Joseph Langevin, Clerk of the Parliaments, Custodian of the Original Acts of the Legislatures of the late Provinces of Upper and Lower Canada, of the late Province of Canada and of the Parliament of Canada, certify the subjoined to be a true copy of the original Act passed by the Parliament of Canada in the Session thereof held in the 58th & 59th years of Her Majesty's Reign, and assented to in Her Majesty's name by the Governor General, on the twenty second day of July one thousand eight hundred and ninety five remaining of record in my office.

Given under my Hand and Seal at the City of Ottawa, Canada, on the first day of August one thousand eight hundred and ninety five.

Edouard Langevin

Clerk of the Parliaments.

DEPARTMENT OF THE INTERIOR
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DEPT. OF THE INTERIOR RECEIVED AUG 1 1895 OTTAWA

Chap 34

An Act further to amend the Dominion Lands Act.

assented to 22nd July 1895.

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

Grant of lands authorized.

1. Notwithstanding that the lands hereinafter in this section mentioned are school lands within the meaning of *The Dominion Lands Act*, the Minister of the Interior, under the direction of the Governor in Council, may grant to the several persons hereinafter named homestead entry for the parcels of such lands set opposite their respective names upon proof to his satisfaction that the said persons respectively were in *bonâ fide* occupation of such parcels prior to the first day of January, one thousand eight hundred and eighty, and that they continued to occupy and cultivate them same in accordance with the requirements of the provisions of the said Act relating to homesteads:—

W. J. Martin, for the N. E. ¼ of section 29, township 15, range 2, east of the 1st principal meridian;

Samuel Parsons, for the N. E. ¼ of section 11, township 11, range 4, east of the 1st principal meridian;

W. H. Coverdale, for the S. E. ¼ of section 11, township 15, range 1, east of the 1st principal meridian;

William Holmes, for the S. E. ¼ of section 29, township 10, range 6, east of the 1st principal meridian;

Jackson Holmes, for the N. E. ¼ of section 29, township 10, range 6, east of the 1st principal meridian;

William Guthrie, for the S. E. ¼ of section 11, township 14, range 1, west of the 1st principal meridian;

P. Martens, for the N. E. ¼ of section 11, township 3, range 5, west of the 1st principal meridian;

Henry Sutherland, for the S. W. ¼ of section 11, township 13, range 5, east of the 1st principal meridian.

Case of John Cathcart.

2. It having been established that John Cathcart, mentioned in section one of chapter eighteen of the statutes of 1893, is dead, and that the parcel for which the said John Cathcart claimed homestead entry was not the N. W. ¼ but the S. W. ¼ of section 11, township 13, range 1, east of the first principal meridian, the Minister of the Interior is hereby authorized, under the direction of the Governor in Council, to grant homestead entry to Isabella Cathcart, widow and administratrix of the said John Cathcart, for the said S. W. ¼ of said section 11, upon proof to the satisfaction of the said Minister that the said John Cathcart was in *bonâ fide* occupation of the said last mentioned quarter section prior to the first day of January, one thousand eight hundred and eighty, and that he or his

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representatives continued to occupy and cultivate it in accordance with the requirements of the said homestead provisions of *The Dominion Lands Act*.

Case of George Aikman.

3. Notwithstanding that the lands in this section mentioned are school lands, the said Minister, under the direction of the Governor in Council, may also, upon proof to his satisfaction that George M. Aikman was in *bonâ fide* occupation of the N. W. ¼ of section 29, township 11, range 6, east of the first principal meridian prior to the first day of January, one thousand eight hundred and eighty, and occupied and cultivated the said quarter section in accordance with the requirements of the provisions of *The Dominion Lands Act* relating to homestead entry, grant to the said George M. Aikman a homestead entry for the N. E. ¼ of the said section 29 instead of for the said N. W. ¼, the latter quarter section having been otherwise disposed of and not being available for homestead entry.

Other lands may be set apart instead of those granted.

2. The said Minister may cause to be selected in lieu of the school lands described in the next preceding section, for which homestead entries are to be granted, an equal area of vacant and unreserved Dominion lands within the province of Manitoba, for the purposes of school endowment, and withdraw them from the operation of the clauses of *The Dominion Lands Act* relating to sale and homestead entry, and set them apart as school lands by a notice to that effect in the *Canada Gazette*.

"3. Notwithstanding anything in the Dominion Lands Act, the Governo
"Council may, on such conditions as he deems proper, sell to the Cochrane R
"Company the following school lands, namely:—Section 11 in township 3, r
"28, west of the fourth principal meridian, and so much of section 29 in town
"3, range 27, west of the fourth principal meridian, as lies north of the Belly Ri
"Provided, that such sale shall not take place until the Minister of the Interior
"by notice in the *Canada Gazette*, set apart as school lands, in lieu thereof, o
"public lands of equal extent and value as nearly as may be."

"4. Section three of chapter twenty-seven of the Statutes of 1889 is her
"repealed."

"5. As respects every assignment or transfer of a homestead or a pre-emp
"right held or acquired under any Act relating to Dominion Lands, in whole o
"part, and every agreement to make any such assignment or transfer, made
"entered into before the issue of patent and previous to the date of the pas
"of this Act, no such assignment or transfer or agreement shall be *ipso facto* n
"and void, nor shall any forfeiture accrue in respect thereof; but the Minister
"the Interior may declare any such assignment or transfer or agreement to be n
"and void, and such forfeiture to have accrued, or either; and such a declaratio
"shall have force and effect as if herein enacted: Provided, that no such declaratio
"shall have force or effect in any case in which a patent for any homestead or pre
"emption land has issued previous to the date of such declaration, unless the pate
"has issued through fraud, error or improvidence."

"2. Nothing in the next preceding sub-clause contained shall in any man
"have force or effect as respects any lands in relation to which the subject-matter
"the said sub-clause has already been adjudicated upon, or is in question in
"court of competent jurisdiction."

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Mr Henry
Please let me
have file 385816 as soon
as you receive it

T.G. Rothwell
3/8/95

Mr Rogers
Have you ~~yet~~ rec'd an O. in
C during the past two or three months
amending forms to D.L. Act or authorizing
new ones? If you have a copy
with this file will oblige yours &c
T.G.R. 3/8/5

Rogers 5/8/95

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Address reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one
subject in the same letter.
Write legibly your full name and
address.
If referring to this letter quote the
file number.

BB

LETTER

FILE 385816

Department of the Interior,

Ottawa, 31st July, 1895.

Sir,

I have the honour to request you to furnish this Department with a certified copy of the Act passed at the last Session of Parliament, to further amend the Dominion Lands Act, as it is required in connection with a matter that calls for immediate attention.

App'd
T.G.R.
31.7.95

I have the honour to be,
Sir,
Your obedient servant,
LYNDWODE PEREIRA
Assistant Secretary.

E.J.Langevin, Esq.,
Clerk of the Senate,
Ottawa.

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385816

DEPT OF THE INTERIOR RECEIVED JUL 20 1895 OTTAWA

Ottawa, 19th July, 1895.

Memo.

Mr. Rothwell,

As soon as Parliament rises, and we are able to obtain a copy of the amendments to the Dominion Lands Act, we should proceed at once with the work of preparing a new revision for office purposes, as our supply of copies of the old edition is exhausted. Please bear in mind that there was an amendment to the Act last year, and that there are some forms now being amended by Council.

Secretary.

Mr Henry 29/7/95

Please make this memorandum the basis of a file; "Office consolidation of Dominion Lands Act and amending acts" if you have not such a file already. I want to write to Clerk of Senate for copy of this year's amending act. J.G. Rothwell

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Action.

X 23567 2

No. 385816

DEPARTMENT OF THE INTERIOR,

1895

From Secy Interior
Ottawa

Date 17 July 95
(when rec'd.)

Subject. Office consolidation of D. L. & M. Act and amending Acts

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BB

Letter 429183

File 235567

Department of the Interior,

Ottawa, 10th June, 1897

DOMINION
APR 15 1898
OTTAWA

Sir,

In compliance with the request in your letter of the 1st instant, No. 389280 on 382831, I beg to transmit, herewith, two copies one for the use of the Commissioner, and one for your own use, of Bill No. 116, "An Act to amend the Dominion Lands Act.

I am, Sir,

Your obedient servant,

Lyndsay Pereira

Assistant Secretary.

The Secretary,
Dominion Lands Board,
Winnipeg,
Man.

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429183

No. 389270
Ref. 382831

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 1st June, 1897. 18

- Do not write about more than one subject in the same letter.
- Write legibly your full name and address.
- Address your reply to the Commissioner of Dominion Lands, Winnipeg.

233267

DEPT OF THE INTERIOR RECEIVED JUN 6 1897 OTTAWA

Sir,

I am directed by the Commissioner to say that he understands it is the intention of the Minister to obtain legislation to enable him to deal with cases where homesteaders have forfeited their rights by executing assigments of their lands prior to the receipt of certificate of recommendation for patent, where such transactions have taken place subsequent to the Act passed in July, 1895 Will you please forward here for the Commissioner's information a copy of the proposed amendments to the Act.

I am, Sir,

Your obedient servant,

Secretary.

The Secretary,
Department of the Interior,
Ottawa, Ontario.

DEPARTMENT OF THE INTERIOR
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An Act further to amend the Dominion Lands Act.

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

Interpretation. R.S.C., c. 54.

1. In this Act, unless the context otherwise requires, the expression "the said Act" means *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes.

Clause 34 amended.

2. Sub-clause three of clause thirty-four of the said Act, as amended by section one of chapter twenty-four of the statutes of 1891, is hereby amended by inserting after the word "Board" in the second line thereof the words, "or any other person named for the purpose by the Minister."

Clause 38 amended.

3. Sub-clause four of clause thirty-eight of the said Act is hereby amended by striking out all the words therein after the words "local agent," and by adding in lieu thereof the words, "or his senior assistant, or before some other person named for that purpose by the Minister."

Clause 38 amended.

4. Clause thirty-eight of the said Act is hereby further amended by adding the following subsections thereto :—

Second homestead entry by settler or his son.

"9. If a settler has obtained a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by this Act, and has obtained entry for a second homestead, or if any son of such settler, who has attained the age of eighteen years, has obtained entry for a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied, in the case of the father, by residence upon his first homestead, and, in the case of a son, by residence upon the father's homestead.

Conditions on which patent may be obtained.

"10. Notwithstanding anything contained in this Act, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board,—

Residence.

"(*a.*) That he has fulfilled three years' residence upon the land which is the subject of his entry, in accordance with the provisions as to three years' residence upon a homestead which are contained and explained in this Act;

Cultivation.

"(*b.*) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced;

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Cattle.

"(*c.*) That he has at least forty head of cattle upon such land;

Buildings.

"(*d.*) That he has erected on such land, or upon land adjoining it, stables and outhouses sufficient to winter at least forty head of cattle."

Clause 42 repealed.

5. Clause forty-two of the said Act is hereby repealed, and the following substituted therefor:—

Assignments before issue of patent to be void.

"**42.** Unless the Minister otherwise declares, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, shall be null and void; and, unless the Minister otherwise declares, 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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein; and such person shall be considered to have received his certificate upon the date upon which it was so countersigned."

Forfeiture.

Proviso: in case of recommendation for patent by local agent.

Clause 50 repealed.

6. Clause fifty of the said Act is hereby repealed, and the following substituted therefor:—

Lease of grazing lands.

"**50.** When so authorized by the Governor in Council, leases of unoccupied Dominion lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are set forth in regulations authorized from time to time by the Governor in Council."

Sale of school lands to Hon. Peter McLaren.

7. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale, upon such terms as are thought proper, to the Honourable Peter McLaren, of the following school lands, that is to say,—the northerly twenty-five acres of that portion of the north-west quarter of section eleven in township nine and range twenty-six, west of the fourth meridian, in the provisional district of Alberta, the southern boundary of the said twenty-five acres of land to be a due east and west line: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart as school lands in lieu of the said twenty-five acres of land, other land of equal area and value as nearly as may be.

Proviso: other lands to replace them.

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8. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale to any former lessee of a grazing ranche in the North-West Territories, whose lease was, with other similar leases, determined pursuant to the provision of an Order in Council of the twelfth day of October, one thousand eight hundred and ninety-two, and who was thereby given, among other privileges, permission to purchase not in excess of ten per cent of his leasehold at the rate of two dollars per acre (which rate was subsequently reduced to one dollar and twenty-five cents by an Order in Council of the twenty-second day of April, one thousand eight and ninety-three) as part of such ten per cent of his leasehold, of any school lands comprised therein: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart, as school lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

Sale of school lands to former lessees of grazing ranches.

Proviso: other lands to replace them.

9. Notwithstanding anything in the said Act or in any Act amending it, the Minister, by authority of the Governor in Council, may grant to Edward W. Johnston a homestead entry for the south-east quarter of section eleven in township eleven and range four, east of the first meridian, upon proof to the satisfaction of the Minister that he was in *bona fide* occupation of the said land prior to the first day of January, one thousand eight hundred and eighty, and that he has continued to occupy and cultivate the said land since that date, in accordance with the requirements of the said Act relating thereto.

Grant of homestead to Edward W. Johnston.

2. The Minister may cause to be selected in lieu of the said school lands, an equal area of vacant and unreserved Dominion lands within the province of Manitoba, for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of Dominion lands are set apart under the provisions in that behalf contained in the said Act, and may withdraw the lands so selected from the operation of those clauses, of the said Act and of its amending Acts, which relate to sale and to homestead entry, and set them apart as school lands, by a notice to that effect in the *Canada Gazette*.

Other lands to replace it.

10. Clause ninety-six of the said Act is hereby amended by striking out the word "and" in the second line thereof, and inserting the word "or" in lieu thereof.

Clause 96 amended.

11. Clause ninety-eight of the said Act is hereby repealed and the following clause is substituted in lieu thereof:—

Clause 98 repealed.

"**98.** The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect

Forms in schedule may be varied by the Minister.

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or such new forms as he considers applicable or necessary to any special case or class of cases."

Application for homestead by woman as head of family.

12. If, in the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of a family, the Minister may decide from the special circumstances of the case whether such application shall be granted or refused.

Issue of patent after death of applicant.

13. Where patents for any lands have been or are hereafter issued to a person who died or who hereafter dies before the date of such patent, the patent in such case shall not therefor be void, but the title to the land designated therein and granted or intended to be granted thereby shall become vested in the heirs, assigns, devisees or other legal representatives of such deceased person according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life.

Issue of patent in case of mental incapacity of settler.

14. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian or committee of such person, or any person who in the event of his death would be entitled as his legal representative to do so, may furnish such proof if the conditions of entry have been wholly fulfilled by such person, or, if only partly fulfilled, may complete them and then furnish the necessary proof, as the legal representative of such person.

1891, c. 24, clause 7 amended.

15. Clause seven of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following sub-clause thereto :—

As to entries obtained before Sept., 30, 1891.

"2. In the case of any entry obtained before the thirtieth day of September, one thousand eight hundred and ninety-one, the right of the person obtaining it shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty-first day of December, one thousand eight hundred and ninety-eight."

1891, c. 24, clause 10 amended.

16. Clause ten of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following words thereto : "and where the person so interested is unable to

Registration.

obtain an affidavit by a witness to the execution of the acknowledgment and charge by the settler to whom the advance thereby secured was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the local agent in whose office the acknow-

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ledgment and charge is of record, that it was duly filed in his office; and it is hereby declared that if the said acknowledgment and charge was so duly filed it shall be considered to have constituted a first charge upon such land from the date of its filing with the local agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law."

Crofters, second homestead entry to.

17. Notwithstanding anything in the said Act contained, any person who has been placed on homestead lands or has been assisted to place himself on such lands by the board mentioned in chapter twenty-one of the statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

Disposal of first homestead.

2. The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as is named in such patent as the fair value of such lands, on pain, in case of refusal, of the forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

If first homestead is valued at less than charges thereon.

3. The Minister shall, for the purposes of this section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required, before he is granted a second entry, to sign an acknowledgment in the form R in the shedule to the said Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

Issue of letters patent to settler or purchaser who is indebted to the Crown.

18. In any case in which any settler or purchaser is entitled to the issue of letters-patent for any land to which the said Act relates, but the issue of such patent is delayed because of the liability of such settler or purchaser, either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favour of the Crown or the Minister, for the re payment of an advance of seed grain, or on account of any other indebtedness to the Crown, the Minister may cause such letters-patent to issue in favour of the settler or purchaser entitled thereto, and may transmit them to the registrar in whose district the land is situated, with a certificate signed by him or his Deputy, or by some other person named by him for

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the purpose, setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness, with the rate of interest to be paid thereon, the name of the persons liable or indebted therefor, and the land to be charged thereby; and the registrar when registering the patent for such land shall make the necessary entries respecting such indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law.

Registration

Lands in Yukon district and remote parts of N.-W. T. may be laid off into lots.

19. Notwithstanding anything in the said Act contained, the Minister may direct that lands in the Yukon District and in remote parts of the unorganized portions of the North-West Territories shall be laid off into lots of such size and shape as may be found advisable; and such lots may be dealt with and may be described according to plans of record.

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Interior 16th June 1897.

Memorandum.

To the Hon. R.W. Scott
Secretary of State &c. &c.,

I have to night compared, at the Printing Bureau, the accompanying copy of Bill No 116 with a copy of that Bill as it passed its third reading in the Commons, and have marked the only change, that in Clause 13.

It is particularly necessary, if the purpose of ~~the~~ suggesting the clause is to be attained that the term "assigns" should be left in the clause. The clause as it now stands is as it was drafted and as it appeared in the Bill as introduced by the Hon. Mr. Sifton. ~~The law~~ When the Bill was first printed however "legal representatives" was the only term left in the clause, the ~~to~~ words, again inserted in third reading, "heirs assigns, devisees or other" having been struck out. I pointed out to Mr. Sifton that unless the term "legal representatives" included in its meaning "assigns," and I

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doubted that it did, the object of the clause would be defeated to a large extent. I make this additional explanation to Mozo, herewith, so that by no chance the term "assigns" may be struck out in the Senate.

Yours faithfully
T. G. Rothwell

Explanations re. N. W. T. Act. Bill No 114 - which I also compared at Printing Bureau to night, will go be completed by twelve tomorrow.

T.G.R.

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T.G. Rothwell's copy of Explanations to Bill D.L. Amendments 1897

Please return to

BB

Department of the Interior,
Ottawa 25th May, 1897.

Memorandum :-

To the Minister,

With one exception I have made all changes and additions, to the accompanying "Explanations," which are necessary because of the alterations and additions, that have been made in the Bill (with amendments to the Dominion Lands Act) since I handed it to you upon Thursday last.

The exception is with regard to the explanation to clause No. 6, which I have brought into the present draft of the Bill as you amended it. As thus amended,* the effect of the provision in question will not be changed, except that the necessity of going to Council for authority to issue each lease is more clearly stated. I have, therefore, simply struck out explanation to No. 6, as the reason for suggesting the original amendment is directly at variance with the amendment now proposed.

T.G. Rothwell

*Amendment consisted of the insertion of the first line of the clause, i.e. the words:- "when so authorized by the Governor in Council"

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BB

EXPLANATIONS for the Minister, to the respective provisions of the Bill :- "An Act further to amend "The Dominion Lands Act.'"

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Clause 2 ✓

The amendment which is proposed by the 2nd clause of the Bill is required for the purpose of including the Commissioner of Immigration at Winnipeg, or any other person who may be named by the Minister with those who may now authorize one person to make an entry for Dominion Lands for another person, where necessity arises.

Clause 3 ✓

As the law now stands the senior clerk has only power to take an affidavit of the class to which this clause relates when the local agent is absent from the office, and as the Department of Justice has held that "absence" under such circumstances means absence on leave and not temporary absence for a minute or an hour, without leave, a question as to the validity of an affidavit taken by the senior clerk may arise at any moment. For this reason the amendment proposed by the 3rd clause of the Bill is considered necessary.

Clause 4 ✓

The provisions of the two amendments which are proposed to be made by the next clause of the Bill have already been before the House, the

first

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first amendment being the subject of Bill No. 60 which was introduced some days ago by Mr. Douglas M.P., and the second one being the subject of the first clause of Bill No. 61, which was introduced a few days ago by Mr. Davin M.P. They explain themselves.

Clause 5 ✓

Since the provisions of Clause 42 of the Dominion Lands Act became law cases have been continually arising where a settler who had complied with his conditions of entry, but who had not received his application for patent executed a lease, an assignment, a mortgage, or some other instrument, which resulted in the forfeiture provided by Clause 42, and to relieve such persons from the position of great hardship in which these acts placed them, provisions corresponding in every particular to those which comprise Section 5 of Chap. 34, of 58-59 Victoria, have been passed from time to time.

It has, therefore, been deemed advisable to amend the clause -- 42 -- itself, which will do away with the necessity of bringing this matter before Parliament again for the passing of provisions similar to those of Section 5 of Chap. 35 of 58-59 Vic.

Clause 6 ✓

The amendment proposed by the 6th clause of the Bill is necessary to prevent the necessity of going to Council with each application for a lease of lands for grazing purposes. At present that course must

Ref please see memo. attached
J.G.R.

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must be taken, in each case, although it is purely a matter of routine, or action is delayed until there are ten or twelve cases to submit to Council. There is no necessity for this method, and under the proposed amendment leases of this class can be granted promptly after each application is dealt with.

The authority of Parliament to the sale of the twenty-five acres mentioned in Clause 7 of the Bill, to the Hon. Mr. McLaren is necessary because this parcel of land is part of a school section.

By an Order-in-Council dated the 19th March, 1887, certain lands including this parcel of twenty-five acres were reserved for the North West Mounted Police, and in that year Senator McLaren was granted permission to erect on such twenty-five acres a small saw-mill. This mill was destroyed by fire some years ao, and as it was represented to the Government of that day the mill was a great benefit to the settlers and stockmen of the Macleod District, Senator McLaren agreed to build again if he could obtain a grant of the land. By an Order-in-Council of the 4th July, 1896, the sale of this land at $1.00 per acre was authorized to be made to Mr. McLaren, and it is understood that upon the strength of this Order Mr. McLaren commenced to re-build. It was then discovered that the land was part of a school section and that the authority of Parliament was necessary before the sale to the honourable gentleman could be completed.

Clause 7 ✓

Under

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Under the arrangement entered into, as set out in an Order-in-Council of the 12th October, 1892, lessees of grazing ranches, relinquished their respective leaseholds upon the understanding that they would be permitted to purchase not in excess of ten per cent. of the area thereof, at the rate of $2.00 per acre, subsequently reduced to $1.25 by the Order-in-Council of the 22nd April, 1893.

Clause 8 ✓

The fact that such ten per cent of the area of a leasehold might be part of a school section, and that the authority of Parliament would, therefore, be necessary to warrant the sale being completed was overlooked. The amendment proposed by Clause 8 of the Bill is therefore necessary.

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By the next Clause of the Bill -- 9 -- provision is made for the granting of an entry to Mr. Edward W. Johnston for the land mentioned in the clause. As therein stated, his case was omitted, by oversight, ~~Chapter~~ now Chapter 18 of 56 Victoria, assented to 1st April, 1893, and although Mr. Johnston, some months, afterwards, namely upon the 17th March, 1894, entered into an agreement with a Mr. Parsons to exchange this land for other land, in the same district -- no doubt believing that his claim to the land would be recognized, as were those whose claims are set forth in the Act of 1893 -- it is considered that he should not suffer for an oversight for which he was not responsible, and that the relief this provision is intended to afford him should be granted.

Clause 9 ✓

In

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In several instances in which the former Commissioner of Dominion Lands (Mr. H.H.Smith) when investigating claims to certain lands, summoned certain persons to appear before him, under the provisions of Clause 96 of the Act, the objection was made that he had no authority to hold the investigation alone, and that some "other" person specially authorized to that effect by the Governor in Council should sit with him. This was never the intention of the provision ; therefore, the amendment which is contained in Clause 10 of the Act is necessary.

Clause 10 ✓

The necessity for amending Clause 98 in the manner proposed by Clause 11 of the Bill calls for no explanation.

Clause 11 ✓

Three cases may be mentioned to illustrate the necessity for the provisions of the next Clause of the Bill, No. 12.

One is that of a family consisting of three children, their parents, and a grandmother. The parents both died before a homestead was entered for, but the grandmother applied for that privilege. She was refused as the Department of Justice held that she was not the sole head of a family.

Clause 12 ✓

Another is that of an unmarried woman from the old country (Scotland) who has two children depending upon her for a living. In giving her name, when obtaining homestead entry, it was assumed she

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she was married, and she was so entered in the Agents books, but when she applied for patent she explained that she was unmarried, and her application for patent was refused, upon the ground that she was not the sole head of of a family.

Several cases have arisen where the husband is insane. One case may be particularly referred to. Here the husband had been confined in a lunatic asylum for seven years and although there was no apparent hope of his recovery his wife who had four children depending upon her, and who was very desirous of being granted a homestead entry had to be refused, because it was held that she was not in a strictly legal sense, ~~not~~ the sole head of a family

Clause 13

The next clause of the Bill, No. 13, is based upon a provision which has long been in force in the United States, and its enactment by this Parliament will not only save the necessity of the cancellation of patents in cases in which it is afterwards discovered that the person therein named as the patentee died prior to the date of the patent but will save the Department of the Interior from putting those who may be legally entitled to lands, from or through such deceased patentees to expense and delay in perfecting their claims to lands.

The necessity for this provision is so obvious that no further explanation need be given.

No

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Clause 14

No explanations need be given for the provisions contained in Clause 14 of the Bill, it explains its own purpose, and necessity for passing it.

The next Clause of the Bill --15-- is necessary as the provisions of the Act of 1891 referred to are not retroactive, and as it is but reasonable that a time should be limited within which all settlers who have heretofore obtained entries must apply for their patents, or forfeit all rights to their lands.

Clause 15

The necessity for the relief to be afforded by Clause 16 of the Bill will appear upon referring to the provisions of Clause 38 of the Dominion Lands Act of 1883, whereby the filing of the acknowledgment therein referred to was not required to be made in the registry office for the district but only with the Dominion Lands Agent. The present Act contains a provision for the registration of such an instrument with the Registrar and clause ten of Chapter twenty-four of the Act of 1891, referred to was passed to afford those who were so interested and who had filed their respective acknowledgments in the Land Titles Office, an opportunity if they so desired, of registering them in the proper Registry Office.

Clause 16

Some eight or ten cases affecting lands in the North West, exist, however, where the witness to the settler's execution of the acknowledgment is dead, or cannot be found, and it is for the relief of the persons entitled to the repayment of the

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the moneys and interest secured by these instruments that this provision is submitted. In view of the fact that if the provisions of the Act of 1883 were duly complied with the land mentioned in the acknowledgment was thereby charged with the payment ofthe moneys and interest stipulated in that instrument, it is very doubtful if necessity exists for its registration in the local Land Titles Office. However to remove the matter from doubt, and to afford the persons referred to the opportunity it was intended they should have, when clause ten already referred to was passed, the amendment to this clause which is suggested by Clause 19 of the Bill, is included.

Clauses 17, 18 and 19.

By Clauses 17, 18 and 19 of the Bill it is intended to provide relief for certain Crofters who comprise the colony near Saltcoats in the North West Territories, which was established under the auspices of the Imperial Colonization Board in the year 1889, and also relief to the members of the Board for advances made to such Crofters.

These three Sections now form one clause of Bill. 18 & 19 having been made subs 1 & 2 of clause 17.

The House may be reminded that with the view of giving effect to a scheme of colonization for the Crofters then residing in the West Highlands and Islands of Scotland the Imperial Government voted in the year 1888, £ 10,000, conditionally upon an additional £ 2,000 being raised by public subscription for the same purpose, ~~and the whole amount being vested in a Board of Commissioners, for the purpose~~

and

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purpose, and the whole amount being vested in a Board of Commissioners, for the purpose of administering the same as a fund for assisting these persons to homesteads in Manitoba or the North West, and that by Chapter 21 of the Statutes of 1886, the members of this Board and all persons receiving advances from them were made subject to the provisions of Clause 44 of the Dominion Lands Act.

Subsequently the Board assisted two colonies of Crofters, composed in all of forty-nine families, in coming to Canada, and located one colony at Killarney, Manitoba, and the other at Saltcoats.

These settlers were most carefully selected, and each person capable of entering for a homestead, received for his transportation and other purposes specified in Clause 44 of the Act, a sum varying from $600. to $750.; but although everything was done which it was thought would ensure the success of the enterprise, 23 of the families who were located at Saltcoats have not made farming a success upon the lands which were slected for them, and they are to-day only fairly able to provide for their own wants ; have represented that the quality of the lands upon which they now reside is largely responsible for their want of success, and have urgently requested to be permitted to take up lands elsewhere. It is very desirable to encourage these people in remaining in this country and to assist them in becoming good farmers, but to grant

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their request unconditionally, and without securing the interests of the Board in the lands now held by these settlers would affect seriously the purpose for which the sum of £ 12.000, before referred to was voted and raised.

It may be here stated that the whole scheme cost this country not one dollar of expen - diture.

The passing of the next Clause of the Bill --No. 20-- will permit the issue of a very large number of patents for lands for which the settlers are entitled to patent, but the preparation of which is stayed because of the liability of the settler to the Crown either as principal or as surety on a bond or other security for seed grain.

Clause 20 ✓
now 18

In some instances the person interested desires to have his patent, but is unable to pay the debt ; in others the settler, being only a surety though desirous of having his patent will not take the necessary steps to secure its issue, namely, pay off the bond upon which he is a surety, not caring to have to take legal proceedings for its re- payment in case the principal will not voluntarily repay it.

In many cases the settlers allow matters to stand as they are because of the difficulties which are thus placed in the way of municipal taxation, and sale for non-payment of taxes.

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Clause 21.

The last clause of the Bill explains itself, but it may be stated that a few lots have to be laid out for mission, trading and other purposes in remote parts of the Territories. The extension of the township surveys so far from the settled districts would involve an enormous expenditure: as no great demand for land there is expected in the near future, it seems preferable that the surveys should be limited to the lots actually wanted : the object of the proposed amendment is to authorize such surveys.

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Copy for Hon. Mr Scott in order to avoid alterations in the Bill suggested by Hon. I think Mr Douglas (in the Senate) to which I should object. There can be no objection to the Bill as it now stands, but I consider alterations are necessary. Mr Douglas who first suggested them is not in the House of Commons. It is clear, however, the alterations are advisable.

T. Rothwell

No. 116.] **BILL.** [1897.

An Act further to amend the Dominion Lands Act.

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

Interpretation. R.S.C., c. 54.

1. In this Act, unless the context otherwise requires, the expression "the said Act" means *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes.

Clause 34 amended.

2. Sub-clause three of clause thirty-four of the said Act, as amended by section one of chapter twenty-four of the statutes of 1891, is hereby amended by inserting after the word "Board" in the second line thereof the words, "or any other person named for the purpose by the Minister."

Clause 38 amended.

3. Sub-clause four of clause thirty-eight of the said Act is hereby amended by striking out all the words therein after the words "local agent," and by adding in lieu thereof the words, "or his senior assistant, or before some other person named for that purpose by the Minister."

Clause 38 amended.

4. Clause thirty-eight of the said Act is hereby further amended by adding the following subsections thereto:—

Second homestead entry by settler or his son.

"9. If a settler has obtained a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by this Act, and has obtained entry for a second homestead, or if any son of such settler, who has attained the age of eighteen years, has obtained entry for a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied, in the case of the ~~father~~ parent, by residence upon his first homestead, and, in the case of a son, by residence upon the ~~father's~~ parent's homestead.

Parent / Settler / parent's

Conditions on which patent may be obtained.

"10. Notwithstanding anything contained in this Act, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board,—

Residence.

"(*a.*) That he has fulfilled three years' residence upon the land which is the subject of his entry, in accordance with the provisions as to three years' residence upon a homestead which are contained and explained in this Act;

if the land is a homestead, and upon his homestead if the land is a pre-emption

Cultivation.

"(*b.*) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced;

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Cattle.

"(*c.*) That he has at least forty head of cattle upon such land;

Buildings.

"(*d.*) That he has erected on such land, or upon land adjoining it, stables and outhouses sufficient to winter at least forty head of cattle."

Clause 42 repealed.

5. Clause forty-two of the said Act is hereby repealed, and the following substituted therefor:—

Assignments before issue of patent to be void.

"**42.** Unless the Minister otherwise declares, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, shall be null and void; and, unless the Minister otherwise declares, 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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein; and such person shall be considered to have received his certificate upon the date upon which it was so countersigned."

Forfeiture.

Proviso: in case of recommendation for patent by local agent.

Clause 50 repealed.

6. Clause fifty of the said Act is hereby repealed, and the following substituted therefor:—

Lease of grazing lands.

"**50.** When so authorized by the Governor in Council, leases of unoccupied Dominion lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are set forth in regulations authorized from time to time by the Governor in Council."

Sale of school lands to Hon. Peter McLaren.

7. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale, upon such terms as are thought proper, to the Honourable Peter McLaren, of the following school lands, that is to say,—the northerly twenty-five acres of that portion of the north-west quarter of section eleven in township nine and range twenty-six, west of the fourth meridian, in the provisional district of Alberta, the southern boundary of the said twenty-five acres of land to be a due east and west line: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart as school lands in lieu of the said twenty-five acres of land, other land of equal area and value as nearly as may be.

Proviso: other lands to replace them.

Sale of school lands to former lessees of grazing ranches.

8. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale to any former lessee of a grazing ranche in the North-West Territories, whose lessee was, with other similar leases, determined pursuant to the provision of an Order in Council of the twelfth day of October, one thousand eight hundred and ninety-

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two, and who was thereby given, among other privileges, permission to purchase not in excess of ten per cent of his leasehold at the rate of two dollars per acre (which rate was subsequently reduced to one dollar and twenty-five cents by an Order in Council of the twenty-second day of April, one thousand eight and ninety-three) as part of such ten per cent of his leasehold, of any school lands comprised therein: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart, as school lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

Proviso: other lands to replace them.

9. Notwithstanding anything in the said Act or in any Act amending it, the Minister, by authority of the Governor in Council, may grant to Edward W. Johnston a homestead entry for the south-east quarter of section eleven in township eleven and range four, east of the first meridian, upon proof to the satisfaction of the Minister that he was in *bona fide* occupation of the said land prior to the first day of January, one thousand eight hundred and eighty, and that he has continued to occupy and cultivate the said land since that date, in accordance with the requirements of the said Act relating thereto.

Grant of homestead to Edward W. Johnston.

2. The Minister may cause to be selected in lieu of the said school lands, an equal area of vacant and unreserved Dominion lands within the province of Manitoba for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of Dominion lands are set apart under the provisions in that behalf contained in the said Act, and may withdraw the lands so selected from the operation of those clauses, of the said Act and of its amending Acts, which relate to sale and to homestead entry, and set them apart as school lands, by a notice to that effect in the *Canada Gazette*.

Other lands to replace it.

of as equal Value as nearly as may be

10. Clause ninety-six of the said Act is hereby amended by striking out the word "and" in the second line thereof, and inserting the word "or" in lieu thereof.

Clause 96 amended.

11. Clause ninety-eight of the said Act is hereby repealed and the following clause is substituted in lieu thereof:—

Clause 98 repealed.

"**98.** The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases."

Forms in schedule may be varied by the Minister.

12. If, in the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of a family, the Minister may decide from the special circumstances of the case whether such application shall be granted or refused.

Application for homestead by woman as head of family.

13. Where patents for any public lands have been or are hereafter issued to a person who died or who hereafter dies before the date of such patent, the patent in such case shall

Issue of patent after death of applicant.

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not therefor be void, but the title to the land designated therein and granted or intended to be granted thereby shall become vested in the legal representatives of such deceased person according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life.

Issue of patent in case of mental incapacity of settler.

14. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian or committee of such person, or any person who in the event of his death would be entitled as his legal representative to do so, may furnish such proof if the conditions of entry have been wholly fulfilled by such person, or, if only partly fulfilled, may complete them and then furnish the necessary proof, as the legal representative of such person.

1891, c. 24, clause 7 amended.

15. Clause seven of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following sub-clause thereto:—

As to entries obtained before Sept., 30, 1891.

"2. In the case of any entry obtained before the thirtieth day of September, one thousand eight hundred and ninety-one, the right of the person obtaining it shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty-first day of December, one thousand eight hundred and ninety-eight."

1891, c. 24, clause 10 amended.

16. Clause ten of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following words thereto: "and where the person so interested is unable to

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obtain an affidavit by a witness to the execution of the acknowledgment and charge of its execution by the settler to whom the advance thereby secured was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the local agent in whose office the acknowledgment and charge is of record, that it was duly filed in his office; and it is hereby declared that if the said acknowledgment and charge was so duly filed it shall be considered to have constituted a first charge upon such land from the date of its filing with the local agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law."

Crofters, second homestead entry to.

17. Notwithstanding anything in the said Act contained, any person who has been placed on homestead lands or has been assisted to place himself on such lands by the board mentioned in chapter twenty-one of the statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

Disposal of first homestead.

2. The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise

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within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as is named in such patent as the fair value of such lands, on pain, in case of refusal, of the forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

3. The Minister shall, for the purposes of this section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required, before he is granted a second entry, to sign an acknowledgment in the form R in the shedule to the said Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

If first homestead is valued at less than charges thereon.

18. In any case in which any settler or purchaser is entitled to the issue of letters-patent for any land to which the said Act relates, but the issue of such patent is delayed because of the liability of such settler or purchaser, either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favour of the Crown or the Minister, for the re payment of an advance of seed grain, or on account of any other indebtedness to the Crown, the Minister may cause such letters-patent to issue in favour of the settler or purchaser entitled thereto, and may transmit them to the registrar in whose district the land is situated, with a certificate signed by him or his Deputy, or by some other person named by him for the purpose, setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness, with the rate of interest to be paid thereon, the name of the persons liable or indebted therefor, and the land to be charged thereby; and the registrar when registering the patent for such land shall make the necessary entries respecting such indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law.

Issue of letters patent to settler or purchaser who is indebted to the Crown.

Seed grain.

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19. Notwithstanding anything in the said Act contained, the Minister may direct that lands in the Yukon District and in remote parts of the unorganized portions of the North-West Territories shall be laid off into lots of such size and shape as may be found advisable; and such lots may be dealt with and may be described according to plans of record.

Lands in Yukon district and remote parts of N.-W. T. may be laid off into lots.

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No. 116.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Dominion Lands Act.

Received and read a first time, Tuesday, 25th May, 1897.
Second reading, Wednesday, 26th May, 1897.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

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No. 116.] **BILL.** [1897.

An Act further to amend the Dominion Lands Act.

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

Interpretation. R.S.C., c. 54.

1. In this Act, unless the context otherwise requires, the expression "the said Act" means *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes.

Clause 34 amended.

2. Sub-clause three of clause thirty-four of the said Act, as amended by section one of chapter twenty-four of the statutes of 1891, is hereby amended by inserting after the word "Board" in the second line thereof the words, "or any other person named for the purpose by the Minister."

Clause 38 amended.

3. Sub-clause four of clause thirty-eight of the said Act is hereby amended by striking out all the words therein after the words "local agent," and by adding in lieu thereof the words, "or his senior assistant, or before some other person named for that purpose by the Minister."

Clause 38 amended.

4. Clause thirty-eight of the said Act is hereby further amended by adding the following subsections thereto:—

Second homestead entry by settler or his son.

"9. If a settler has obtained a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by this Act, and has obtained entry for a second homestead, or if any son of such settler, who has attained the age of eighteen years, has obtained entry for a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied, in the case of the father, by residence upon his first homestead, and, in the case of a son, by residence upon the father's homestead.

Conditions on which patent may be obtained.

"10. Notwithstanding anything contained in this Act, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board,—

Residence.

"(*a.*) That he has fulfilled three years' residence upon the land which is the subject of his entry, in accordance with the provisions as to three years' residence upon a homestead which are contained and explained in this Act;

Cultivation.

"(*b.*) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced;

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Cattle.

"(*c.*) That he has at least forty head of cattle upon such land;

Buildings.

"(*d.*) That he has erected on such land, or upon land adjoining it, stables and outhouses sufficient to winter at least forty head of cattle."

Clause 42 repealed.

5. Clause forty-two of the said Act is hereby repealed, and the following substituted therefor:—

Assignments before issue of patent to be void.

"**42.** Unless the Minister otherwise declares, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, shall be null and void; and, unless the Minister otherwise declares, 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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein; and such person shall be considered to have received his certificate upon the date upon which it was so countersigned."

Forfeiture.

Proviso: in case of recommendation for patent by local agent.

Clause 50 repealed.

6. Clause fifty of the said Act is hereby repealed, and the following substituted therefor:—

Lease of grazing lands

"**50.** When so authorized by the Governor in Council, leases of unoccupied Dominion lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are set forth in regulations authorized from time to time by the Governor in Council."

Sale of school lands to Hon. Peter McLaren.

7. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale, upon such terms as are thought proper, to the Honourable Peter McLaren, of the following school lands, that is to say,—the northerly twenty-five acres of that portion of the north-west quarter of section eleven in township nine and range twenty-six, west of the fourth meridian, in the provisional district of Alberta, the southern boundary of the said twenty-five acres of land to be a due east and west line: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart as school lands in lieu of the said twenty-five acres of land, other land of equal area and value as nearly as may be.

Proviso: other lands to replace them.

Sale of school lands to former lessees of grazing ranches.

8. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale to any former lessee of a grazing ranche in the North-West Territories, whose lessee was, with other similar leases, determined pursuant to the provision of an Order in Council of the twelfth day of October, one thousand eight hundred and ninety-

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two, and who was thereby given, among other privileges, permission to purchase not in excess of ten per cent of his leasehold at the rate of two dollars per acre (which rate was subsequently reduced to one dollar and twenty-five cents by an Order in Council of the twenty-second day of April, one thousand eight and ninety-three) as part of such ten per cent of his leasehold, of any school lands comprised therein: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart, as school lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

Proviso: other lands to réplace them.

9. Notwithstanding anything in the said Act or in any Act amending it, the Minister, by authority of the Governor in Council, may grant to Edward W. Johnston a homestead entry for the south-east quarter of section eleven in township eleven and range four, east of the first meridian, upon proof to the satisfaction of the Minister that he was in *bona fide* occupation of the said land prior to the first day of January, one thousand eight hundred and eighty, and that he has continued to occupy and cultivate the said land since that date, in accordance with the requirements of the said Act relating thereto.

Grant of homestead to Edward W. Johnston.

2. The Minister may cause to be selected in lieu of the said school lands, an equal area of vacant and unreserved Dominion lands within the province of Manitoba, for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of Dominion lands are set apart under the provisions in that behalf contained in the said Act, and may withdraw the lands so selected from the operation of those clauses, of the said Act and of its amending Acts, which relate to sale and to homestead entry, and set them apart as school lands, by a notice to that effect in the *Canada Gazette*.

Other lands to replace it.

10. Clause ninety-six of the said Act is hereby amended by striking out the word "and" in the second line thereof, and inserting the word "or" in lieu thereof.

Clause 96 amended.

11. Clause ninety-eight of the said Act is hereby repealed and the following clause is substituted in lieu thereof:—

Clause 98 repealed.

"**98.** The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases."

Forms in schedule may be varied by the Minister.

12. If, in the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of a family, the Minister may decide from the special circumstances of the case whether such application shall be granted or refused.

Application for homestead by woman as head of family.

13. Where patents for any public lands have been or are hereafter issued to a person who died or who hereafter dies before the date of such patent, the patent in such case shall

Issue of patent after death of applicant.

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not therefor be void, but the title to the land designated therein and granted or intended to be granted thereby shall become vested in the legal representatives of such deceased person according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life.

Issue of patent in case of mental incapacity of settler.

14. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian or committee of such person, or any person who in the event of his death would be entitled as his legal representative to do so, may furnish such proof if the conditions of entry have been wholly fulfilled by such person, or, if only partly fulfilled, may complete them and then furnish the necessary proof, as the legal representative of such person.

1891, c. 24, clause 7 amended.

15. Clause seven of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following sub-clause thereto:—

As to entries obtained before Sept., 30, 1891.

"2. In the case of any entry obtained before the thirtieth day of September, one thousand eight hundred and ninety-one, the right of the person obtaining it shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty-first day of December, one thousand eight hundred and ninety-eight."

1891, c. 24, clause 10 amended.

16. Clause ten of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following words thereto: "and where the person so interested is unable to

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obtain an affidavit by a witness to the execution of the acknowledgment and charge of its execution by the settler to whom the advance thereby secured was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the local agent in whose office the acknowledgment and charge is of record, that it was duly filed in his office; and it is hereby declared that if the said acknowledgment and charge was so duly filed it shall be considered to have constituted a first charge upon such land from the date of its filing with the local agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law."

Crofters, second homestead entry to.

17. Notwithstanding anything in the said Act contained, any person who has been placed on homestead lands or has been assisted to place himself on such lands by the board mentioned in chapter twenty-one of the statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

Disposal of first homestead.

2. The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise

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within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as is named in such patent as the fair value of such lands, on pain, in case of refusal, of the forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

If first homestead is valued at less than charges thereon.

3. The Minister shall, for the purposes of this section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required, before he is granted a second entry, to sign an acknowledgment in the form R in the shedule to the said Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

Issue of letters patent to settler or purchaser who is indebted to the Crown.

18. In any case in which any settler or purchaser is entitled to the issue of letters-patent for any land to which the said Act relates, but the issue of such patent is delayed because of the liability of such settler or purchaser, either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favour of the Crown or the Minister, for the re payment of an advance of seed grain, or on account of any other indebtedness to the Crown, the Minister may cause such letters-patent to issue in favour of the settler or purchaser entitled thereto, and may transmit them to the registrar in whose district the land is situated, with a certificate signed by him or his Deputy, or by some other person named by him for the purpose, setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness, with the rate of interest to be paid thereon, the name of the persons liable or indebted therefor, and the land to be charged thereby; and the registrar when registering the patent for such land shall make the necessary entries respecting such indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law.

Registration.

Lands in Yukon district and remote parts of N.-W. T. may be laid off into lots.

19. Notwithstanding anything in the said Act contained, the Minister may direct that lands in the Yukon District and in remote parts of the unorganized portions of the North-West Territories shall be laid off into lots of such size and shape as may be found advisable; and such lots may be dealt with and may be described according to plans of record.

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No. 116.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Dominion Lands Act.

Received and read a first time, Tuesday, 25th May, 1897.
Second reading, Wednesday, 26th May, 1897.

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Printed by S. E. DAWSON
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No. 116.] **BILL.** [1897.

An Act further to amend the Dominion Lands Act.

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

Interpretation. R.S.C., c. 54.

1. In this Act, unless the context otherwise requires, the expression "the said Act" means *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes.

Clause 34 amended.

2. Sub-clause three of clause thirty-four of the said Act, as amended by section one of chapter twenty-four of the statutes of 1891, is hereby amended by inserting after the word "Board" in the second line thereof the words, "or any other person named for the purpose by the Minister."

Clause 38 amended.

3. Sub-clause four of clause thirty-eight of the said Act is hereby amended by striking out all the words therein after the words "local agent," and by adding in lieu thereof the words, "or his senior assistant, or before some other person named for that purpose by the Minister."

Clause 38 amended.

4. Clause thirty-eight of the said Act is hereby further amended by adding the following subsections thereto:—

Second homestead entry by settler or his son.

"9. If a settler has obtained a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by this Act, and has obtained entry for a second homestead, or if any son of such settler, who has attained the age of eighteen years, has obtained entry for a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied, in the case of the father, by residence upon his first homestead, and, in the case of a son, by residence upon the father's homestead.

Conditions on which patent may be obtained.

"10. Notwithstanding anything contained in this Act, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board,—

Residence.

"(*a.*) That he has fulfilled three years' residence upon the land which is the subject of his entry, in accordance with the provisions as to three years' residence upon a homestead which are contained and explained in this Act;

Cultivation.

"(*b.*) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced;

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Cattle.

"(*c.*) That he has at least forty head of cattle upon such land;

Buildings.

"(*d.*) That he has erected on such land, or upon land adjoining it, stables and outhouses sufficient to winter at least forty head of cattle."

Clause 42 repealed.

5. Clause forty-two of the said Act is hereby repealed, and the following substituted therefor:—

Assignments before issue of patent to be void.

"**42.** Unless the Minister otherwise declares, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, shall be null and void; and, unless the Minister otherwise declares, 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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein; and such person shall be considered to have received his certificate upon the date upon which it was so countersigned."

Forfeiture.

Proviso: in case of recommendation for patent by local agent.

Clause 50 repealed.

6. Clause fifty of the said Act is hereby repealed, and the following substituted therefor:—

Lease of grazing lands.

"**50.** When so authorized by the Governor in Council, leases of unoccupied Dominion lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are set forth in regulations authorized from time to time by the Governor in Council."

Sale of school lands to Hon. Peter McLaren.

7. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale, upon such terms as are thought proper, to the Honourable Peter McLaren, of the following school lands, that is to say,—the northerly twenty-five acres of that portion of the north-west quarter of section eleven in township nine and range twenty-six, west of the fourth meridian, in the provisional district of Alberta, the southern boundary of the said twenty-five acres of land to be a due east and west line: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart as school lands in lieu of the said twenty-five acres of land, other land of equal area and value as nearly as may be.

Proviso: other lands to replace them.

Sale of school lands to former lessees of grazing ranches.

8. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale to any former lessee of a grazing ranche in the North-West Territories, whose lessee was, with other similar leases, determined pursuant to the provision of an Order in Council of the twelfth day of October, one thousand eight hundred and ninety-

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two, and who was thereby given, among other privileges, permission to purchase not in excess of ten per cent of his leasehold at the rate of two dollars per acre (which rate was subsequently reduced to one dollar and twenty-five cents by an Order in Council of the twenty-second day of April, one thousand eight and ninety-three) as part of such ten per cent of his leasehold, of any school lands comprised therein: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart, as school lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

Proviso: other lands to réplace them.

9. Notwithstanding anything in the said Act or in any Act amending it, the Minister, by authority of the Governor in Council, may grant to Edward W. Johnston a homestead entry for the south-east quarter of section eleven in township eleven and range four, east of the first meridian, upon proof to the satisfaction of the Minister that he was in *bona fide* occupation of the said land prior to the first day of January, one thousand eight hundred and eighty, and that he has continued to occupy and cultivate the said land since that date, in accordance with the requirements of the said Act relating thereto.

Grant of homestead to Edward W. Johnston.

2. The Minister may cause to be selected in lieu of the said school lands, an equal area of vacant and unreserved Dominion lands within the province of Manitoba, for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of Dominion lands are set apart under the provisions in that behalf contained in the said Act, and may withdraw the lands so selected from the operation of those clauses, of the said Act and of its amending Acts, which relate to sale and to homestead entry, and set them apart as school lands, by a notice to that effect in the *Canada Gazette*.

Other lands to replace it.

10. Clause ninety-six of the said Act is hereby amended by striking out the word "and" in the second line thereof, and inserting the word "or" in lieu thereof.

Clause 96 amended.

11. Clause ninety-eight of the said Act is hereby repealed and the following clause is substituted in lieu thereof:—

Clause 98 repealed.

"**98.** The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases."

Forms in schedule may be varied by the Minister.

12. If, in the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of a family, the Minister may decide from the special circumstances of the case whether such application shall be granted or refused.

Application for homestead by woman as head of family.

13. Where patents for any public lands have been or are hereafter issued to a person who died or who hereafter dies before the date of such patent, the patent in such case shall

Issue of patent after death of applicant.

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not therefor be void, but the title to the land designated therein and granted or intended to be granted thereby shall become vested in the legal representatives of such deceased person according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life.

Issue of patent in case of mental incapacity of settler.

14. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian or committee of such person, or any person who in the event of his death would be entitled as his legal representative to do so, may furnish such proof if the conditions of entry have been wholly fulfilled by such person, or, if only partly fulfilled, may complete them and then furnish the necessary proof, as the legal representative of such person.

1891, c. 24, clause 7 amended.

15. Clause seven of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following sub-clause thereto:—

As to entries obtained before Sept., 30, 1891.

"2. In the case of any entry obtained before the thirtieth day of September, one thousand eight hundred and ninety-one, the right of the person obtaining it shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty-first day of December, one thousand eight hundred and ninety-eight."

1891, c. 24, clause 10 amended.

16. Clause ten of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following words thereto: "and where the person so interested is unable to obtain an affidavit by a witness to the execution of the acknowledgment and charge of its execution by the settler to whom the advance thereby secured was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the local agent in whose office the acknowledgment and charge is of record, that it was duly filed in his office; and it is hereby declared that if the said acknowledgment and charge was so duly filed it shall be considered to have constituted a first charge upon such land from the date of its filing with the local agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law."

Registration.

Crofters, second homestead entry to.

17. Notwithstanding anything in the said Act contained, any person who has been placed on homestead lands or has been assisted to place himself on such lands by the board mentioned in chapter twenty-one of the statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

Disposal of first homestead.

2. The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise

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within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as is named in such patent as the fair value of such lands, on pain, in case of refusal, of the forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

If first homestead is valued at less than charges thereon.

3. The Minister shall, for the purposes of this section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required, before he is granted a second entry, to sign an acknowledgment in the form R in the shedule to the said Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

Issue of letters patent to settler or purchaser who is indebted to the Crown.

18. In any case in which any settler or purchaser is entitled to the issue of letters-patent for any land to which the said Act relates, but the issue of such patent is delayed because of the liability of such settler or purchaser, either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favour of the Crown or the Minister, for the re payment of an advance of seed grain, or on account of any other indebtedness to the Crown, the Minister may cause such letters-patent to issue in favour of the settler or purchaser entitled thereto, and may transmit them to the registrar in whose district the land is situated, with a certificate signed by him or his Deputy, or by some other person named by him for the purpose, setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness, with the rate of interest to be paid thereon, the name of the persons liable or indebted therefor, and the land to be charged thereby; and the registrar when registering the patent for such land shall make the necessary entries respecting such indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law.

Registration.

Lands in Yukon district and remote parts of N.-W. T. may be laid off into lots.

19. Notwithstanding anything in the said Act contained, the Minister may direct that lands in the Yukon District and in remote parts of the unorganized portions of the North-West Territories shall be laid off into lots of such size and shape as may be found advisable; and such lots may be dealt with and may be described according to plans of record.

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No. 116.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Dominion Lands Act.

Received and read a first time, Tuesday, 25th May, 1897.
Second reading, Wednesday, 26th May, 1897.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

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No. 116.] **BILL.** [1897.

An Act further to amend the Dominion Lands Act.

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

Interpretation. R.S.C., c. 54.

1. In this Act, unless the context otherwise requires, the expression "the said Act" means *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes.

Clause 34 amended.

2. Sub-clause three of clause thirty-four of the said Act, as amended by section one of chapter twenty-four of the statutes of 1891, is hereby amended by inserting after the word "Board" in the second line thereof the words, "or any other person named for the purpose by the Minister."

Clause 38 amended.

3. Sub-clause four of clause thirty-eight of the said Act is hereby amended by striking out all the words therein after the words "local agent," and by adding in lieu thereof the words, "or his senior assistant, or before some other person named for that purpose by the Minister."

Clause 38 amended.

4. Clause thirty-eight of the said Act is hereby further amended by adding the following subsections thereto:—

Second homestead entry by settler or his son.

"9. If a settler has obtained a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by this Act, and has obtained entry for a second homestead, or if any son of such settler, who has attained the age of eighteen years, has obtained entry for a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied, in the case of the father, by residence upon his first homestead, and, in the case of a son, by residence upon the father's homestead.

Conditions on which patent may be obtained.

"10. Notwithstanding anything contained in this Act, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board,—

Residence.

"(*a.*) That he has fulfilled three years' residence upon the land which is the subject of his entry, in accordance with the provisions as to three years' residence upon a homestead which are contained and explained in this Act;

Cultivation.

"(*b.*) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced;

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Cattle.

"(*c.*) That he has at least forty head of cattle upon such land;

Buildings.

"(*d.*) That he has erected on such land, or upon land adjoining it, stables and outhouses sufficient to winter at least forty head of cattle."

Clause 42 repealed.

5. Clause forty-two of the said Act is hereby repealed, and the following substituted therefor :—

Assignments before issue of patent to be void.

"**42.** Unless the Minister otherwise declares, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, shall be null and void; and, unless the Minister otherwise declares, 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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein; and such person shall be considered to have received his certificate upon the date upon which it was so countersigned."

Forfeiture.

Proviso: in case of recommendation for patent by local agent.

Clause 50 repealed.

6. Clause fifty of the said Act is hereby repealed, and the following substituted therefor :—

Lease of grazing lands.

"**50.** When so authorized by the Governor in Council, leases of unoccupied Dominion lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are set forth in regulations authorized from time to time by the Governor in Council."

Sale of school lands to Hon. Peter McLaren.

7. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale, upon such terms as are thought proper, to the Honourable Peter McLaren, of the following school lands, that is to say,—the northerly twenty-five acres of that portion of the north-west quarter of section eleven in township nine and range twenty-six, west of the fourth meridian, in the provisional district of Alberta, the southern boundary of the said twenty-five acres of land to be a due east and west line : Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart as school lands in lieu of the said twenty-five acres of land, other land of equal area and value as nearly as may be.

Proviso: other lands to replace them.

Sale of school lands to former lessees of grazing ranches.

8. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale to any former lessee of a grazing ranche in the North-West Territories, whose lessee was, with other similar leases, determined pursuant to the provision of an Order in Council of the twelfth day of October, one thousand eight hundred and ninety-

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two, and who was thereby given, among other privileges, permission to purchase not in excess of ten per cent of his leasehold at the rate of two dollars per acre (which rate was subsequently reduced to one dollar and twenty-five cents by an Order in Council of the twenty-second day of April, one thousand eight and ninety-three) as part of such ten per cent of his leasehold, of any school lands comprised therein: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart, as school lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

Proviso: other lands to replace them.

9. Notwithstanding anything in the said Act or in any Act amending it, the Minister, by authority of the Governor in Council, may grant to Edward W. Johnston a homestead entry for the south-east quarter of section eleven in township eleven and range four, east of the first meridian, upon proof to the satisfaction of the Minister that he was in *bona fide* occupation of the said land prior to the first day of January, one thousand eight hundred and eighty, and that he has continued to occupy and cultivate the said land since that date, in accordance with the requirements of the said Act relating thereto.

Grant of homestead to Edward W. Johnston.

2. The Minister may cause to be selected in lieu of the said school lands, an equal area of vacant and unreserved Dominion lands within the province of Manitoba, for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of Dominion lands are set apart under the provisions in that behalf contained in the said Act, and may withdraw the lands so selected from the operation of those clauses, of the said Act and of its amending Acts, which relate to sale and to homestead entry, and set them apart as school lands, by a notice to that effect in the *Canada Gazette*.

Other lands to replace it.

10. Clause ninety-six of the said Act is hereby amended by striking out the word "and" in the second line thereof, and inserting the word "or" in lieu thereof.

Clause 96 amended.

11. Clause ninety-eight of the said Act is hereby repealed and the following clause is substituted in lieu thereof:—

Clause 98 repealed.

"**98.** The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases."

Forms in schedule may be varied by the Minister.

12. If, in the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of a family, the Minister may decide from the special circumstances of the case whether such application shall be granted or refused.

Application for homestead by woman as head of family.

13. Where patents for any public lands have been or are hereafter issued to a person who died or who hereafter dies before the date of such patent, the patent in such case shall

Issue of patent after death of applicant.

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not therefor be void, but the title to the land designated therein and granted or intended to be granted thereby shall become vested in the legal representatives of such deceased person according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life.

Issue of patent in case of mental incapacity of settler.

14. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian or committee of such person, or any person who in the event of his death would be entitled as his legal representative to do so, may furnish such proof if the conditions of entry have been wholly fulfilled by such person, or, if only partly fulfilled, may complete them and then furnish the necessary proof, as the legal representative of such person.

1891, c. 24, clause 7 amended.

15. Clause seven of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following sub-clause thereto:—

As to entries obtained before Sept., 30, 1891.

"2. In the case of any entry obtained before the thirtieth day of September, one thousand eight hundred and ninety-one, the right of the person obtaining it shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty-first day of December, one thousand eight hundred and ninety-eight."

1891, c. 24, clause 10 amended.

16. Clause ten of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following words thereto: "and where the person so interested is unable to

Registration.

obtain an affidavit by a witness to the execution of the acknowledgment and charge of its execution by the settler to whom the advance thereby secured was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the local agent in whose office the acknowledgment and charge is of record, that it was duly filed in his office; and it is hereby declared that if the said acknowledgment and charge was so duly filed it shall be considered to have constituted a first charge upon such land from the date of its filing with the local agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law."

Crofters, second homestead entry to.

17. Notwithstanding anything in the said Act contained, any person who has been placed on homestead lands or has been assisted to place himself on such lands by the board mentioned in chapter twenty-one of the statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

Disposal of first homestead.

2. The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise

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within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as is named in such patent as the fair value of such lands, on pain, in case of refusal, of the forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

If first homestead is valued at less than charges thereon.

3. The Minister shall, for the purposes of this section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required, before he is granted a second entry, to sign an acknowledgment in the form R in the shedule to the said Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

Issue of letters patent to settler or purchaser who is indebted to the Crown.

18. In any case in which any settler or purchaser is entitled to the issue of letters-patent for any land to which the said Act relates, but the issue of such patent is delayed because of the liability of such settler or purchaser, either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favour of the Crown or the Minister, for the re payment of an advance of seed grain, or on account of any other indebtedness to the Crown, the Minister may cause such letters-patent to issue in favour of the settler or purchaser entitled thereto, and may transmit them to the registrar in whose district the land is situated, with a certificate signed by him or his Deputy, or by some other person named by him for the purpose, setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness, with the rate of interest to be paid thereon, the name of the persons liable or indebted therefor, and the land to be charged thereby; and the registrar when registering the patent for such land shall make the necessary entries respecting such indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law.

Registration.

Lands in Yukon district and remote parts of N.-W. T. may be laid off into lots.

19. Notwithstanding anything in the said Act contained, the Minister may direct that lands in the Yukon District and in remote parts of the unorganized portions of the North-West Territories shall be laid off into lots of such size and shape as may be found advisable; and such lots may be dealt with and may be described according to plans of record.

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No. 116.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Dominion Lands Act.

Received and read a first time, Tuesday, 25th May, 1897.
Second reading, Wednesday, 26th May, 1897.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

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BB

Department of the Interior,
Ottawa, 18th June, 1897.

Memorandum :-

To the Minister,

There is one error, and several alterations in the Bill, No. 116 (An Act further to amend the Dominion Lands Act) to which I wish to draw your attention while the Bill is in its present position.

In the fourth line of Clause 8 of the Bill "lessee" is used instead of "lease."

In the fourth line of Clause 13 of the Bill "therefor" is used for "therefore." In the same Clause "legal representatives" is used alone for "assigns, heirs, devisees or other legal representatives" used in Clause as drafted here. If the term "legal representatives" is sufficient to include "assigns" well and good, but if not the original wording of the Clause should be used so that title may pass to the present owners of the land whether such owners are the heirs, devisees, executors or administrators of the deceased person named as patentee, persons who purchased the land from him or them, or any subsequent purchaser.

Another point which I have been considering since I received a printed copy of Bill No. 116 arises in this same clause, No. 13, as to the advisability of retaining the word "public" as descriptive of the lands referred to in the clause. Most

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of the cases which I had in mind when I first submitted this provision to you concerned lands claimed under the Manitoba Act. If is doubtful if such lands <u>are</u> public lands. For this reason it now appears to me that it would be well to provide as follows :- Where patents for any lands under the control or management of the Minister, &c.

Mr. McCord very properly made Clauses 18 and 19 of the draft of the Bill as introduced, subclauses 2 and 3 of Clause 17 of the Bill. I note this fact as corresponding changes should now be made in the "Explanations" of the Bill which I prepared for use when its provisions were being considered in Committee.

F. G. Rothwell

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J.R.

BILL

An Act further to amend "The Dominion Lands Act."

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows;-

1. In this Act, unless the context otherwise requires, the expression "the said Act" means "The Dominion Lands Act," chapter fifty-four, of the Revised Statutes.

2. Sub-clause three of clause thirty-four of the said Act is hereby amended by inserting after the word "Board" in the second line thereof the words, "or any other person named for the purpose by the Minister."

3. Sub-clause four of clause thirty-eight of the said Act is hereby amended, by striking out all the words therein after the words "local agent," and by adding in lieu thereof the words;"or his senior assistant, or before some other person named for that purpose by the Minister."

4. Clause thirty-eight of the said Act is hereby further amended by adding the following sub-sections thereto;-

9.

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9. If a settler has obtained or shall obtain a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by the said Act, and has obtained or shall obtain entry for a second homestead; or if any son of such settler, who has attained the age of eighteen years, has obtained or shall obtain entry for a homestead, the requirements of the said Act as to residence prior to obtaining patent may be satisfied, in the case of the father, by residence upon his first homestead, and, in the case of a son, by residence upon the father's homestead.

10. Notwithstanding anything contained in the said Act or in any of its amending Acts, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board;-

(a) That he has fulfilled three years' residence upon the land, which is the subject of his entry, in accordance with the provision as to three years' residence upon a homestead, which are contained and explained in the said Act;

(b) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced;

(c) That he has at least forty head of cattle upon such land;

(d) That he has erected on such land or upon land adjoining it stables and outhouses sufficient to winter at least forty head of cattle.

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5. Clause forty-two of the said Act is hereby repealed and the following clause is substituted therefor.

42. Unless the Minister shall otherwise declare, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent and whether now executed or hereafter to be executed, shall be null and void; and unless the Minister shall otherwise declare, 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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein ; and such person shall be considered to have received his certificate upon the date the same was countersigned as above provided.

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6. Clause fifty of the said Act is hereby repealed, and the following clause is substituted in lieu thereof ;-

50. When so authorized by the Governor in Council, Leases of unoccupied Dominion Lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are now or may be hereafter set forth or provided in regulations now authorized or to be hereafter authorized, from time to time , by the Governor in Council.

7. Notwithstanding anything in the said Act or in any of the Acts amending it the Governor in Council may authorize the sale upon such terms, as may be thought proper, to the Honourable Peter McLaren of the following School Lands, that is to say;- being composed of the Northerly twenty-five acres of that portion of the North West quarter of Section Eleven in Township Nine and Range Twenty-six, West of the Fourth Meridian, in the Provisional

District

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District of Alberta, the Southern boundary of the said twenty-five acres of land to be a due East and West line

Provided that such sale shall not take place until the Minister, by notice in the Canada Gazette, has set apart, as school lands in lieu of the said twenty-five acres of land, other land of equal area and value as nearly as may be.

8. Notwithstanding anything in the said Act or in any of the Acts amending it the Governor in Council may authorize the sale to any former lessee or lessees of a grazing ranche in the North West Territories, whose lease with other similiar leases were determined pursuant tothe provision of a certain Order -in-Council of the Twelfth day of October, 1892, were thereby given , amongst other privileges, permission to purchase not in excess of ten per centum of their respective leaseholds at the rate of two dollars per acre (which rate was subsequently

reduced

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reduced to one dollar and twenty five cents by a certain Order-in-Council of the twenty-second day of April, 1893) as part of such ten per centum of his leasehold, of any school lands comprised therein.

Provided that such sale shall not take place until the Minister, by notice in the Canada Gazette, has set apart, as School Lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

9. Notwithstanding anything in the said Act or in any Act amending it, the Minister, by authority of the Governor-in-Council, may grant to Edward W. Johnston a homestead entry for the south-east quarter of section eleven in township eleven and range four east of the first Meridian, upon proof to the satisfaction of the Minister that he was in bona fide occupation of the said land prior to the first day of January, 1880, and that he has continued to occupy and cultivate the said land since that date, in accordance with the requirements of the said Act relating thereto.

2. The Minister may cause to be selected in lieu of the school-lands hereinabove described, an equal area of vacant and unreserved Dominion Lands within the Province of Manitoba for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion Lands are set apart under the provisions in that be-half contained

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contained in the said Act, and may withdraw the lands so selected from the operation of those clauses, of the said Act and of its amending Acts, which relate to sale and to homestead entry, and set them apart as school lands, by a notice to that effect in the Canada Gazette.

10. Clause ninety-six of the said Act is hereby amended by striking out the word " And " in the second line thereof, and inserting the word " or " in lieu of it.

11. Clause ninety-eight of the said Act is hereby repealed, and the following clause is substituted in lieu thereof;-

" 98. The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases.

12. In the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of

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a family, the Minister shall have power to decide from the special circumstances of the case whether such application shall be granted or refused.

13. Where patents for any public lands have been or shall hereafter be issued to a person who died or who hereafter dies before the date of such patent, the patent in such case shall not therefore be void, but the title to the land designated therein and granted or intended to be granted thereby shall inure to and become vested in the assigns, heirs, devisees or other legal representatives of such deceased person according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life.

14. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and who by reason of such insanity or mental incapacity is unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian or committee of such person, or any person who in the event of his death would be entitled as his legal representative to furnish such proof may furnish the same if the conditions of entry have been wholly fulfilled by such person, or if only partly fulfilled may complete the same and then furnish the necessary proof, as the legal representative of such person.

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L.C.

15. Clause seven of chapter four of the Act fifty-four, fifty-five Victoria, is hereby amended by adding the following sub-clause thereto;-

"2. In the case of any entry obtained before the thirtieth day of September, 1891, the right of the entrant shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty-first day of December, 1898".

16. Clause ten of chapter twenty-four of the Act fifty-four, fifty-five Victoria, is hereby amended by adding the following words thereto;- "and where the person so interested is unable to obtain an affidavit by a witness to the execution of the acknowledgment and charge of its execution by the settler to whom the advance thereby secured was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the Local Agent in whose office the acknowledgment and charge is of record, that it was duly filed in his office; and it is hereby declared that if the said acknowledgment and charge was so duly filed the same shall be considered to have constituted a first charge upon such land from the date of its filing with the Local Agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law.

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17. Notwithstanding anything in the said Act contained any person who has been placed on homestead lands or has been assisted to place himself on such lands by the Board mentioned in the Act Chapter twenty-one of the Statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

18. The lands so abandoned may be gathered to the said board subject to a condition that the board shall place a bona fide settler thereon by the sale thereof to such settler or otherwise within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a bona fide settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as may be named in such patent as the fair value of such lands, on pain, in case of refusal, of an absolute forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

19. The Minister shall, for the purposes of the next preceding section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required before he is granted

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a second entry to sign an acknowledgment in the form R in the schedule to the ~~Dominion Lands~~ said Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

20. In any case in which any settler or purchaser is entitled to the issue of letters-patent for any land to which the said Act relates, but the issue of such patent is delayed because of the liability of such settler or purchaser either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favour of the Crown or the Minister, for the re-payment of an advance of seed grain or on account of any other indebtedness to the Crown whatsoever, the Minister may cause such letters-patent to issue in favour of the settler or purchaser entitled thereto, and may transmit the same to the Registrar in whose district the land is situated, with a certificate signed by him or his Deputy, or ~~any~~ by some other person named by him for the purpose, setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness with the rate of interest to be paid thereon, the name of the person or persons liable or indebted therefor, and the land to be charged thereby ; and the Registrar when registering the patent for such land shall make the necessary entries respecting such ~~indebtedness~~ in the proper register or other record book

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book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law.

21. Notwithstanding anything in the said Act contained, the Minister may direct that lands in the Yukon District and in remote parts of the unorganized portions of the North West Territories shall be laid off into lots of such size and shape as may be found advisable ; and such lots may be dealt with and may be described according to plans of record.

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EXPLANATIONS for the Minister, to the respective provisions of the Bill :- "An Act fur - ther to amend 'The Dominion Lands Act'."

The amendment which is proposed by the 2nd clause of the Bill is required for the purpose of including the Commissioner of Immigration at Winnipeg, or any other person who may be named by the Minister, with those who may now authorize one person to make an entry for Dominion Lands for another person, where necessity arises.

Clause 2.

As the law now stands the senior clerk has only power to take an affidavit of the class to which this clause relates when the local agent is absent from the office, and as the Department of Justice has held that "absence" under such circum - stances means absence on leave and not temporary absence for a minute or an hour, without leave, a question as to the validity of an affidavit taken by the senior clerk may arise at any moment. For this reason the amendment proposed by the ~~third~~ 2nd clause of the Bill is considered necessary.

Clause 3.

The provisions of the two amendments which are proposed to be made by the next clause of the Bill have already been before the House, the first amendment being the subject of Bill No. 60 which was introduced some days ago by Mr. Douglas M.P., and the second one being the subject of the first

Clause 4.

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first clause of Bill No. 61, which was introduced a few days ago by Mr. Davin M.P.

Since the provisions of Clause 42 of the Dominion Lands Act became law cases have been continually arising where a settler, who had complied with his conditions of entry but who had not received his application for patent executed a lease, an assignment, a mortgage, or some other instrument which resulted in the forfeiture provided by Clause 42, and to relieve such persons from the position of great hardship in which these acts placed them, provisions corresponding in every particular to those which comprise Section 5 of Chap. 34, of 58-59 Victoria, have been passed from time to time.

Clause 5.

It has, therefore, been deemed advisable to amend the clause --42-- itself, which will do away with the necessity of bringing this matter before Parliament again for the passing of provisions similar to those of Sec. 5 of Chap. 35 of 58-59 Vic.

The amendment proposed by the ~~sixth~~ 6th clause of the Bill is necessary to prevent the necessity of going to Council with each application for a lease of lands for grazing purposes. At present that course must be taken, in each case, although it is purely a matter of routine, or action is delayed until there are ten or twelve cases to submit to Council. There is no necessity for this method, and under the proposed amendment leases of this class can be granted promptly after each application is dealt with.

Clause 6.

Clause 7.

No Explanation necessary.
repeal of five six clauses of Act being repealed by next clause of Bill, new clause provided

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The repeal of clauses sixty-five, sixty-six, sixty-seven and seventy, which with clauses sixty-eight and sixty-nine and several other sections of the Act relate to the manner in which timber berths are set aside for and disposed of to applicants, and the enactment of the provisions contained in Clause 8 of the present Bill, are asked for because the provisions of such four clauses have not been observed by the Department in dealing with these berths. This is the case with clause 65 of the Act. Its provisions have never been carried out. And so also with clause 66. Under this clause the land comprised within a timber berth is reserved from sale and settlement, and yet one of the conditions of the form of license which is issued for each timber berth, under conditions set out in the Timber Regulations is that the "license shall not be allowed to interfere with the settlement of any lands within the berth which may be desirable for settlement."

Clause 8.

Under sub-clause 1 of Clause 67 of the Act it is provided that the berths shall be sold at public auction, whereas they have not been sold in that way but have been disposed of, under the Regulations, by tender.

Under Clause 2 of Clause 67 provision is made to grant a lease to a sole applicant, without competition, but by the Regulations no license to cut timber will be granted except the berth is acquired at public competition.

The difference between the provisions of Clause 70 of the Act and the Regulations which are in force are not very material, but it may be mentioned

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mentioned that although the conditions as to the erection of a saw-mill practically correspond and although the royalty on the sales of the products of the berth is fixed by both the Act and by the Regulations at 5 per cent. the Regulations also permit of the acceptance of 2½ per cent. for timber cut from dry and fallen trees.

No material differences exist between the provisions of Clauses 68 and 69 of the Act, and the corresponding provisions of the Regulations, but it is considered that the form of lease, the duration of and renewal thereof, with the other matters mentioned in the provisions of either of these two sections, are matters which, with all matters arising under the other clauses before mentioned, may safely be based upon Regulations which are now or which may be hereafter passed by Council, and which must be published in the Canada Gazette in the manner prescribed by Clause 91 of the Act, before they come into force. For that reason these two clauses 68 and 69 are also repealed.

Clause 9.

The amendment of Clause 72 of the Act is considered necessary because the timber lessee is not entitled to timber under ten inches in diameter, and as the Clause stands now he might demand payment for such timber, if cut for the purposes set out in the clause.

Clause 10

The authority of Parliament to the sale of the twenty-five acres mentioned in Clause ~~ten~~ seven of the Bill, to the Hon Mr McLaren is necessary because this parcel of land is part of a school sectuon.

By

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By an Order-in-Council dated the 19th March, 1887, certain lands including this parcel of twenty-five acres were reserved for the North West Mounted Police, and in that year Senator McLaren was granted permission to erect on such land twenty-five acres a small saw-mill. This mill was destroyed by fire some years ago, and as it was represented to the Government of that day the mill was a great benefit to the settlers and stockmen of the Macleod District, Senator McLaren agreed to build again if he could obtain a grant of the land. By an Order-in-Council of the 4th July, 1896, the sale of this land at $1.00 per acre was authorized to be made to Mr. McLaren, and it is understood that upon the strength of this Order Mr. McLaren commenced to re-build. It was then discovered that the land was part of a school section and that the authority of Parliament was necessary before the sale to the Honourable gentleman could be completed.

Clause 7 to 10 continued.

Under the arrangement entered into, as set out in an Order-in-Council of the 12th October, 1892, lessees of grazing ranches, relinquished their respective leaseholds upon the understanding that they would be permitted to purchase not in excess of ten per cent. of the area thereof, at the rate of $2.00 per acre, subsequently reduced to $1.25 by the Order in Council of the 22nd April, 1893.

Clause 8

The fact that such ten per cent. of the area of a leasehold might be part of a school section, and that the authority of Parliament would, therefore

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therefore, be necessary to warrant the sale being completed was overlooked. The amendment proposed by Clause 8 of the Bill is, therefore necessary.

By the next clause of the Bill --12-- provision is made for the granting of an entry to Mr. Edward W. Johnston for the land mentioned in the clause. As therein stated, his case was omitted, by oversight, from ~~that Act~~ Chapter 18 of 56 Victoria, assented to 1st April, 1893, and although Mr. Johnston, some months afterwards, namely upon the 17th March, 1894, ~~he~~ entered into an agreement with a Mr. Parsons to exchange this land for other land, in the same district -- no doubt believing that his claim to the land would be recognized, as were those whose claims are set forth in the Act of 1893, it is considered that he should not suffer for an over-sight for which he was not responsible, and that the relief this provision is intended to afford him should be granted.

Clause 9

As Clause 91 of the Act now stands it has been found necessary to publish in the Canada Gazette many Orders in Council for the publication of which no other reason exists. A study of this clause of the Act will also shew that it is a question if all Orders should not be so published, under its provisions. Some years ago it was decided that it was not necessary to gazette a certain order which related to a lease for timber berth, and in a suit for the dues &c., the defence was raised that the Order was not gazetted and the Crown lost the action. Thereupon Section two of Chapter 26 of 54-55 Victoria was passed. If the clause in the Bill, which is

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is now referred to is allowed to become law the interests of the public will be fully protected, much expense in the publication of Orders for which no necessity of public notice exists will be saved, and much delay prevented.

In several instances in which the former Commissioner of Dominion Lands (Mr. H.H.Smith) when investigating claims to certain lands, summoned certain persons to appear before him, under the provisions of Clause 96 of the Act, the objection was made that he had no authority to hold the investigation alone, and that some "other" person specially authorized to that effect by the Governor in Council should sit with him. This was never the intention of the provision ; therefore, the amendment which is contained in clause 10 of the Bill is necessary.

Clause 10.

The necessity for amending Clause 98 in the manner proposed by Clause 4 of the Bill, calls for no explanation.

Clause 11

Three cases may be mentioned to illustrate the necessity for the provisions of the next clause, of the Bill, No. 12.

One is that of a family consisting of three children, their parents, and a grandmother. The parents both died before a homestead was entered for, but the grandmother applied for that privilege. She was refused as the Department of Justice held that she was not the sole head of a family

Another

Clause 12

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Another is that of an unmarried woman from the old country (Scotland) who had two children depending upon her for a living. In giving her name, when obtaining homestead entry, it was assumed she was married, and she was so entered in the Agent's books, but when she applied for patent she explained that she was unmarried, and her application for patent was refused upon the ground that she was not the sole head of a family.

Several cases have arisen where the husband is insane. One case may be particularly referred to. Here the husband had been confined in a lunatic asylum for seven years and although there was no apparent hope of his recovery his wife who had four children depending upon her, and who was very desirous of being granted a homestead entry had to be refused, because it was held that she was, in a strictly legal sense, not the sole head of a family.

13
1912
clause continued

The next clause of the Bill, No. 16, is based upon a provision which has long been in force in the United States, and its enactment by this Parliament will not only save the necessity of the cancellation of patents in cases in whch it is afterwards discovered that the person therein named as the patentee died prior to the date of the patent but will save the Department of the Interior from putting those who may be legally entitled to lands, from or through such deceased patentees to expense and delay in perfecting their claim to lands.

13
clause 16

The

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The necessity for this provision is so obvious that no further explanation need be given.

Clause 14.

No explanations need be given for the provisions contained in Clause ~~15~~ 14 of the Bill.

Clause 15.

The next Clause of the Bill ~~15~~ is necessary as the provisions of the Act of 1891 referred to are not retroactive, and as it is but reasonable that a time should be limited within which all settlers who have heretofore obtained entries must apply for their patents, or forfeit all rights to their lands.

Clause 16.

The necessity for the relief to be afforded by Clause ~~16~~ 16 of the Bill will appear upon referring to the provisions of Clause 38 of the Dominion Lands Act of 1883, whereby the filing of the acknowlegment therein referred to was not required to be made in the registry office ~~the~~ for the district., but with the Dominion Lands Agent. The present Act contains a provision for the registration of such an instrument with the Registrar and clause ten of Chapter twenty-four of the Act of 1891, referred to was passed to afford those who were so interested and who had filed their respective acknowledgments in the Land Titles Office, and opportunity, if they so desired, of registering them in the proper Registry Office.

Some

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Some eight or ten cases affecting lands in the North West, exist, however, where the witness to the settlers' execution of the acknowledgment is dead, or cannot be found, and it is for the relief of the persons entitled to the repayment of the moneys and interest secured by these instruments that this provision is submitted. In view of the fact that if the provisions of the Act of 1883 were duly complied with the land mentioned in the acknowledgment was thereby charged with the payment of the moneys and interest stipulated in that instrument, it is very doubtful if necessity exists for its registration in the local Land Titles Office. However, to remove the matter from doubt, and to afford the persons referred to the opportunity it was intended they should have, when clause ten already referred to was passed, the amendment to this clause which is suggested by Clause 19 of the Bill, has been included.

Clause 16 Continued

17, 18 and 19

Clauses 17, 18 and 19

~~It is intended to provide By clause~~ ~~The last three clauses~~ of the Bill ~~are it intended to provide~~ Intended to provide relief for certain Crofters who comprise the colony near Saltcoats in the North West Territories which was established under the auspices of the Imperial Colonization Board in the year 1889, and also relief to the members of the Board for advances made to such Crofters.

The House may be reminded that with the view of giving effect to a scheme of colonization for the Crofters then residing in the West Highlands

and

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and Islands of Scotland the Imperial Government voted in the year 1888, £ 10.000, conditionally upon an additional £ 2.000 being raised by public sub - scription for the same purpose, and the whole amount being vested in a Board of Commissioners, for the purpose of administering the same as a fund for assisting these persons to homesteads in Manitoba or the North West ; and that by Chapter 21 of the Statutes of 1886, the members of this Board and all persons receiving advances from them were made subject to the provisions of Clause 44 of the Dominion Lands Act.

Clauses 17, 18 and 19 Continued

Subsequently the Board assisted two colonies of Crofters, composed in all of forty-nine families, in coming to Canada, and located one colony at Killarney, Manitoba, and the other at Saltcoats.

These settlers were most carefully selected, and each person capable of entering for a homestead, received for his transportation and other purposes specified in Clause 44 of the Act a sum varying from $600. to $750; but although everything was done which it was thought would ensure the success of the enterprise, 23 of the families who were located at Saltcoats have not made farming a success upon the lands which were selected for them, and ~~although~~ they are to-day only fairly able to provide for their own wants; ~~they~~ have represented that the quality of the lands upon which they now reside is largely responsible for their want of success, and have

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have urgently requested to be permitted to take up lands elsewhere. It is very desirable to encourage these people in remaining in this country and to assist them in becoming good farmers, but to grant their request unconditionally, and without securing the interests of the Board in the lands now held by these settlers would affect seriously the purpose for which the sum of £ 12.000, before referred to was voted and raised.

It may be here stated that thr whole scheme cost this country not one dollar of expenditure.

Clauses ~~20, 21~~ 17 18 and ~~22~~ 19 concluded.

~~A few~~

The ~~last~~ last ~~cal~~ clause of the Bill explains ~~it~~ itself, but it may be stated that

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~~Explanations.~~

Clause 33.

thala A few lots have to be laid out for mission, trading and other purposes in remote parts of the Territories. The extension of the township surveys so far from the settled districts would involve an enormous expenditure : as no great demand for land there is expected in the near future, it seems preferable that the surveys should be limited to the lots actually wanted : the object of the proposed amendment is to authorize such surveys.

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419503 Jany 26th 1897.

DEPT. OF THE INTERIOR RECEIVED JAN 26 1897 OTTAWA

Mr Henry.

The correspondence on 33,210 Immigr., has reference to the encouragement of tree-planting in the North West & particularly the Territories, and the Deputy Minister in a memorandum to the Minister on the subject, suggests that a small pamphlet with reference to tree-planting might accomplish much good if distributed amongst the settlers. The Minister has endorsed on the memorandum as follows:—

235667

Sy 30/12

"No action at present, I contemplate "some tree planting provisions "by way of amendment to the "Land Act and will take "it all up at the same time.

file

C. N. Bradley

Amendment to Dom. Lands Act

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Done
22-5-97
[illegible]

Mrs Lee

Very urgent

wanted by Minister
to day

Two type copies please

T.G.R.
22/5/97

Space of about an inch
to be left between each
clause, but not between
the sub clauses;
Clause 6 is to be
taken in as amended
although the Minister
~~[illegible]~~ first struck it out.
R.

Miss Barber. Send first thing
to morrow Ans if I am not
hurry rattend to Explanation [illegible]

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Approved
D. Campbell

BILL

An Act further to amend "The Dominion Lands Act."

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

1. In this Act, unless the context otherwise requires, the expression "the said Act" means "The Dominion Lands Act," chapter fifty-four, of the Revised Statutes.

2. Sub-clause three of clause thirty-four of the said Act is hereby amended by inserting after the word "Board" in the second line thereof the words, "or any other person named for the purpose by the Minister."

3. Sub-clause four of clause thirty-eight of the said Act is hereby amended, by striking out all the words therein after the words "local agent," and by adding in lieu thereof the words : "or his senior assistant, or before some other person named for that purpose by the Minister."

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4. Clause thirty-eight of the said Act is hereby further amended by adding the following sub-sections thereto :-

9. If a settler has obtained or shall obtain a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by the said Act, and has obtained or shall obtain entry for a second homestead ; or if any son of such settler, who has attained the age of eighteen years, has obtained or shall obtain entry for a homestead, the requirements of the said Act as to residence prior to obtaining patent may be satisfied, in the case of the father, by residence upon his first homestead, and, in the case of a son, by residence upon the father's homestead.

10. Notwithstanding anything contained in the said Act or in any of its amending Acts, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board:-

(a) That he has fulfilled three years' residence upon the land, which is the subject of his entry, in accordance with the provisions as to three years' residence upon a homestead, which are contained and explained in the said Act ;

(b) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced ;

(c)

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(c) That he has at least forty head of cattle upon such land ;

(d) That he has erected on such land or upon land adjoining it stables and outshouses sufficient to winter at least forty head of cattle.

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5. Clause forty-two of the said Act is hereby repealed and the following clause is substituted therefor :-

"42. Unless the Minister shall otherwise declare, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent and whether now executed or hereafter to be executed, shall be null and void ; and unless the Minister shall otherwise declare, 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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein ; and such person shall be considered to have received his certificate upon the date the same was countersigned as above provided.

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Insert this

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6. Clause fifty of the said Act is hereby repealed, and the following clause is substituted in lieu thereof:-

"50. Leases of unoccupied Dominion lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are now or may be hereafter set forth or provided in regulations now authorized or to be hereafter authorized, from time to time, by the Governor in Council.

~~4. Clause sixty-four of the said Act is hereby amended by the striking out of the word "five" therein.~~

8. Clauses sixty-five to seventy, both inclusive, of the said Act, are hereby repealed and the following clause is substituted in lieu thereof:

"Licenses or permits to cut timber upon unoccupied Dominion Lands may be granted by the Minister, to any person, for such period, for such rent or fees, and upon such other terms and conditions, as in that behalf are now or may be hereafter set forth or provided in regulations now authorized or to be hereafter, from time to time, authorised by the Governor in Council.

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Clause seventy-two of the said Act is hereby amended by inserting after the word "timber" in the thirteenth line thereof the words "of a diameter of ten inches and upwards."

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7. Notwithstanding anything in the said Act or in any of the Acts amending it the Governor in Council may authorize the sale upon such terms, as may be thought proper, to the Honourable Peter McLaren of the following school lands, that is to say:- being composed of the Northerly twenty five acres of that portion of the North West quarter of Section eleven in Township nine and Range twenty-six, west of the fourth meridian, in the provisional district of Alberta, the southern boundary of the said twenty-five acres of land to be a due east and west line

Provided that such sale shall not take place until the Minister, by notice in the Canada Gazette, has set apart, as school lands in lieu of the said twenty-five acres of land, other land of equal area and value as nearly as may be.

8. Notwithstanding anything in the said Act or in any of the Acts amending it the Governor in Council may authorize the sale to any former lessee or lessees of a grazing ranche in the North West Territories, whose lease with other similar leases were determined pursuant to the provision of a certain Order-in-Council of the twelfth day of October, 1892, were thereby given, amongst other privileges, permission to purchase not in excess of ten per centum of their respective leaseholds at the rate of two dollars per acre (which rate was subsequently

reduced

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and twenty five cents

reduced to one dollar by a certain Order-in-Council of the twenty-second day of April, 1893) as part of such ten per centum of his leasehold, of any school lands comprised therein.

Provided that such sale shall not take place until the Minister, by notice in the Canada Gazette, has set apart, as School lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

9. Notwithstanding anything in the said Act or in any Act amending it, the Minister, by authority of the Governor-in-Council, may grant to Edward W. John ston a homestead entry for the south-east quarter of section eleven ~~in~~ township eleven and range four east of the first meridian, upon proof to the satisfaction of the Minister that he was in bonâ fide occupation of the said land prior to the first day of January, 1880, and that he has continued to occupy and cultivate the said land since that date, in accordance with the requirements of the said Act relating thereto.

2. The Minister may cause to be selected in lieu of the school-lands hereinabove described, an equal area of vacant and unreserved Dominion Lands within the Province of Manitoba for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion Lands are set apart under the provisions in that behalf

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behalf contained in the said Act, and may withdraw the lands so selected from the operation of those clauses, of the said Act and of its amending Acts, which relate to sale and to homestead entry, and set them apart as school lands, by a notice to that effect in the Canada Gazette.

10. Clause ninety-six of the said Act is hereby amended by striking out the word "and" in the second line thereof, and inserting the word "or" in lieu of it.

11. Clause ninety-eight of the said Act is hereby repealed, and the following clause is substituted in lieu thereof :-

"98. The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases.

12. In the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole

head

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head of a family, the Minister shall have power to decide from the special circumstances of the case whether such application shall be granted or refused.

13. Where patents for any public lands, [redacted], have been or ~~may be~~ shall hereafter be issued to a person who died or who hereafter dies before the date of such patent, the patent in such case shall not therefore be void, but the title to the land designated therein and granted or intended to be granted thereby shall inure to and become vested in the assigns, heirs, devisees or other legal representatives of such deceased person according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life.

14 In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and who by reason of such insanity or mental incapacity is unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian or committee of such person, or any person who in the event of his death would be entitled as his legal representative to furnish such proof may furnish the same if the conditions of entry have been wholly fulfilled by such person, or if only partly fulfilled may complete the same and then furnish the necessary proof, as the legal representative of such person.

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15. Clause seven of chapter four of the Act fifty-four, fifty-five Victoria, is hereby amended by adding the following sub-clause thereto :-

"2. In the case of any entry obtained before the thirtieth day of September, 1891, the right of the entrant shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty first day of December, - 1898."

16. Clause ten of chapter twenty-four of the Act fifty-four, fifty-five Victoria, is hereby amended by adding the following words thereto :- "and where the person so interested is unable to obtain an affidavit by a witness to the execution of the acknowledgment and charge of its exectuion by the settler to whom the advance thereby secured was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the Local Agent in whose office the acknowledgment and charge is of record, that it was duly filed in his office ; and it is hereby declared that if the said acknowledgment and charge was so duly filed the same shall be considered to have constituted a first charge upon such land from the date of its filing with the Local Agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law.

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BILL.

[1897.

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

17. Notwithstanding anything contained in ~~the Dominion Lands Act~~ Unpaid Act any person who has been placed on homestead lands or has been assisted to place himself on such lands by the Board mentioned in the Act Chapter twenty-one of the Statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

18. The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as may be named in such patent as the fair value of such lands, on pain, in case of refusal, of an absolute forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

19. The Minister shall, for the purposes of the next preceding section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required before he is granted a second entry to sign an acknowledgment in the form R in the schedule to the Dominion Lands Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

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Proposed amendment to Dominion Lands Act.

21 ~~20.~~ Notwithstanding any ~~provision to the contrary in the Dominion Lands Act,~~ thing contained in Surveys Act or direct that lands the Minister may, in the Yukon District and in remote parts of the unorganized portions of the North West Territories, ~~direct that lands~~ shall be laid off into lots of such size and shape as may be found advisable; and such lots may be dealt with and described according to plans of records.

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BB

Department of the Interior,
Ottawa, 22nd May, 1897.

Memorandum :- 411695 -
To the Deputy Minister,

I am having prepared for the Minister this morning a clean copy of the draft Bill "An Act further to amend the Dominion Lands Act" as amended and approved by him and handed to me last evening to have completed for introduction to the House.

Since I completed the draft of the proposed amendments in this Bill my attneiton has been called to your memo. of the 28th ultimo upon the accompanying file, and I now submit herewith a clause I drafted last night which I think carries out the purpose of the Minister's endorsation upon your memorandum.

Of course this amendment has not been inserted in the Bill as it first calls for the Minister's approval.

Will you submit it to him, or do you desire me to do so ?

pd TGR

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Proposed amendment to Dominion Lands Act.

In any case in which any settler or purchaser is entitled to the issue of letters patent for any land to which the said Act relates, but the issue of such patent is delayed because of the liability of such settler or purchaser either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favour of the Crown or the Minister, for the re-payment of an advance of seed grain or on account of any other indebtedness to the Crown whatsoever, the Minister may cause such letters patent to issue in favour of the settler or purchaser entitled thereto and may transmit the same to the Registrar in whose district the land is situated, a certificate signed by him or his Deputy, or by some other person named by him for the purpose setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness with the rate of interest to be paid thereon, the name of the person or persons liable or indebted therefor, and the land to be charged thereby ; and the Registrar when registering the patent for such land shall make the necessary entries respecting such indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law.

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EXPLANATIONS for the Minister, to the respective provisions of the Bill :- "An Act further to amend "The Dominion Lands Act.'"

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The amendment which is proposed by the 2nd clause of the Bill is required for the purpose of including the Commissioner of Immigration at Winnipeg, or any other person who may be named by the Minister with those who may now authorize one person to make an entry for Dominion Lands for another person, where necessity arises.

Clause 2

As the law now stands the senior clerk has only power to take an affidavit of the class to which this clause relates when the local agent is absent from the office, and as the Department of Justice has held that "absence" under such circumstances means absence on leave and not temporary absence for a minute or an hour, without leave, a question as to the validity of an affidavit taken by the senior clerk may arise at any moment. For this reason the amendment proposed by the 3rd clause of the Bill is considered necessary.

Clause 3

The provisions of the two amendments which are proposed to be made by the next clause of the Bill have already been before the House, the first

Clause 4

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Clause 4

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REPEAT/
RÉPÉTITION

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first amendment being the subject of Bill No. 60 which was introduced some days ago by Mr. Douglas M.P., and the second one being the subject of the first clause of Bill No. 61, which was introduced a few days ago by Mr. Davin M.P.

Clause 5

Since the provisions of Clause 42 of the Dominion Lands Act became law cases have been con - tinually arising where a settler who had complied with his conditions of entry, but who had not re - ceived his application for patent executed a lease, an assignment, a mortgage, or some other instrument, which resulted in the forfeiture provided by Clause 42, and to relieve such persons from the position of great hardship in which these acts placed them, provisions corresponding in every particular to those which comprise Section 5 of Chap. 34, of 58-59 Vic - toria, have been passed from time to time.

It has, therefore, been deemed advisable to amend the clause -- 42 -- itself, which will do away with the necessity of bringing this matter before Parliament again for the passing of provisions similar to those of Section 5 of Chap. 35 of 58-59 Vic.

Clause 6

The amendment proposed by the 6th clause of the Bill is necessary to prevent the necessity of going to Council with each application for a lease of lands for grazing purposes. At present that course must

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must be taken, in each case, although it is purely a matter of routine, or action is delayed until there are ten or twelve cases to submit to Council. There is no necessity for this method, and under the proposed amendment leases of this class can be granted promptly after each application is dealt with.

The authority of Parliament to the sale of the twenty-five acres mentioned in Clause 7 of the Bill, to the Hon. Mr. McLaren is necessary because this parcel of land is part of a school section.

Clause 7

By an Order-in-Council dated the 19th March, 1887, certain lands including this parcel of twenty-five acres were reserved for the North West Mounted Police, and in that year Senator McLaren was granted permission to erect on such twenty-five acres a small saw-mill. This mill was destroyed by fire some years ao, and as it was represented to the Government of that day the mill was a great benefit to the settlers and stockmen of the Macleod District, Senator McLaren agreed to build again if he could obtain a grant of the land. By an Order-in-Council of the 4th July, 1896, the sale of this land at $1.00 per acre was authorized to be made to Mr. McLaren, and it is understood that upon the strength of this Order Mr. McLaren commenced to re-build. It was then discovered that the land was part of a school section and that the authority of Parliament was necessary before the sale to the honourable gentleman could be completed.

Under

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Under the arrangement entered into, as ~~set~~ set out in an Order-in-Council of the 12th October, 1892, lessees of grazing ranches relinquished their respective leaseholds upon the understanding that they would be permitted to purchase not in excess of ten per cent. of the area thereof, at the rate of $2.00 per acre, subsequently reduced to $1.25 by the Order-in-Council of the 22nd April, 1893.

Clause 8

The fact that such ten per cent of the area of a leasehold might be part of a school section, and that the authority of Parliament would, therefore, be necessary to warrant the sale being completed was overlooked. The amendment proposed by Clause 8 of the Bill is therefore necessary.

By the next Clause of the Bill -- 9 -- provision is made for the granting of an entry to Mr. Edward W. Johnston for the land mentioned in the clause. As therein stated, his case was omitted, by oversight, from Chapter 18 of 56 Victoria, assented to 1st April, 1893, and although Mr. Johnston, some months, afterwards, namely upon the 17th March, 1894, entered into an agreement with a Mr. Parsons to exchange this land for other land, in the same district -- no doubt believing that his claim to the land would be recognized, as were those whose claims are set forth in the Act of 1893 -- it is considered that he should not suffer for an oversight for which he was not responsible, and that the relief this provision is intended to afford him should be granted.

Clause 9

In

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In several instances in which the former Commissioner of Dominion Lands (Mr. H.H.Smith) when investigating claims to certain lands, summoned certain persons to appear before him, under the provisions of Clause 96 of the Act, the objection was made that he had no authority to hold the investigation alone, and that some "other" person specially authorized to that effect by the Governor in Council should sit with him. This was never the intention of the provision ; therefore, the amendment which is contained in Clause 10 of the Act is necessary.

Clause 10

The necessity for amending Clause 98 in the manner proposed by Clause 11 of the Bill calls for no explanation.

Clause 11

Three cases may be mentioned to illustrate the necessity for the provisions of the next Clause of the Bill, No. 12.

One is that of a family consisting of three children, their parents, and a grandmother. The parents both died before a homestead was entered for, but the grandmother applied for that privilege. She was refused as the Department of Justice held that she was not the sole head of a family.

Clause 12

Another is that of an unmarried woman from the old country (Scotland) who had two children depending upon her for a living. In giving her name, when obtaining homestead entry, it was assumed she

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she was married, and she was so entered in the Agents books, but when she applied for patent she explained that she was unmarried, and her application for patent was refused, upon the ground that she was not the sole head of of a family.

Several cases have arisen where the husband is insane. One case may be particularly referred to. Here the husband had been confined in a lunatic asylum for seven years and although there was no apparent hope of his recovery his wife who had four children depending upon her, and who was very desirous of being granted a homestead entry had to be refused, because it was held that she was not in a strictly legal sense, the sole head of a family

Clause 13

The next clause of the Bill, No. 13, is based upon a provision which has long been in force in the United States, and its enactment by this Parliament will not only save the necessity of the cancellation of patents in cases in which it is afterwards discovered that the person therein named as the patentee died prior to the date of the patent but will save the Department of the Interior from putting those who may be legally entitled to lands, from or through such deceased patentees, to expense and delay in perfecting their claims to lands.

The necessity for this provision is so obvious that no further explanation need be given.

No

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Clause 14

No explanations need be given for the provisions contained in Clause 14 of the Bill.

Clause 15

The next Clause of the Bill --15-- is necessary as the provisions of the Act of 1891 referred to are not retroactive, and as it is but only reasonable that a time should be limited within which all settlers who have heretofore obtained entries must apply for their patents, or forfeit all rights to their lands.

Clause 16

The necessity for the relief to be afforded by Clause 16 of the Bill will appear upon referring to the provisions of Clause 38 of the Dominion Lands Act of 1883, whereby the filing of the acknowlegdment therein referred to was not required to be made in the registry office for the district, but only with the Dominion Lands Agent. The present Act contains a provision for the registration of such an instrument with the Registrar and clause ten of Chapter twenty-four of the Act of 1891, referred to, was passed to afford those who were so interested and who had filed their respective acknowledgments in the Land Titles Office, an opportunity if they so desired, of registering them in the proper Registry Office.

Some eight or ten cases, affecting lands in the North West, exist, however, where the witness to the settler's execution of the acknowledgment is dead, or cannot be found, and it is for the relief of the persons entitled to the repayment of the

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the moneys and interest secured by these instruments, that this provision is submitted. In view of the fact that if the provisions of the Act of 1883 were duly complied with the land mentioned in the acknowledgment was thereby charged with the payment of the moneys and interest stipulated in that instrument, it is very doubtful if necessity exists for its registration in the local Land Titles Office. However to remove the matter from doubt, and to afford the persons referred to the opportunity it was intended they should have, when clause ten already referred to was passed, the amendment to this clause which is suggested by Clause 19 of the Bill, is included.

Clauses 17, 18 and 19.

By Clauses 17, 18 and 19 of the Bill it is intended to provide relief for certain Crofters who comprise the colony near Saltcoats in the North West Territories, which was established under the auspices of the Imperial Colonization Board in the year 1889, and also relief to the members of the Board for advances made to such Crofters.

The House may be reminded that with the view of giving effect to a scheme of colonization for the Crofters then residing in the West Highlands and Islands of Scotland, the Imperial Government voted in the year 1888, £. 10,000, conditionally upon an additional £. 2,000 being raised by public subscription for the same purpose, and

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purpose, and the whole amount being vested in a Board of Commissioners, for the purpose of administering the same as a fund for assisting these persons to homesteads in Manitoba or the North West, and that by Chapter 21 of the Statutes of 1886, the members of this Board and all persons receiving advances from them were made subject to the provisions of Clause 44 of the Dominion Lands Act.

Subsequently the Board assisted two colonies of Crofters, composed in all of forty-nine families, in coming to Canada, and located one colony at Killarney, Manitoba, and the other at Saltcoats.

These settlers were most carefully selected, and each person capable of entering for a homestead, received for his transportation and other purposes specified in Clause 44 of the Act, a sum varying from $600. to $750.; but although everything was done which it was thought would ensure the success of the enterprise, 23 of the families who were located at Saltcoats have not made farming a success upon the lands which were slected for them, and they are to-day only fairly able to provide for their own wants ; have represented that the quality of the lands upon which they now reside is largely responsible for their want of success, and have urgently requested to be permitted to take up lands elsewhere. It is very desirable to encourage these people in remaining in this country and to assist them in becoming good farmers, but to grant

their

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their request unconditionally, and without securing the interests of the Board in the lands now held by these settlers would affect seriously the purpose for which the sum of £ 12.000, before referred to was voted and raised.

It may be here stated that the whole scheme cost this country not one dollar of expen - diture.

The passing of the next Clause of the Bill --No. 20-- will permit the issue of a very large number of patents for lands for which the settlers are entitled to patent, but the preparation of which is stayed because of the liability of the settler to the Crown either as principal or as surety on a

Clause 20

bond or other security for seed grain.

In some instances the person interested desires to have his patent, but is unable to pay the debt ; in others the settler, being only a surety though desirous of having his patent will not take the necessary steps to secure its issue, namely, pay off the bond upon which he is a surety, not caring to have to take legal proceedings for its re-payment in case the principal will not voluntarily repay it.

In many cases the settlers allow matters to stand as they are because of the difficulties which are thus placed in the way of municipal taxation, and sale for non-payment of taxes.

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Clause 21

The last clause of the Bill explains itself, but it may be stated that a few lots have to be laid out for mission, trading and other purposes in remote parts of the Territories. The extension of the township surveys so far from the settled districts would involve an enormous expenditure: as no great demand for land there is expected in the near future, it seems preferable that the surveys should be limited to the lots actually wanted : the object of the proposed amendment is to authorize such surveys.

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BILL

An Act further to amend "The Dominion Lands Act."

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

1. In this Act, unless the context otherwise requires, the expression "the said Act" means "The Dominion Lands Act," chapter fifty-four, of the Revised Statutes.

2. Sub-clause three of clause thirty-four of the said Act is hereby amended by inserting after the word "Board" in the second line thereof the words, "or any other person named for the purpose by the Minister."

3. Sub-clause four of clause thirty-eight of the said Act is hereby amended, by striking out all the words therein after the words "local agent," and by adding in lieu thereof the words : "or his senior assistant, or before some other person named for that purpose by the Minister."

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4. Clause thirty-eight of the said Act is hereby further amended by adding the following sub-sections thereto :-

9. If a settler has obtained a patent for his first homestead ~~after three years' residence thereon,~~ or a certificate for the issue of such patent, countersigned by the Commissioner of Dominion Lands, or by a member of the Dominion Lands Board, ~~as mentioned in clause forty-two of the said Act,~~ ~~he may~~ authorized and shall thereby obtain entry for a second homestead; or if any son of such settler, ~~who~~ who has attained the age of eighteen years, may obtain entry for a homestead, ~~under the conditions in the proviso hereto set forth,~~ but ~~in either case~~ the land to be entered for shall ~~not be distant~~, from the settler's first homestead, ~~more than five miles.~~

~~Provided that the second homestead entry~~ to be obtained by such settler, ~~or the homestead entry to be obtained by any one or more of such settlers sons, respectively~~, shall be subject to the provisions of the said Act with regard to homesteads, except that the condition in such provisions as to residence shall be sufficiently complied with by residence upon the settler's first homestead for the period and in the manner provided by the said Act.

10,

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4 Clause thirty-eight of the said Act is hereby further amended by adding the following sub-sections thereto:—

9 If a settler has obtained or shall ~~hereafter~~ obtain a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by the said Act, and has obtained or shall ~~hereafter~~ obtain entry for a second homestead; or if any son of such settler, who has attained the age of eighteen years, has obtained or shall obtain entry for a homestead, the requirements of ~~the~~ said Act as to residence prior to obtaining patent may be satisfied, in the case of the father, by residence upon his first homestead, and, in the case of ~~any of his sons~~ a son, by residence upon the father's homestead.

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Reference being made to a residence of 12 months (Sub. cl. 3 of cl. 38) as well as to the residence of 3 years = it ~~was nec~~ is necessary to provide for a 3 years' residence here - vide paragraph "a".

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10. Notwithstanding anything contained in the said Act or in any of its amending Acts, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board :-

(a) That he has resided upon the land which is the subject of his entry for not less than six months in each of three years from and after the date of entry ;

(b) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced ;

(c) That he has at least forty head of cattle upon such land ;

(d) That he has erected on such land or upon land adjoining it stables and outhouses sufficient to winter at least forty head of cattle.

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a That he has ~~resided upon the land wh is the subject of his entry~~ fulfilled three years' residence upon the land, wh is the subject of his entry, in accordance with the provisions as to three years' residence upon a homestead, wh are contained and explained in the said Act;

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4. Clause thirty-eight of the said Act is hereby further amended by adding the following sub-sections thereto :-

9. If a settler has obtained or shall obtain a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by the said Act, and has obtained or shall obtain entry for a second homestead ; or if any son of such settler, who has attained the age of eighteen years, has obtained or shall obtain entry for a homestead, the requirements of the said Act as to residence prior to obtaining patent may be satisfied, in the case of the father, by residence upon his first homestead, and, in the case of a son, by residence upon the father's homestead.

10, Notwithstanding anything contained in the said Act or in any of its amending Acts, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board:-

(a) That he has fulfilled three years' residence upon the land, which is the subject of his entry, in accordance with the provisions as to three years' residence upon a homestead, which are contained and explained in the said Act ;

(b) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced ;

(c)

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(c) That he has at least forty head of cattle upon such land ;

(d) That he has erected on such land or upon land adjoining it stables and outshouses sufficient to winter at least forty head of cattle.

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5. Clause forty-two of the said Act is hereby repealed and the following clause is substituted therefor :-

"42. Unless the Minister shall otherwise declare, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent and whether now executed or hereafter to be executed, shall be null and void ; and, unless the Minister shall otherwise declare, 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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein ; and such person shall be considered to have received his certificate upon the date the same was countersigned as above provided.

5.

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6. Clause fifty of the said Act is hereby repealed, and the following clause is substituted in lieu thereof :-

"50. Leases of unoccupied Dominion Lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are now or may be hereafter set forth or provided in regulations now authorized or to be hereafter authorized, from time to time, by the Governor in Council.

7. Clause sixty-four of the said Act is here by amended by the striking out of the word "five" therein.

8. Clauses sixty-five to seventy, both inclusive, of the said Act, are hereby repealed and the following clause is substituted in lieu thereof:

Licenses or permits to cut timber upon unoccupied Dominion Lands may be granted by the Minister, to any person, for such period, for such rent or fees, and upon such other terms and conditions, as in that behalf are now or may be hereafter set forth or provided in regulations now authorized or to be hereafter, from time to time, authorized by the Governor in Council.

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9. ~~10.~~ Clause seventy-two of the said Act is hereby amended by inserting after the word "timber" in the thirteenth line thereof the words "of a diameter of ten inches and upwards."

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10. Notwithstanding anything in the said Act or in any of the Acts amending it the Governor in Council may authorize the sale upon such terms, as may be thought proper, to the Honourable Peter McLaren of the following school lands, that is to say:- being composed of the Northerly twenty five acres of that portion of the North West quarter of Section eleven in Township nine and Range twenty-six, west of the fourth meridian, in the provisional district of Alberta, the southern boundary of the said twenty-five acres of land to be a due east and west line

Provided that such sale shall not take place until the Minister, by notice in the Canada Gazette, has set apart, as school lands in lieu of the said twenty-five acres of land, other land of equal area and value as nearly as may be.

11. Notwithstanding anything in the said Act or in any of the Acts amending it the Governor in Council may authorize the sale to any former lessee or lessees of a grazing ranche in the North West Territories, whose lease with other similar leases were determined pursuant to the provision of a certain Order-in-Council of the twelfth day of October, 1892, were thereby given, amongst other privileges, permission to purchase not in excess of ten per centum of their respective leaseholds at the rate of two dollars per acre (which rate was subsequently reduced

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reduced to one dollar by a certain Order-in-Council of the twenty-second day of April, 1893) as part of such ten per centum of his leasehold, of any school lands comprised therein.

Provided that such sale shall not take place until the Minister, by notice in the Canada Gazette, has set apart, as School lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

10. Notwithstanding anything in the said Act or in any Act amending it, the Minister, by authority of the Governor-in-Council, may grant to Edward W. Johnston a homestead entry for the south-east quarter of section eleven of township eleven and range four east of the first meridian, upon proof to the satisfaction of the Minister that he was in bonâ fide occupation of the said land prior to the first day of January, 1880, and that he ~~has~~ continued to occupy and cultivate the said land ~~since~~ from that date, in accordance with the requirements of the said Act relating thereto, and was in bonâ fide occupation of the said land upon the first day of April, 1893, the date upon which chapter eighteen of the Statutes of 1893 came into force and from which Act his case was omitted by oversight.

2. The Minister may cause to be selected in lieu of the school-lands hereinabove described, an equal area of vacant and unreserved Dominion Lands within the Province of Manitoba for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion Lands are set apart under the provisions in that behalf

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behalf contained in the said Act, and may withdraw the lands so selected from the operation of those clauses, of the said Act and of its amending Acts, which relate to sale and to homestead entry, and set them apart as school lands, by a notice to that effect in the Canada Gazette.

12. Clause ninety-six of the said Act is hereby amended by striking out the word "and" in the second line thereof, and inserting the word "or" in lieu of it.

13. Clause ninety-eight of the said Act is hereby repealed, and the following clause is substituted in lieu thereof :-

"98. The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases.

14. In the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole

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head of a family, the Minister shall have power to decide from the special circumstances of the case whether such application shall be granted or refused.

16. Where patents for any public lands, under the control and management of the Minister, have been or may be issued to a person who died or who here - after dies before the date of such patent, the patent in such case shall not therefore be void, but the title to the land designated therein and granted or intended to be granted thereby shall inure to and become vested in the assigns, heirs, devisees or other legal representatives of such deceased person according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life.

17. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and who by reason of such insanity or mental incapacity is unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian of such person, or any person who in the event of his death would be entitled as his legal representative to furnish such proof may furnish the same if the conditions of entry have been wholly fulfilled by such person, or if only partly fulfilled may complete the same and then furnish the necessary proof, as the legal representative of such person.

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18. Clause seven of chapter four of the Act fifty-four, fifty-five Victoria, is hereby amended by adding the following sub-clause thereto :-

"2. In the case of any entry obtained before the thirtieth day of September, 1891, the right of the entrant shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty-first day of December, 1898."

19. Clause ten of chapter twenty-four of the Act fifty-four, fifty-five Victoria, is hereby amended by adding the following words thereto :- "and where the person so interested is unable to obtain an affidavit by a witness to the execution of the acknowledgment and charge of its exectuion by the settler to whom the advance thereby secured was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the Local Agent in whose office the acknowledgment and charge is of record, that it was duly filed in his office ; and it is hereby declared that if the said acknowledgment and charge was so duly filed the same shall be considered to have constituted a first charge upon such land from the date of its filing with the Local Agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law.

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BILL.

[1897.

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

20 ~~20~~ Notwithstanding anything contained in the Dominion Lands Act any person who has been placed on homestead lands or has been assisted to place himself on such lands by the Board mentioned in the Act Chapter twenty-one of the Statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

21 ~~2.~~ The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as may be named in such patent as the fair value of such lands, on pain, in case of refusal, of an absolute forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

22 6 ~~3.~~ The Minister shall, for the purposes of the next preceding section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required before he is granted a second entry to sign an acknowledgment in the form R in the schedule to the Dominion Lands Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

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No. 61.] **BILL.** [1897.

An Act further to amend the Dominion Lands Act.

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

Repealed already by Sec. 5 of Act of 91

1. The sub-clause substituted by section three of chapter twenty-four of the statutes of 1891, for sub-clause six of clause thirty-eight of *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, is hereby repealed and the following substituted therefor:— R.S.C., c. 54, s. 38 amended.

"6. In addition to the cases hereinbefore mentioned, any person claiming a patent under a homestead entry, or under a homestead and pre-emption entry, shall be entitled thereto upon proving, to the satisfaction of the Minister or of the Commissioner of Dominion Lands or of the Dominion Lands Board,— Other conditions on which patent may be obtained.

"(*a.*) That he has resided upon the quarter-section which ~~was~~ is the subject of his entry for three years prior to his application for a patent; Residence.

"(*b.*) That within the first of the three years and in each of the two succeeding years he has cultivated not less than ~~one~~ acre for garden purposes; Cultivation.

"(*c.*) That he has fenced sufficient land to be considered a *bona fide* settler; Fencing.

"(*d.*) That he has ~~fifty~~ forty head of ~~stock~~ cattle; Stock.

"(*e.*) That he has erected stables and outhouses sufficient to winter ~~fifty~~ forty head of cattle." Stables, etc.

2. Section five of chapter twenty-four of the statutes of 1881, is hereby repealed, and it is hereby enacted that the privilege of obtaining patents under sub-clauses six and seven of clause thirty-eight of *The Dominion Lands Act*, shall be discontinued only from and after the first day of January, one thousand nine hundred. 1891, c. 24, s. 5 repealed. Privilege extended to 1st January, 1900.

3. In the case of a homesteader who has served in the North-west Mounted Police Force, five years' service in the said force may be counted as equivalent to one year's residence on his homestead. Reckoning of service in N. W. Mounted Police.

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No. 61.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Dominion Lands Act.

Received and read a first time, Monday 26th April, 1897.
Second reading, Tuesday, 27th April, 1897.

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

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No. 60] **BILL.** [1897.

An Act in further amendment of the Dominion Lands Act.

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

Second homestead entry by settler or his son.

1. Notwithstanding anything in the *Dominion Lands Act*, if a settler has obtained a homestead patent after three years' residence, or a certificate countersigned by the Commissioner of Dominion Lands or a member of the Dominion Lands Board, as mentioned in clause forty-two of the said Act, he may obtain a second homestead entry, or his son, over eighteen years of age, may obtain a homestead entry, provided that it is for land which is not more than five miles distant from the settler's first homestead. Proviso.

Residence, requirements as to.

2. Such second homestead entry, or such homestead entry by a settler's son, and the patent which may be obtained thereunder, shall be subject to the provisions of the *Dominion Lands Act* with regard to homesteads, except that the requirements as to residence shall be sufficiently complied with by residence upon the settler's first homestead, reckoned in the manner provided in the said Act.

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No. 60.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act in further amendment of the Dominion Lands Act.

Received and read a first time, Monday, 26th April, 1897.
Second reading, Tuesday, 27th April, 1897.

Mr. DOUGLAS.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

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Memo.

To the Minister

Herewith is a clause re survey of certain lands in Yukon and the far Northern districts, which with the accompanying explanation the Surveyor General has prepared. He sent them to me at 6 P.M. to day and is very anxious to have the amendment included in the Bill. It could be added as Clause 23, and I have so marked it, in case you decide to include it.

T.G.R.
19.5.97

Approved

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FR
19.5.97

REPEAT/
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Mr Rothwell

Mr Lifton has revised Bill - Have same printed as soon as possible & hand printed Copy to Mr Lifton -

L A P Collier

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Reference being made to a residence of 12 months (sub-clause 3 of clause 38) as well as to the residence of 3 years it is necessary to provide for a 3 years' residence. See paragraph "a".

T.G.R.

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BB

EXPLANATIONS for the Minister, to the respective provisions of the Bill :- "An Act further to amend 'The Dominion Lands Act'."

The amendment which is proposed by the 2nd clause of the Bill is required for the purpose of including the Commissioner of Immigration at Winnipeg, or any other person who may be named by the Minister, ~~to~~ with those who may now authorize one person to make an entry for Dominion Lands for another person, where necessity arises.

Clause 2.

As the law now stands the senior clerk has only power to take an affidavit of the class to which this clause relates when the local agent is absent from the office, and as the Department of Justice has held that "absence" under such circumstances means absence on leave and not temporary absence for a minute or an hour, without leave, a question as to the validity of an affidavit taken by the senior clerk may arise at any moment. For this reason the amendment proposed by the third clause of the Bill is considered necessary.

Clause 3.

The provisions of the two amendments which are proposed to be made by the next clause of the Bill have already been before the House, the first amendment being the subject of Bill No. 60 which was introduced some days ago by Mr. Douglas M.P., and the second one being the subject of the first

Clause 4.

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first clause of Bill No. 61, which was introduced a few days ago by Mr. Davin M.P.

Since the provisions of Clause 42 of the Dominion Lands Act became law cases have been continually arising where a settler, who had complied with his conditions of entry but who had not received his application for patent executed a lease, an assignment, a mortgage, or some other instrument which resulted in the forfeiture provided by Clause 42, and to relieve such persons from the position of great hardship in which these acts placed them, provisions corresponding in every particular to those which comprise Section 5 of Chap. 34, of 58-59 Victoria, have been passed from time to time.

Clause 5.

It has, therefore, been deemed advisable to amend the clause --42-- itself, which will do away with the necessity of bringing this matter before Parliament again for the passing of provisions similar to those of Sec. 5 of Chap. 35 of 58-59 Vic.

The amendment proposed by the sixth clause of the Bill is necessary to prevent the necessity of going to Council with each application for a lease of lands for grazing purposes. At present that course must be taken, in each case, although it is purely a matter of routine; or action is delayed until there are ten or twelve cases to submit to Council. There is no necessity for this method, and under the proposed amendment leases of this class can be granted promptly after each application is dealt with.

Clause 6.

Clause 7

No explanation necessary. Six clauses of Act being repealed by sub-clause of Bill and new clause provided.

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Clause 8.

The repeal of clauses sixty-five, sixty-six, sixty-seven and seventy, which with clauses sixty-eight and sixty-nine and several other sections of the Act relate to the manner in which timber berths are set aside for and disposed of to applicants, and the enactment of the provisions contained in Clause 8 of the present Bill, are asked for because the provisions of such four clauses have not been observed by the Department in dealing with these berths. This is the case with clause 65 of the Act. Its provisions have never been carried out. And so also with clause 66. Under this clause the land comprised within a timber berth is reserved from sale and settlement, and yet one of the conditions of the form of license which is issued for each timber berth, under conditions set out in the Timber Regulations, is that the "license shall not be allowed to interfere with the settlement of any lands within the berth which may be desirable for settlement."

Under sub-clause 1 of Clause 67 of the Act it is provided that the berths shall be sold at public auction, whereas they have not been sold in that way but have been disposed of, under the Regulations, by tender.

Under Clause 2 of Clause 67 provision is made to grant a lease to a sole applicant, without competition, but by the Regulations no license to cut timber will be granted except the berth is acquired at public competition.

The difference between the provisions of Clause 70 of the Act and the Regulations which are in force are not very material, but it may be mentioned

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mentioned that although the conditions as to the erection of a saw-mill practically correspond and although the royalty on the sales of the products of the berth is fixed by both the Act and by the Regulations at 5 per cent. the Regulations also permit of the acceptance of 2½ per cent. for timber cut from dry and fallen trees.

No material differences exist between the provisions of Clauses 68 and 69 of the Act, and the corresponding provisions of the Regulations, but it is considered that the form of lease, the duration of and renewal thereof, with the other matters mentioned in the provisions of either of these two sections, are matters which, with all matters arising under the other clauses before mentioned, may safely be based upon Regulations which are now or which may be hereafter passed by Council, and which must be published in the Canada Gazette in the manner prescribed by Clause 91 of the Act, before they come into force. For that reason these two Clauses 68 and 69 are also to be repealed

Clause 9.

The amendment of Clause 72 of the Act is considered necessary because the timber lessee is not entitled to timber under ten inches in diameter, and as the Clause stands now he might demand payment for such timber, if cut for the purposes set out in the clause.

Clause 10

The authority of Parliament to the sale of the twenty-five acres mentioned in Clause ten of the Bill, to the Hon Mr McLaren is necessary because this parcel of land is part of a school section.

By

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Clause 10 continued.

By an Order-in-Council dated the 19th March, 1887, certain lands including this parcel of twenty five acres were reserved for the North West Mounted Police, and in that year Senator McLaren was granted permission to erect on such ~~land~~ twenty-five acres a small saw-mill. This mill was destroyed by fire some years ago, and as it was represented to the Government of that day the mill was a great benefit to the settlers and stockmen of the Macleod District, Senator McLaren agreed to build again if he could obtain a grant of the land. By an Order-in-Council of the 4th July, 1896, the sale of this land at $1.00 per acre was authorized to be made to Mr. McLaren, and it is understood that upon the strength of this Order Mr. McLaren commenced to re-build. It was then discovered that the land was part of a school section and that the authority of Parliament was necessary before the sale to the Honourable gentleman could be completed.

Clause 11.

Under the arrangement entered into, as set out in an Order-in-Council of the 12th October, 1892, lessees of grazing ranches relinquished their respective leaseholds upon the understanding that they would be permitted to purchase not in excess of ten ~~per~~ per cent. of the area thereof, at the rate of $2.00 per acre, subsequently reduced to $1.25 by the Order in Council of the 22nd April, 1893.

The fact that such ten per cent. of the area of a leasehold might be part of a school section, and that the authority of Parliament would, therefore

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therefore, be necessary to warrant the sale being completed, was overlooked. The amendment proposed by Clause 11 of the Bill is, therefore necessary.

By the next clause of the Bill --12 -- provision is made for the granting of an entry to Mr. Edward W. Johnston for the land mentioned in the clause. As therein stated, his case was omitted, by oversight, from ~~that Act~~ Chapter 18 of 56 Victoria, assented to 10th April 1893, and although Mr. Johnston, some months afterwards, namely upon the 17th March, 1894, entered into an agreement with a Mr. Parsons to exchange this land for other land, in the same district -- no doubt believing that his claim to the land would be recognized, as were those whose claims are set forth in the Act of 1893, it is considered that he should not suffer for an over - sight for which he was not responsible, and that the relief this provision is intended to afford him should be granted.

As Clause 91 of the Act now stands it has been found necessary to publish in the Canada Gazette many Orders in Council for the publication of which no other reason exists. A study of this clause of the Act will also shew that it is a question if all Orders should not be so published, under its provisions. Some years ago it was decided that it was not necessary to gazette a certain order which related to a lease for timber berth, and in a suit for the dues &c., the defence was raised that the Order was not gazetted and the Crown lost the action. Thereupon Section two of Chapter 26 of 54-55 Victoria was passed. If the clause in the Bill, which is

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is now referred to is allowed to become law the interests of the public will be fully protected, much expense in the publication of Orders for which no necessity of public notice exists will be saved, and much delay prevented.

In several instances in which the former Commissioner of Dominion Lands (Mr. H.H.Smith) when investigating claims to certain lands, summoned certain persons to appear before him, under the provisions of Clause 98 of the Act, the objection was made that he had no authority to hold the investigation alone, and that some "other" person specially authorized to that effect by the Governor in Council should sit with him. This was never the intention of the provision ; therefore, the amendment in question is necessary to be made.

Stet Clause 13.

The necessity for amending Clause 98 in the manner proposed by Clause 14 of the Bill, calls for no explanation.

Clause 14

Three cases may be mentioned to illustrate the necessity for the provisions of the next clause, of the Bill, No. ~~16~~ 15

One is that of a family consisting of three children, their parents, and a grandmother. The parents both died before a homestead was entered for, but the grandmother applied for that privilege. She was refused as xxxxxxxx the Department of Justice held that she was not the sole head of a family

Another

Clause 15

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Another is that of an unmarried woman from the old country (Scotland) who had two children depending upon her for a living. In giving her name, when obtaining homestead entry, it was assumed she was married, and she was so entered in the Agent's books, but when she applied for patent she explained that she was unmarried, and her application for patent was refused upon the ground that she was not the sole head of a family.

Clause 15 continued.

Several cases have arisen where the husband is insane. One case may be particularly referred to. Here the husband had ~~been~~ confined in a lunatic asylum for seven years and although there was no apparent hope of his recovery his wife who had four children depending upon her, and who was very desirous of being granted a homestead entry had to be refused, because it was held that she was, in a strictly legal sense, not the sole head of a family.

Clause 16.

The next clause of the Bill, No. 16, is based upon a provision which has long been in force in the United States, and its enactment by this Parliament will not only save the necessity of the cancellation of patents in cases in which it is afterwards discovered that the person therein named as the patentee died prior to the date of the patent but will save the Department of the Interior from putting those who may be legally entitled to lands, from or through such deceased patentees to expense and delay in perfecting their claim to lands.

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Clause 16

Clause 17

Clause 18

The necessity for this provision is so obvious that no further explanation need be given.

No explanations need be given for the provisions contained in Clause 17 of the Bill.

-18-

The next Clause of the Bill is necessary as the provisions of the Act of 1891 referred to are not retroactive, and as it is but reasonable that a time should be limited within which all settlers who have heretofore obtained entries must apply for their patents, or forfeit all rights to their lands.

Clause 19

The necessity for the relief to be afforded by Clause 19 of the Bill will appear upon referring to the provisions of Clause 38 of the Dominion Lands Act of 1883, whereby the filing of the acknowledgment therein referred to was not required to be made in the registry office for the district., but with the Dominion Lands Agent. The present Act contains a provision for the registration of such an instrument with the Registrar and clause ten of Chapter twenty-four of the Act of 1891, referred to, was passed to afford those who were so interested and who had filed their respective acknowledgments in the Land Titles Office, an opportunity, if they so desired, of registering them in the proper Registry Office.

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Some eight or ten cases affecting lands in the North West, exist, however, where the witness to the settler's execution of the acknowledgment is dead, or cannot be found, and it is for the relief of the persons entitled to the repayment of the moneys and interest secured by these instruments that this provision is submitted. In view of the fact that if the provisions of the Act of 1883 were duly complied with the land mentioned in the acknowledgment was thereby charged with the payment of the moneys and interest stipulated in that instrument, it is very doubtful if necessity exists for its registration in the local Land Titles Office. However, to remove the matter from doubt, and to afford the persons referred to the opportunity it was intended they should have, when clause ten already referred to was passed, the amendment to this clause which is suggested by Clause 19 of the Bill, has been included.

Clause 19 Continued

The last three clauses of the Bill are intended to provide relief for certain Crofters who comprise the colony near Saltcoats in the North West Territories which was established under the auspices of the Imperial Colonization Board in the year 1889, and also relief to the members of the Board for advances made to such Crofters.

Clauses 20, 21 and 22

The House may be reminded that with the view of giving effect to a scheme of colonization for the Crofters then residing in the West Highlands

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and Islands of Scotland the Imperial Government voted in the year 1888, £ 10.000, conditionally upon an additional £ 2.000 being raised by public subscription for the same purpose, ~~and~~ and the whole amount being vested in a Board of Commissioners, for the purpose of administering the same as a fund for assisting these persons to homesteads in Manitoba or the North West ; and that by Chapter 21 of the Statutes of 1886, the members of this Board and all persons receiving advances from them were made subject to the provisions of Clause 44 of the Dominion Lands Act.

Clauses 20 to 27 inclusive

Subsequently the Board assisted two colonies of Crofters, composed in all of forty-~~five~~ nine families, in coming to Canada, and located one colony at Killarney, Manitoba, and the other at Saltcoats.

These settlers were most carefully selected, and each person capable of entering for a homestead, received for his transportation and other purposes specified in Clause 44 of the Act a sum varying from $600. to $750; but although everything was done which it was thought would ensure the success of the enterprise, 23 of the families who were located at Saltcoats have not made farming a success upon the lands which were selected for them, and although they are to-day only fairly able to provide for their own wants; they have represented that the quality of the lands upon which they now reside is largely responsible for their want of success, and have

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have urgently requested to be permitted to take up lands elsewhere. It is very desirable to encourage these people in remaining in this country and to assist them in becoming good farmers, but to grant their request unconditionally, and without securing the interests of the Board in the lands now held by these settlers would affect seriously the purpose for which the sum of £ 12.000, before referred to was voted and raised.

Clauses 20, 21 and 22 concluded.

It may be here stated that the whole scheme cost this country not one dollar of expenditure.

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Department of the Interior,

TOPOGRAPHICAL SURVEYS BRANCH,

Ottawa, 19 May 97

Dear Mr Rothwell,

Since I saw you this morning, I have not been disengaged ten minutes and therefore could not send you the amendment which I had promised. Although it is too late ~~to do so now~~, I am enclosing it with the explanations: you may file it for the next revision of the D.L.Act.

Yours very Truly

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EXPLANATIONS

A few lots have to be laid out for mission, trading, and other purposes in remote parts of the Territories. The extension of the township surveys so far from the settled districts would involve an enormous expenditure: as no great demand for land there is expected in the near future, it seems preferable that the surveys should be limited to the lots actually wanted: the object of the proposed amendment is to authorize such surveys.

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PROPOSED AMENDMENT TO DOMINION LANDS ACT

Notwithstanding any provision to the contrary in the Dominion Lands Act, the Minister may, in the Yukon District and in remote parts of the unorganized portions of the North West Territories, direct that lands shall be laid off into lots of such size and shape as may be found advisable and such lots may be dealt with and described according to plans of record.

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Department of the Interior,
Ottawa, May 14th, 1897.

Memorandum :-

To the Minister.

I should have submitted this amendment, with others to Dominion Lands Act, to you yesterday:-

Clause 91 of the said Act is hereby repealed and the following clause is substituted in lieu thereof :-

All regulations made by the Governor in Council, under this Act, shall be published in the Canada Gazette ; and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof.

Clause 91 as it now stands is as follows:-

"Every order or regulation made by the Governor in Council, in virtue of the provisions of the next preceding 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."

The effect of this is not only delay and expense in gazetting many orders, that there is no reason for gazetting, but also uncertainty as to what orders should, and should not be gazetted.

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Some years ago it was decided that it was not necessary to gazette a certain order which related to a lease for a timber berth, and in a suit for the dues &c., the defence was raised that the order was not gazetted and the Crown lost the action. Thereupon this clause was passed.

"Notwithstanding anything contained in any such Act the omission to publish any order or regulation heretofore made by the Governor in Council under the provisions of any Act relating to Dominion Lands or to publish such order or regulation in any prescribed manner shall not be held to invalidate it or anything done thereunder."

T.G. Rothwell

R.L.

Although I strongly recommend that this amendment be included in the accompanying Bill you will see I have not included it, as I had not your consent. If you wish it to be included, please let me know so that I may advise Mr McCord, Law Clerk Hy Commons at once.

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Bill. 43

An Act further to amend "the Dominion Lands Act."

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

1. In this Act, unless the context otherwise requires, the expression "the Act," or "the said Act" means "The Dominion Lands Act," chapter fifty-four of the Revised Statutes.

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Sub-clause three of clause thirty-four of the said Act is hereby amended by inserting after the word "Board" in the second line thereof the words "or any other person named for the purpose by the Minister ~~of the Interior~~".

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Sub-clause four of clause thirty-eight of the said Act is hereby amended by striking out all the words therein after the words "local agent" and by adding in lieu thereof the words: "or his senior assistant or before some other person named for that purpose by the Minister."

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Clause thirty-eight of the said Act is hereby ~~repealed~~ further amended by adding the following ~~proviso thereto:~~ sub-sections thereto:—

"9 If a settler has obtained a ~~homestead~~ patent ~~after three years'~~ for his first homestead, ~~after three or a certif~~ after three years' residence thereon, or a certificate ~~for the~~ for the issue ~~thereof~~ of such patent, countersigned by the Com? of Dn Lands, or by a member of the Dn Lands Bd, as mentioned in clause forty-two of the said Act, he may entry for obtain a second homestead, or ~~his son,~~ any son, of such settler, who has attained the age

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of eighteen years, may obtain
~~a homestead entry~~ entry for a homestead
under the conditions in the provisions
hereto set forth, but in either case
the land ~~which~~ to be entered for
shall not be distant from the
settler's ~~home~~ first homestead more
than five miles.

Provided that ~~such either~~
~~second home~~ the second homestead
entry to be obtained by such
settler, or the homestead entry
to be obtained by any ~~of~~ one or more of
sons respectively, ~~and the~~ shall
be subject to the provisions of
the said Act with regard to
homesteads, except that the
~~provision as~~ condition in such
provisions as to residence shall
be sufficiently complied with
by residence ~~of~~ upon the settler's

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first homestead, for the period and in the manner provided by the said Act.

10. Notwithstanding anything contained in the said Act ~~contain~~ or in any of its amending acts, any person claiming land a patent for land for which he has made entry as a homestead or as a pre-emption, shall be ~~to the~~ entitled to obtain such patent upon proving to the satisfaction of the Minister of the Com.r of Dn Lands, or of the Dn Lands Bd.:—

(a)

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(a) That he has resided upon the ~~quarter sec~~ land which is the subject of his entry for not less than six months in each of three years from and after the date of ~~his~~ entry.

(b) That in each of such years he has cultivated not less than acres of such land, and ~~has~~ that at the date of his application the whole ~~of the lands~~ area so cultivated has been substantially fenced;

(c) That he has at least head of cattle upon such land;

(d) That he has erected on such land or upon land adjoining it stables and outhouses sufficient to winter at least head of cattle

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Clause forty-two of the said Act is hereby repealed and the following clause is substituted therefor:-

"42. Unless the Minister ~~of the Interior~~ shall otherwise declare,

every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, and whether now executed or hereafter to be executed,

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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein; 46 V., c. 17, s. 36;—49 V., c. 27, s. 7.

unless the Minister shall otherwise declare

and such person shall be considered to have received his certificate upon the date the same was countersigned, as above provided.

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Clause 50 of the said Act is hereby repealed, and the following clause is substituted in lieu thereof:-

50. Leases of unoccupied Dominion Lands may be granted by the Minister for grazing purposes, to any person, for such term of years, and for such rent and upon such other terms and conditions, as in that behalf are now or may be hereafter set forth or provided in regulations now authorized or to be hereafter authorized, from time to time, by the Governor-in-Council.

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Clause ~~sixty-four~~ 3a of the said Act is hereby amended by striking out the word "five" therein.

Clauses sixty-five to seventy, ~~of~~ both inclusive, of the said Act, are hereby repealed and the following clause is substituted in lieu thereof.

Licenses or permits to cut timber upon unoccupied Dominion Lands, ~~including school lands~~ may be granted by the Minister, to any person, for such period, for such rent or fees, and upon such other terms and conditions, as in that behalf are now or may be hereafter set forth or provided in regulations now authorized or to be hereafter from time to time, authorized ~~in~~ by ~~the~~ Governor in Council.

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Notwithstanding anything in the ~~Dom~~ said Act or in any of the Acts amending it the Governor in Council may authorize the sale upon such terms, as may be thought proper to the Honorable Peter McLaren of the following ~~School~~ school lands, that is to say:- being composed of the Northerly twenty five acres of that portion of the North West Quarter of section eleven in township nine and range twenty-six, west of the fourth meridian in the Provisional district of Alberta, the ~~south~~ southern boundary of the said twenty-five acres of land to be a due east and west line.

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Provided that such sale shall not take place until the Minister, by notice in the Canada Gazette, has set apart, as school lands in lieu of the said twenty five acres of land, other land of equal ~~extent~~ area and value as nearly as may be

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Notwithstanding anything in the said Act or in any ~~Act~~ of the Acts amending it the Governor in Council may authorize the sale to any former ~~lessee or lessees~~ holder of a lease of a grazing range in the North West Territories, whose lease with other similar leases were determined pursuant to the provision of a certain Order in Council of the twenty fifth day of October, 1892, were (as) by the said given, amongst other privileges, permission to purchase not in excess of ten per centum of their respective lease holds at the rate of two dollars per acre (which rate was subsequently reduced to one dollar and twenty-five cents per acre by a certain Order in Council of the twenty second day of April, 1893) ~~passed to amend the same~~ as part of such ten per centum

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of his leasehold, of any school lands comprised therein.

Provided that such sale shall not take place until the Minister, by notice in the Canada Gazette, has set apart, as school lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

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Notwithstanding anything in the said Act, or in any Act amending it the Minister, by authority of the Governor in-Council, may grant to Edward W. Johnson a homestead entry for the ½ south-east quarter of section eleven in township eleven and range four east of the first meridian, upon proof to the satisfaction of the Minister that he was in bona fide occupation of the said land prior to the first day of January, 1880, and that he has continued to occupy and cultivate the said land since that date, in accordance with the requirements of the said Act relating thereto.

2. The Minister may cause to be selected in lieu of the ~~school~~ school-lands hereinabove described an equal area of ~~Dominion Lands~~

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vacant and unreserved Dominion Lands within the Province of Manitoba for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion Lands are set apart under the provisions in that behalf contained in the said Act, and may withdraw the lands so selected from the operation of those clauses of the said Act and of its amending Acts, which relate to sale and to homestead entry, and set them apart as school lands, by a notice to that effect in the Canada Gazette.

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Clause ninety-six of the said Act is hereby amended by ~~inserting before the first word thereof~~ the words "~~the Minister~~" and by striking out the word "and" in the second line thereof and inserting the word "or" in lieu of it

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Clause ninety-eight of the said Act is hereby repealed, and the following clause is substituted in lieu thereof:-

"98. The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it,

or he may, from time to time, with the like approval, cause to be adopted such other forms to the like effect as he considers applicable to any special case or class of cases. 49 V., c. 27, s. 3.

or such new forms

or necessary

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Clause ninety-eight of the said Act is hereby repealed, and the following clause is substituted in lieu thereof:-

"**98.** The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it,

or he may, from time to time, with the like approval, cause to be adopted such other forms to the like effect as he considers applicable to any special case or class of cases. 49 V., c. 27, s. 3.

or such new forms

or necessary

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In the case of any woman who, claiming to be the sole head of a family, may make application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of a family, the Minister shall have power to decide from the special circumstances of the case whether such application shall be granted or refused.

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"Where patents for any public lands, under the control and management of the Minister, have been or may be issued to a person who died or who hereafter dies before the date of such patent, the title to the land designated therein and granted or intended to be granted thereby shall inure to and become vested in the assigns, heirs, devisees or other legal representatives of such deceased person according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life."

the patent in such case ~~the patent~~ shall not thereafter be void

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In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and who by reason of such insanity or mental incapacity is unable to complete the conditions of his entry, or to furnish the proof called for by clause thirty-eight of the said Act, the guardian of such person, or any person who in the event of his death would be entitled as his legal representative to furnish such proof, may furnish the same if the conditions of entry have been wholly fulfilled by such person, or

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if only partly fulfilled may complete the same and furnish the necessary proof as the legal representative of such person.

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~~Section~~ Clause seven of chapter twenty four of the Act fifty-four fifty-five Victoria is hereby amended by adding the following sub-clause thereto:-

"2. In the case of ~~patents~~ any entry obtained before the thirtieth day of September ~~October~~ 1891, the right of the entrant shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the day of 1898."

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Clause # 6 of chapter twenty-four of the Act fifty-four, fifty-five Victoria is hereby amended by adding the following words thereto:- "and where the person so interested is unable to obtain an affidavit by the a witness to the execution of the acknowledgment and charge of its execution by the settler to whom the advance thereby secured is a was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the Local Agent in whose office the

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acknowledgment and charge is of record, that it was duly filed in his office, and it is hereby declared that if the said acknowledgment and charge was so duly filed the same shall ~~constitute~~ be considered to have constituted and be and remain a first charge upon such ~~land until duly satisfied and extinguished according to law.~~ land from the date of its filing with the Local Agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law.

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Notes

done — Kirby case. 40 ac. 22. pasture

pass ✓ — Tree planting provisions
Ask Minister what he desires

6 ✓ — Discuss repeal of Sec 42
Messrs M & J.

" ✓ — Bill remission of interest
seed grain

" ✓ — Discuss advisability of a clause to give ~~Land Board~~ Minister discretionary power to deal with cases where conditions substantially fulfilled

✓ — Physical incapacity

" ✓ — cancellation of entries

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Mr Davies Bill

Mr Douglas Bill

Hamlet Mr Paynter's Ln

" 25 Mch 97

do re timber

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Annotated Act with amending Acts, annotated. FGR 20/5/97



CHAPTER 54.

An Act respecting Public Lands A.D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Dominion Lands Act.*" 46 V., c. 17, s. 1, *part.* Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Interpretation.

(*a.*) The expression "Minister" means the Minister of the Interior; "Minister."

(*b.*) The expression "Surveyor General" means the officer of the Department of the Interior who bears that designation, or the chief clerk performing his duties for the time being; "Surveyor General."

(*c.*) The expression "agent" or "officer" means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; the expression "local agent" means the agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the expression "land office" means the office of any such agent; "Agent" or "Officer." "Local Agent." "Land Office."

(*d.*) The expression "Dominion Land Surveyor" means a surveyor duly authorized, under the provisions of this Act, to survey Dominion lands; "Dominion Land Surveyor."

(*e.*) The expression "Crown Timber Agent" means the local officer appointed to collect dues and to perform such other duties as are assigned to such officer, in respect to the timber on Dominion lands; "Crown Timber agent."

(*f.*) The expression "clause" means a section of this Act, or of any Act herein cited, distinguished by a separate number; and the expression "sub-clause" means a sub-division of any clause distinguished by a separate number or letter in smaller type; "Clause." "Sub-clause."

(*g.*) The expression "Dominion Lands" means any lands to which this Act applies; "Dominion Lands."

(*h.*) The expression "pre-emption entry" means the entering on the books of a local agent of a preferential claim to "Pre-emption entry."

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acquire by purchase, in connection with a homestead entry, and on becoming entitled to a patent for the homestead, a quarter section, or a part of a quarter section of land adjoining such homestead; and the expression "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. 46 V., c. 17, s. 1, *part.*

"Pre-emption right."

APPLICATION OF ACT.

Application of Act.

3. Except as provided by any other Act of the Parliament of Canada, this Act applies exclusively to the public lands included in Manitoba and the several territories of Canada. 46 V., c. 17, s. 1, *part.*

As to lands still under Indian title.

4. None of the provisions of this Act shall apply to territory the Indian title to which is not extinguished. 46 V., c. 17, s. 3.

ADMINISTRATION.

Administration and management. How effected.

5. The Minister shall have the administration and management of the Dominion lands; and such administration and management shall be effected through a branch of the Department of the Interior, which shall be known and designated as "*The Dominion Lands Office.*" 46 V., c. 17, s. 2, *part.*

Governor in Council may appoint certain officers.

Their powers and duties.

6. The Governor in Council may appoint an officer who shall be styled "The Commissioner of Dominion Lands," an officer who shall be styled "The Inspector of Dominion Lands Agencies," and an officer who shall be styled "The Superintendent of Mines," and such officers shall respectively have the powers, not inconsistent with the provisions of this Act, and perform the duties that are, from time to time, conferred upon and assigned to them by order of the Governor in Council:

Dominion Lands Board may be established.

2. 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, the inspector of Dominion lands agencies, and the superintendent of mines, and all other 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 the Governor in Council, from time to time, directs. 49 V., c. 27, s. 2, *part.*

Composition and powers.

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Employees of department not to purchase Dominion lands;

7. No person employed in or under the Department of the Interior shall purchase any Dominion lands except under authority of the Governor in Council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other person in such behalf; and no person so employed shall disclose to any person, except his superior officer, any discovery made by him or by any other officer of the Department of the Interior, or 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 disclosure has been obtained:

Or give information without permission of Minister.

Employees in outside service of Dominion lands branch and extra clerks to take oaths of allegiance and office.

2. Every person employed in the outside service of the Dominion lands branch of the Department of the Interior, who has not already done so, and every extra clerk employed in the said branch, who has not already done so, shall, and every person or extra clerk who is hereafter so employed, shall, before any salary is paid to him, take and subscribe the oath of allegiance, and also the oath of office prescribed by clause fifty-seven of "*The Civil Service Act.*" 46 V, c. 17, s. 2, *part*;—49 V., c. 27, s. 2, *part*.

SURVEYS.

System of survey. Townships.

8. 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, with such road allowances between sections, and of such width, as the Governor in Council prescribes:

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
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1

W. E.

S.

46 V., c. 17, s. 4.

Lines bounding townships.

9. 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. 46 V., c. 17, s. 5.

How townships shall be numbered from principal meridian.

10. 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

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Manitoba, east and west from a certain meridian line run in the year one thousand eight hundred and sixty-nine, styled the "principal meridian," drawn northerly from the forty-ninth parallel of north latitude 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, in his direction of the land surveys, orders to be established:

From other meridians.

Designation of meridians.

2. Such meridians shall be styled the second, the third, the fourth meridian, and so on, according to their order in number westward from the principal meridian. 46 V., c. 17, s. 6.

Repealed by sec 1. of chap 27. 52 Vic, and new clause provided.

Width on base lines.

11. 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. 46 V., c. 17, s. 7.

Base lines of townships.

12. 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. 46 V., c. 17, s. 8.

Correction lines.

13. The correction lines, or those upon which the jog resulting from the convergence of meridians shall be allowed, 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, that is to say: they will be those lines running east and west between townships and midway between the bases. 46 V., c. 17, s. 9

Divisions of a section.

14. Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made. 46 V., c. 17, s. 10.

Repealed by sec. 2. of chap 27 of 52 Vic and new clause provided.

Allowances for deficiency or surplus.

15. 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; but the Governor in Council may order such deficiency or surplus, and such north and south error, or either of them, to be equally distributed among all the quarter sections involved. 46 V., c. 17, s. 11.

Proviso.

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Irregular quarter sections.

16. The dimensions and area of irregular quarter sections shall, in all cases, be returned by the surveyor at their actual measurements and contents. 46 V., c. 17, s. 12.

Blocks of four townships to be first laid out.

17. Every given portion of country proposed to be laid out for settlement shall, before it is sub-divided into townships and sections, 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:

Repealed by sec. 1 of Chap. 15 of 55-56 Vic.

Corners to be marked.

2. On such lines, at the time of the survey, all township, section and quarter section corners shall be marked, and such corners shall govern, respectively, in the subsequent sub-division of the block. 46 V., c. 17, s. 13.

Posts and monuments at corners.

18. 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; such 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:

As to corners on correction lines.

2. 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 townships 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. 46 V., c. 17, s. 14

Surveys to be given out by contract or tender.

19. The township sub-division surveys of 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 the Governor in Council, from time to time, directs:

Exception.

2. In special cases, where circumstances render it advisable to effect otherwise the survey of a township or townships, the Governor in Council may order the same to be done. 46 V., c. 17, s. 15.

Legal sub-division of townships.

20. To facilitate the description 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:

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N.

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

S.

Areas to be more or less.

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. 46 V., c. 17, s. 16.

Repealed by sec. 2. of Chap 15 of 55-56 Vic., and new clause provided.

As to laying out and describing lands in certain sections

21. Nothing in this Act shall be construed to prevent the lands upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the "*Act respecting certain claims to lands in the Province of Manitoba*," or to prevent fractional sections or lands bordering on any river, or lake, or other water course, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the sub-division of sections or other legal sub-divisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such sub-divisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient. 46 V., c. 17, s. 17.

DISPOSAL OF DOMINION LANDS.

Lands Reserved by the Hudson's Bay Company.

Certain sections and parts of sections in certain townships to be Hudson's Bay Company's lands.

22. In every fifth township in the territory surrendered to the Crown by the Hudson's Bay Company, and described and designated as the "fertile belt," that is to say: in those townships numbered five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, forty, forty-five, fifty, and so on in regular succession northerly from the International boundary, the whole of sections numbers eight and twenty-six, and in each and every of the other townships, the whole of section number eight, and the south half and north-west quarter of section number twenty-six, except in the cases hereinafter provided for, shall be known and designated as the lands of the said company:

Company's lands in fractional townships.

2. 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, and the allotment thereof shall be effected by the Minister and

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the said company, or by some person duly authorized by them respectively:

Company may select lands in lieu of any found settled upon by authority.

3. If, when the survey of a township is effected, the sections so allotted, or any of them, or any portion of them, are found to have been *bonâ fide* settled on under the authority of any Order in Council, or of this Act, the company may, if it foregoes its right to the sections settled upon as aforesaid, or any one or more of such sections, 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.

4. When the sections and parts of sections above mentioned, are 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 the property of the company:

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

5. One-twentieth of the revenue derived from timber limits granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall, so long as the townships comprised in the same remain unsurveyed, be annually paid and accounted for to the company; but such one-twentieth shall cease or be diminished in proportion as the townships comprised in such limits, or any of them, are surveyed; and in such case the company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six, as hereinbefore provided:

As to lands found denuded of timber.

6. If the said sections, or either of them, when surveyed as aforesaid, prove to have been denuded of timber by the lessee, to the extent of one-half or more, the company shall not be bound to accept such section or sections so denuded, and shall be entitled to select a section or sections of an equal extent, in lieu thereof, from any unoccupied lands in the township:

Title to lands to pass to company without patent in certain cases.

7. As townships are surveyed, and the respective surveys thereof are confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the company shall be duly notified thereof by the Minister, 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 is entitled under this clause, as aforesaid, and to vest the same in the company, without the issue of a patent 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 two and three of this clause, 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. 46 V., c. 17, s. 18

Issue of patents in other cases.

School Lands.

Sections 11 and 29 in each

23. Sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion lands, are

Amended by Sec. 1 of Chap. 26 of 57-58 Vic by adding the following proviso.

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township set apart;

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 of them. 46 V., c. 17, s. 19.

And withdrawn from sale or homestead entry.

How to be administered.

24. The school lands shall be administered by the Minister under the direction of the Governor in Council. 46 V., c. 17, s. 20, *part.*

Sale to be by public auction, and upset price.

25. All sales of school lands shall be at public auction, and an upset price shall be 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 are situate:

Terms of payment.

2. 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, which shall be paid with each instalment on the balance of purchase money, from time to time, remaining unpaid:

Investment of purchase moneys, and disposal of interest thereon.

3. All moneys, from time to time, realized from the sale of school lands shall be invested in securities of Canada, 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; and the moneys so paid shall be distributed for that purpose by the Government of such Province or Territory in such manner as it deems expedient. 46 V., c. 17, s. 20, *part.*

Military Bounty Land Scrip.

Warrants instead of scrip for military services.

26. In all cases in which land scrip has been earned, or is hereafter given by Canada, for military services, warrants therefor shall be granted in favor of the persons entitled thereto, by the Minister of Militia and Defence; and such warrants shall be recorded in the Department of the Interior:

May be given in payment for lands.

2. Such warrants shall be received at the value shown upon their face, in payment for any Dominion lands open for sale; but no greater area in any township than twenty per cent. of the land, exclusive of school and Hudson's Bay Company's lands, shall be open for entry by military bounty warrants:

Proviso.

As to acceptance of warrants as purchase money.

3. When warrants are accepted as purchase money, any deficiency shall be payable in cash; but if any payment by warrant or by amount in warrants, is in excess of the

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amount of the purchase money, the excess shall not be returned by the Crown. 46 V., c. 17, s. 21.

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

27. 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; the warrantees shall be at all risk of their loss, and no warrant shall be duplicated:

And to pass to legal representatives.

2. If any person entitled to a military bounty warrant dies before it is issued, the warrant shall issue in favor of the legal representative or representatives of such deceased person. 46 V., c. 17, s. 22.

Grants under Order in Council of 25th April, 1871, confirmed.

28. All free grants of land made under an order of the Governor in Council, dated the twenty-fifth day of April, one thousand eight hundred and seventy-one, by which 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 in depot companies, and not dismissed therefrom, should be entitled to a free grant, without actual residence, of one quarter section, are hereby confirmed, and the Minister of Militia and Defence shall issue the necessary warrants therefor accordingly:

Assignments of grants under such Order, attested as herein mentioned, recognized.

2. Every assignment of his interest by a person so entitled, 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 person 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 person entitled thereto, or for location. 46 V., c. 17, s. 23.

Sale of Dominion Lands.

As to sale of surveyed lands.

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

Proviso.

Not more than 640 acres to one person.

2. Except in special cases in which the Governor in Council otherwise orders, no sale to one person shall exceed a section, or six hundred and forty acres:

May be restricted.

3. Sales shall be restricted, when the Governor in Council deems it expedient, to the odd-numbered sections in each township:

Sale by auction in certain cases.

4. Such unoccupied lands as the Minister deems expedient, from time to time, may, when he so orders, be withdrawn from ordinary sale and settlement, and sold at public auction to the highest bidder,—an upset price being fixed for the same:

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As to water powers, &c.

5. Every legal sub-division or other portion of Dominion lands, which includes a water power, harbor or stone quarry, shall be reserved from ordinary sale, and shall be disposed of in such manner, and on such terms and conditions, as are fixed by the Governor in Council, on the report of the Minister. 46 V., c. 17, s. 24.

Town Plots, &c.

Minister may reserve tracts for town plots, &c.;

30. The Minister may withdraw from sale or homestead entry any tract or tracts of land, and may lay the same out into town or village lots; and the lots so laid out shall be sold, either by private sale and for such price as the Minister sees fit, or at public auction,—an upset price being fixed for the same:

And arrange with any railway company as to sale of such lands.

2. When the lands withdrawn from sale or homestead entry, to be laid out into town or village lots, are adjacent to lands to which any railway company is entitled, the Minister may arrange with such company that the lands so withdrawn, and such lands of the company in the town or village as are agreed upon, shall be sold on joint account and on such terms as 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 agree upon for the purposes of such sale:

Grant in such case.

Conveyance from grantee

3. A deed from the grantee to the purchaser of any lands so withdrawn and sold, shall give the latter a good and valid title, free from all charges, incumbrances and trusts not expressed in the deed of conveyance executed by the grantee. 46 V., c. 17, s. 25.

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

31. The Governor in Council may set apart and appropriate such Dominion lands as he deems expedient, for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions and squares, and for other similar public purposes, and, at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient; and he may make free grants, for the purposes aforesaid, of the lands so appropriated, the trusts and uses to which they are to be subject being expressed in the letters patent. 46 V., c. 17, s. 26.

Homestead.

Repealed by sec 2. of Chap 31 of 50-51 Vic. and new sub-clause provided.

Entry for homestead rights; area limited.

32. Every person who is the sole head of a family, and every male who has attained the age of eighteen years, who makes application in the form A in the schedule to this Act, shall be entitled to obtain homestead entry for any quantity of land not exceeding one quarter section, which is of the class of land open, under the provisions of this Act, to homestead entry:

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2. Such person may also, in connection with such homestead entry, obtain 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: Pre-emption entry therewith.

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 to 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 land shall not be liable to be taken in execution before the issue of the patent: Effect of such homestead and pre-emption entry. Exemption from execution.

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 is in the public interest to withhold from such entry. 46 V., c. 17, s. 27. To apply only to agricultural and surveyed lands.

33. 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, if such right is exercised within three months after the land is open for settlement, and if such land has not been reserved or the right to homestead entry is not excepted under the provisions of this Act: As to rights of persons who have settled on lands before survey.

2. No homestead entry shall be granted to any other person in respect of such land until three months after notice in writing has been given by the local agent to such *bonâ fide* settler that such land is open for settlement. 46 V., c. 17, s. 28. As to homestead entry thereafter.

34. Every person applying for homestead entry shall appear and make affidavit before the local agent, or, in his absence, the senior clerk performing his duties, according to the form B, C, or D in the schedule to this Act, as the circumstances of the case require; and upon filing such affidavit with such local agent, or senior clerk, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the local agent, or senior clerk, according to the form E in the schedule to this Act; and such receipt Affidavit to be made by applicant for homestead entry. Fee.

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shall be a certificate of entry and shall be authority to the person obtaining it to take possession of the land described in it:

Further fee on pre-emption entry.

2. If a person who obtains homestead entry applies for and obtains at the same time a pre-emption entry, he shall pay to the local agent, or senior clerk, 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:

Amended as shewn, by Sec 1 of Chap 24 of 54-55 Vict.

How entries are to be made on behalf of another person.

3. The Minister of the Interior or any member of the Dominion Lands Board, upon requisition, may authorize any person named therein to make a homestead entry or homestead and pre-emption entries, on behalf of any person signing such requisition and desiring to obtain such entry or entries:

Application in such case.

4. The person so authorized shall, in order to obtain such entry or entries, make application in the form F in the schedule to this Act, on behalf of each of those whom he represents, and shall make an affidavit before the local agent, or, in his absence, the senior clerk performing his duties, according to the form G, H or J, in the schedule to this Act, as the circumstances of the case require; and shall pay for each homestead entry, and for each pre-emption entry, the office fee of ten dollars hereinbefore prescribed for such entry. 49 V., c. 27, s. 4.

Fees.

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

35. If 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, shall make investigation and obtain evidence respecting the facts; and his report thereon, together with the evidence taken, shall be referred to the Minister for decision, or to the Dominion lands board, or Commissioner of Dominion Lands, or such person as is 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. 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 is of the class open to homestead entry, and if it is not in the opinion of the Minister otherwise inexpedient, in the public interest, to entertain any application therefor:

Provision in case contending parties have made valuable improvements.

3. When contending applicants have made valuable improvements on the land in dispute, the Minister may, if the application to acquire the land by homestead entry is entertained by him, order a division thereof in such manner as shall preserve to each of the parties to the dispute, as far as practicable, his improvements; and the Minister may, at his discretion, direct that the difference between the extent of the land so allotted to each of them and a quarter section shall be made up from unoccupied land adjoining, if there is any such of the class open to homestead entry. 46 V., c. 17, s. 30

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36. Every 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 is 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: Delay for perfecting entry limited.

2. Provided, that every person who obtains entry on or after 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: as to entry obtained after 1st September.

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. 46 V., c. 17, s. 31. Proviso: in case of immigrants from places out of N. America.

37. If a number of homestead settlers, embracing at least 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 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. 46 V., c. 17, s. 32. Case of immigrants forming a hamlet or village.

38. 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, or, in his absence, the senior clerk performing his duties, 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, if such proof is accepted by the Commissioner of Dominion lands, or the land board; but the patent therefor shall not issue to any person who is not a subject of Her Majesty by birth or naturalization: When and on what conditions a settler may obtain his patent. Must be a subject of Her Majesty.

2. In the case of a settler who obtains homestead entry for land occupied by him previous to survey thereof, in the 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 are otherwise in conformity with the provisions of this Act: Case of settler obtaining entry before survey.

3. Every person who proves 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 there- Or residing 12 months and performing other duties before the end of three years

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of, 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:

Proof of residence and cultivation in such case.

4. Proof of 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 to which their evidence relates, and shall be subject to acceptance as sufficient by the Commissioner of Dominion lands or the land board; and such affidavit shall be sworn, and such evidence given, before the local agent, or, in his absence, the senior clerk performing his duties, or some other person named for that purpose by the Minister:

5. Repealed by sec. 3 of Chap. 31 of 50-51 Vic. and new sub-clause provided. Paragraph "a" of this new sub-clause repealed by sec. 2 of Chap. 24 of 54-55 Vic., and a new one provided; and whole sub-clause provided by sec. 3 of Chap. 31 of 50-51 Vic., repealed by sec. 3 of Chap. 15 of 55-56 Vic. and a new one provided.

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

Proviso.

5. 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 included 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 becomes 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:

Other conditions on which a patent may be obtained.

6. In addition to the cases hereinbefore mentioned, any person claiming a patent under a homestead entry, or under a homestead and pre-emption entry, shall be entitled thereto, upon proving—

6. Repealed by sec. 3 of Chap. 24 of 54-55 Vic. and new one provided.

House.

(*a.*) 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;

Residence.

(*b.*) That for the period between the time within which, by clause thirty-six of this Act, it is provided that a person who has obtained a homestead entry 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;

Breaking land.

(*c.*) That within the first year after the date of his homestead entry he broke and prepared for crop not less than ten acres of his homestead quarter section;

The same.

(*d.*) That within the second year he cropped the said ten acres and broke and prepared for crop not less than fifteen acres in addition, making not less than twenty-five acres;

The same.

(*e.*) That within the third year after the date of his homestead entry he cropped the said twenty-five acres and broke and prepared for crop not less than fifteen acres in addition, making in all not less than twenty-five acres of the said homestead cropped, and fifteen acres in addition broken and

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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: Residence explained.

7. Any person claiming a patent under a homestead entry or under a homestead and pre-emption entry shall also be entitled thereto upon proving to the satisfaction of the Commissioner of Dominion Lands or the Dominion Lands Board,— Further conditions on which patent may be obtained. Sub-clause 7 repealed by sec 4 of Chap 24, 54-55 Vic. and new one provided.

(*a.*) That he perfected his homestead entry by commencing the cultivation of the homestead within six months from the date of his homestead entry, or if the entry was obtained on or after the first day of September in any year, before the first day of June following; Perfecting entry.

(*b.*) That within the first year after the date of his homestead entry he broke and prepared for crop not less than five acres of his homestead quarter section; Breaking land.

(*c.*) That within the second year he cropped the said five acres, and broke and prepared for crop not less than ten acres in addition, making not less than fifteen acres in all; The same.

(*d.*) That he erected a habitable house upon his homestead before the expiration of the second year after his homestead entry, and has *bonâ fide* resided therein and has cultivated the land for three years next prior to the date of his application for his patent; House. Residence and cultivation.

(*e.*) That at the commencement of the third year after the date of his homestead entry, or previously, he commenced the residence on his homestead required by the next preceding paragraph of this sub-clause: Residence.

8. Every person who has obtained a homestead entry, and who purposes to apply for a patent for such homestead, shall give six months' notice in writing to the Commissioner of Dominion Lands of his intention to make such application, and shall produce evidence to the officer who is authorized to receive the application, that such notice has been duly given. 46 V., c. 17, s. 33;—47 V., c. 25, ss. 2 *and* 3.;—49 V., c. 27, ss. 5 *and* 6. Notice of application for patent. *

39. If it is proved to the satisfaction of the Minister 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. 46 V., c. 17, s. 34, *part.* Forfeiture of right by non-residence. Repealed by sec 4 of Chap. 31 of 50-51 Vic and new clause provided. This new clause repealed by sec 6 of Chap 24 of 54-55 Vic. and new one provided.

40. In cases of illness, vouched for by sufficient evidence, or in the cases of immigrant settlers returning to their In case of sickness time may be extended. **

* privilege of entry under sub-clauses 6 and 7 of clause 38 is ceased on 1st July, 1894, vide sec 5 of Chap. 24 of 54-55 Vic

** Settlers to apply for patent after 5 years from entry, or be liable to forfeiture - See sec 7 of Chap 24, 54-55 Vic

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native land to bring their families to their homesteads, or in other special cases, the Minister may, in his discretion, grant an extension of time during which such settler may be absent from his homestead, without prejudice to his right therein; but the time so granted shall not be reckoned as residence. 46 V., c. 17, s. 34, *part*.

Sale of homestead of which entry is cancelled.

41. Every homestead, the entry of which has been cancelled, may, in 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 a person other than the person whose entry is cancelled. 46 V., c. 17, s. 35.

Qualifying provision first enacted by this clause by sec 3 of Chap 27 52 Vic. which was repealed by sec 4 of Chap 34 of 58-59 Vic, and a similar clause enacted.

Assignments before patent to be void.

Forfeiture.

Proviso: in case of recommendation for patent by local agent.

42. Every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent 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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein. 46 V., c. 17, s. 36;—49 V., c. 27, s. 7.

Repealed by sec 5 of Chap 31 of 50-51 Vic. and new clause provided. This new clause repealed by sec 4 of Chap 15 of 53-54 Vic, and new one provided.

Condition on which a patentee may obtain another homestead entry.

As to certificates received before 2nd June, 1886

Minister to sanction plans for advancing money to settlers.

43. No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause mentioned, shall be entitled to obtain another homestead entry:

2. Nothing contained in this clause shall take away the right of any person who, before the second day of June, one thousand eight hundred and eighty-six, had received such certificate or recommendation for a patent. 49 V., c. 17, s. 8.

**44. If any person or company is desirous of assisting by advances in money intending settlers to place themselves on homestead lands in Manitoba or the North-West Territories, and of securing such advances, such person or company may make application to the Minister, stating the plan or project intended to be acted upon, the steps to be taken in furtherance thereof, and the amount to be advanced to such settlers; and the Minister may sanction and authorize such plan or project, or refuse his sanction and authority thereto:

* See Sec 13 of Chap 24. of 54-55 Vic

** See Sec 4 of Chap 27 of 52 Vic re this clause 44 of Act.

** also:- Chap 21 of 57 Vic re Colonization Board and Secs 10 and 11 of Chap 24 of 54-55 Vic.

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Particulars to be furnished to the settler. Repealed by sec 6 of Chap 31 of 50-51 Vic and new sub. clause provided This new clause repealed by Sec 6 of Chap. 27 of 52 Vic and new clause provided and this clause

And verified by local agent. was amended by sec 8 of Chap 24 of 54-55 Vic.

2. If such plan or project is so sanctioned, and such person or company thereupon places any settler upon a homestead, a statement of the expense incurred by such person or company in paying the actual *bonâ fide* cost of the passage and of providing for the subsistence of such settler and his family, of erecting buildings on his homestead (to which purpose at least one-half of the advance made shall be devoted) and of providing horses, cattle, farm implements and seed grain for him, together with an amount in money sufficient to cover the interest on the amount advanced for a time to be agreed upon, to enable such settler to obtain a return from the cultivation of such homestead, shall be furnished to him, and upon his approval thereof, shall be submitted with proper vouchers in support thereof to the local agent, who shall examine and verify the same both by such vouchers and by an examination of such settler, and of such person or company, or their representative,—and shall certify the result of such verification by a writing upon such statement signed by him; and thereupon such settler may make and execute an acknowledgment in writing of the amount so advanced to him, and may by such writing create a charge upon such homestead for the amount of such advance, not exceeding the sum of six hundred dollars, and for the interest thereon, at a rate not exceeding eight per cent. per annum:

Settler may create a charge on homestead for advances.

Form. Repealed by sec 6 of Chap 27 of 52 Vic and new clause provided

Holder's rights. This new clause

Payment of interest. repealed by sec 9 of Chap 24 of 54-55 Vic and new one provided

Payment of capital.

3. Such acknowledgment and charge shall be in the form L in the schedule to this Act, and a duplicate thereof shall be deposited with the local agent, and thereafter the holder of such charge shall have the right to enforce payment of the amount so advanced and of the interest thereon by ordinary legal proceedings: Provided always, that the time to be fixed for the payment of the first instalment of interest upon such advance shall not be earlier than the first day of November in any year, nor shall it be within less than two years from the establishment of such settler upon such homestead; and provided also, that such settler shall not be bound to pay the capital of such advance or any part thereof within a less period than five years from the date of his establishment upon such homestead:

Registration.

4. Upon such acknowledgment and charge being duly executed and duly registered in the registry office for the registration district in which such homestead is situated, the same shall constitute and be and remain a first charge upon such homestead after the issue of the patent or certificate of patent for such homestead, until duly satisfied and extinguished according to law:

Provision in case the settler forfeits his right to a patent

Right may pass to holder of charge.

5. If such settler has not performed the conditions of settlement required to entitle him to a patent for such homestead within the time and in the manner provided by this Act, and has thereby forfeited his right to obtain a patent, the holder of the charge created thereon may apply to the Minister for a patent of such homestead, and, upon establishing

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Duties of holder in such case.

the facts to the satisfaction of the Minister shall receive a patent in his name therefor; and such patentee shall be bound to place a *bonâ fide* settler on such homestead by the sale thereof to such settler or otherwise within two years from the date of such patent, and in default of so doing within the said period shall be bound and obliged on demand to sell the said homestead, to any person willing to become a *bonâ fide* settler thereon, for such sum of money as is sufficient to pay the amount of such charge and interest, and the expenses incurred by the patentee in obtaining such patent and in retaining the homestead, on pain, in case of refusal, of an absolute forfeiture of the said property and of all claims thereon and of the patent or other title thereto.

Provision when right to patent has been acquired.

But if the settler has acquired a right to receive a patent for the land so charged and does not apply for the issue of the same, the holder of such charge may obtain such patent, or certificate for patent, in the name of the person entitled to receive the same or of his legal representatives, and thereafter the said charge shall become a statutory mortgage on such homestead. 49 V., c. 27, s. 9, *part*.

Certain enactments to apply to such charges.

45. Clause seven of the "*Act respecting Interest*" shall apply to all charges created under the next preceding clause of this Act. 49 V., c. 27, s. 9, *part*.

Discontinuance of Pre-emptions.

Pre-emption to be discontinued after 1st January, 1890.

46. The privilege of pre-emption, in connection with a homestead entry, shall be discontinued from and after the first day of January, in the year one thousand eight hundred and ninety. 49 V., c. 27, s. 10.

Mining and Mining Lands.

Repealed by Sec 5 of Chap 75 '55-56 V.c and new clause provided.

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

47. 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 are, from time to time, fixed by the Governor in Council, by regulations made in that behalf. 46 V., c. 17, s. 42.

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

48. No grant from the Crown of lands in freehold or for any less estate, shall be deemed to have conveyed or to convey the gold or silver mines therein, unless the same are expressly conveyed in such grant. 46 V., c. 17, s. 43.

Rights of discoverers of minerals.

49. Every 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 passed in the forty-third year of Her Majesty's reign, chapter twenty-six, shall be held to have the same rights as if that Act had not been passed. 46 V., c. 17, s. 44.

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Grazing Lands.

Special provisions as to lease of grazing lands.

50. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes, to any person, for such term of years, and at such rent, in each case, as is deemed expedient; and every such lease shall contain a condition by which the Governor in Council may authorize the Minister, 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. 46 V., c. 17, s. 40.

Condition for cancellation of lease.

Hay Lands.

Lease of hay lands.

51. A settler in the vicinity of unoccupied hay lands may obtain a lease for an area thereof not exceeding a quarter quarter section, or forty acres, for such term and at such rent as the Minister deems expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land, and in the case of such sale or settlement, the lessee shall be paid by the purchaser or settler, for fencing or other improvement made, such sum as the local agent determines; and the lessee shall be allowed to remove any hay he has cut. 46 V., c. 17, s. 41.

Proviso.

In case of sale or settlement.

PATENTS.

Deputy Governor for signing patents.

52. 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. 46 V., c. 17, s. 70, *part.*

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

53. Every patent for land shall be prepared in the Department of the Interior, and shall be signed by the Minister or the deputy of the Minister of the Interior, or by some other person thereunto specially authorized by the Governor 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 General or Deputy Governor, as hereinbefore provided. 46 V., c. 17, s. 70, *part.*

To be signed by Governor General or Deputy.

Remedy in case of deficiency of quantity mentioned in patent.

54. Whenever, through error in survey or in the books or plans of a Dominion lands office, any grant of land is found deficient, the Minister may order a free grant, equal in value, at the time such land was granted or sold, to the

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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 is made within five years from the date of the patent, and 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. 46 V., c. 17, s. 71.

Limitation of time for claim.

Patent issued in error may be cancelled.

55. Whenever a patent has been issued to, or in the name of, a wrong person, 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 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. 46 V., c. 17, s. 72.

Remedy in case of grants or patents inconsistent with each other.

56. 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 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 may assign land, or grant such amount of scrip for the purchase of Dominion lands as to him seems 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. 46 V., c. 17, s. 73.

Limitation of time for claim.

Provision in case of patents issued through fraud, &c.

57. Whenever patents, leases or other instruments respecting lands have issued through fraud, or in error or improvidence, any court having competent jurisdiction in cases respecting real property in the Province or Territory where such lands are situate, may, upon action, bill or plaint respecting such lands, and upon hearing the parties interested, or upon default of the said parties after such notice of proceeding as the said court orders, decree or adjudge such patent, lease or other instrument to be void; and upon the registry of such decree or adjudication in the office of the Registrar General of Canada, such patent, lease or other instrument shall be void. 46 V., c. 17, s. 74.

Avoidance on registry of decree.

Remedy in case of refusal to deliver up

58. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after for-

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feiture 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 may apply to a judge of any court of competent jurisdiction in cases respecting real property in the Province or Territory 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 in possession to deliver up the same to the Minister, 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. 46 V., c. 17, s. 75.

Possession of forfeited land, or to vacate land wrongfully held.

Order to sheriff to give possession.

ASSIGNMENTS.

59. The Minister shall cause to be kept, in the Department of the Interior, books for registering, at the option of the persons interested, assignments of any rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignments are 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 shall be unconditional, and all conditions on which the right depends shall be performed, or dispensed with by the Minister, before the assignment is registered. 46 V., c. 17, s. 76.

Assignments of Dominion lands to be registered.

Condition of registration.

60. On any application for a patent by the legal representative of a person who died entitled to such patent, the Minister may receive proof of the facts in such manner as he sees 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. 46 V., c. 17, s. 77.

Patent to legal representative of party dying entitled thereto.

TOWNSHIP PLANS AND PATENT LISTS.

61. The Minister 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. 46 V., c. 17, s. 78.

Minister to transmit certain information to registrars.

LAND SCRIP.

62. The Governor in Council may, if he deems it expedient so to do, satisfy any claim to a grant of Dominion

Authority to issue scrip.

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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. 46 V., c. 17, s. 80.

TIMBER AND TIMBER LANDS.

Wood for Settlers.

Minister may set apart land for wood lots.

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

As to quarter sections having wood on them.

2. If a quarter section is found to contain timber land which does not exceed in extent twenty-five acres, such timber land shall be appurtenant to such quarter section and shall not be divided into wood lots:

Assignment of wood lot to each homestead.

3. Out of any wood lots set apart under the first sub-clause 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 woodland; and such wood lot shall be paid for by the applicant at the price for wood lots fixed at the time by the Minister, 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 apportioned thereto, and also the forfeiture of the purchase money of such wood lot:

Price to be paid by settler.

Proviso: free grants in certain cases.

Proviso: if homestead entry is cancelled.

As to sale of timber to saw-mills, &c., before patent.

4. Any holder of a homestead entry who, previously to the issue of the patent, sells 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 so to do from the Minister, is guilty of a trespass and may be prosecuted therefor before a justice of the peace; and, upon conviction thereof, shall be liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, in the discretion of the court; and further, such person shall forfeit his

Punishment for so doing.

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homestead and pre-emption rights, and the timber so sold shall be subject to seizure and confiscation in the manner hereinafter provided. 46 V., c. 17, s. 45.

Timber Berths.

"Timber" defined.

64. In the twenty-five clauses next following, the expression "timber" means all wood and all products thereof. 46 V., c. 17, s. 46.

Timber districts.

65. 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. 46 V., c. 17, s. 47.

Division of such districts into timber berths by Minister.

Regulations respecting grant of such berths.

66. The Minister 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 are made by the Governor in Council respecting the ground rents, royalties or other dues which shall be paid in connection therewith, leases of the right to cut timber on such berths may be granted as hereinafter provided. 46 V., c. 17, s. 48.

Sale of leases of such berths; conditions thereof.

67. 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 in the order, and awarded to the person bidding, in each case, the highest bonus therefor,—such bonus to be paid in cash at the time of sale:

Lease to sole applicant.

2. 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 such lease,—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:

When there is more than one applicant for a berth.

3. When one or more persons apply for the right to cut timber upon the same berth, the Governor in Council may authorize the Minister to invite tenders from the applicants or the public; and the person tendering the highest cash bonus therefor, shall be entitled to the lease. 46 V., c. 17, s. 49.

Duration of leases; and as to renewal.

68. 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:

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No renewal in certain cases.

2. No lease shall be renewed in any case in which the lessee has failed to pay any ground rent, royalty or other dues in connection therewith. 46 V., c. 17, s. 50.

Form and effect of lease.

69. The lease shall describe the lands upon which the timber may be cut, and shall, during its continuance, vest in the lessee all rights 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 are 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 against any person 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. 46 V., c. 17, s. 51.

Rights of lessee to the timber, and enforcement thereof.

Further conditions of lease.

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

Erection of saw-mills, &c.

(*a.*) 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 the Minister accepts as equivalent thereto;

Payment of ground rent and royalty.

(*b.*) To pay in advance, in addition to the bonus, an annual ground rent of five dollars for each square mile; and further, to pay in cash, at each time of his making the return prescribed in sub-clause (*d*) 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.

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

Returns to be made at stated periods.

(*d.*) To make, monthly or at such other intervals of time as they are required of him by regulations made under this Act or by the minister, 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 whatsoever form the same are sold or otherwise disposed of by him during such month or other period, and the amount received by him therefor;

Preventing waste.

(*e.*) 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

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yet attained a size fitting them to be used for merchantable timber:

(*f.*) To exercise strict and constant supervision to prevent the origin and spread of fire. 46 V., c. 17, s. 52. Precautions against fire.

71. 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. 46 V., c. 17, s. 53. As to cases of error in survey, &c.

72. Every lease of a timber berth shall be subject to the right of the Crown to deal, in accordance with the provisions of this Act and the regulations made under it by the Governor in Council, with any and all coal and other minerals found within the limits of the berth leased; and the Crown 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 are granted, to take possession of and occupy such extent of the land so leased as is 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. 46 V., c. 17, s. 54. Reservation of right of Government as to coal and minerals; And for roads to the same. Retroactive effect of this clause.

73. Every lease shall be subject to forfeiture for violation of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister may, without any action, suit or other proceeding and without compensation to the lessee, cancel the same and make a new lease or disposition of the limit described therein to any other person, at any time during the term of the lease so cancelled: but the Minister may, if he sees fit, refrain from cancelling such lease for non-payment of dues, and may enforce payment of such dues in the manner by this Act provided. 46 V., c. 17, s. 55. Forfeiture of lease for violation of conditions. Proviso.

74. All ground rents, royalties 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 thereof, the lease of the berth has or has not been cancelled—the Crown Lien of the Crown for dues, and enforcement thereof.

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Seizure and sale of timber

timber agent or other person authorized thereto may, with the sanction of the Minister, 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 is not made within three months after such seizure, he may, with the sanction of the Minister, 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, to the person who had possession thereof at that time. 46 V., c. 17, s. 56.

Timber liable for dues whenever found.

75. All timber cut under lease shall be liable for the payment of the Crown dues thereon, whenever and wherever the said timber, or any part of it, is found, whether it is or is 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 is found, until the dues thereon are paid or secured, as provided in the next preceding clause. 46 V., c. 17, s. 57.

Enforcement of payment in case of removal out of Canada.

76. If the payment of the Crown dues on any timber has been evaded by any lessee or other person, 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 Crown 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 hereinbefore provided; or the amount due to the Crown, of which payment has been evaded, may be recovered by action or suit in the name of the Minister or his agent, in any court of competent jurisdiction. 46 V., c. 17, s. 58.

Bonds or notes may be taken without affecting lien.

77. The Minister 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, penalties and costs incurred or to be incurred, and may, if it is 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 on 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. 46 V., c. 17, s. 59.

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Forest Parks.

Preservation of forest trees and maintenance of rainfall.

78. 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 it 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:

Forest parks.

Returns to Parliament.

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:

Penalty for destroying trees.

3. Every one who 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, which shall be recoverable, with costs, in a summary manner, before a judge of the Supreme Court of the North-West Territories, a stipendiary magistrate, commissioner of police, or any two justices of the peace, under the "*Act respecting summary proceedings before Justices of the Peace*;" and in default of immediate payment of such penalty, and of the costs of prosecution, the offender may be imprisoned for any term not exceeding three months. 47 V., c. 25, s. 5.

Summary proceedings.

Liability of persons cutting timber without authority.

Penalty for cutting timber on Dominion lands without authority.

79. 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, incur a penalty 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;

Additional penalty for removal out of reach of officers.

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and such sum shall be recoverable, with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty: and in all cases the burden of proof of authority to cut and take the timber shall lie on the person charged; and the averment of the person 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. 46 V., c. 17, s. 60.

Burden of proof, &c.

Seizure of timber on affidavit before a J. P.

80. Whenever any Crown timber officer or agent receives satisfactory information, supported by affidavit, made before a justice of the peace or before any other competent officer or person, 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 the matter is decided by competent authority. 46 V., c. 17, s. 61, *part.*

Provision if the timber has been mixed with other timber.

81. If the timber, reported or known to have been cut without authority, has been made up with other timber into a crib, dram 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, unless the holder separates, to the satisfaction of the Crown timber agent, the timber cut without authority from the other. 46 V., c. 17, s. 61, *part.*

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

82. Whenever any Crown timber agent or other officer or agent of the Minister 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 inquire 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 requires, is given to him, he may seize and detain such timber until proof is made to the satisfaction of the Minister or of such Crown timber agent or officer, that such timber was not cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof is 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 hereinbefore provided. 46 V., c. 17, s. 62.

Recovery of dues.

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Release of timber on security being given.

83. If 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, penalties and costs incurred or imposed thereon, as the case may be. 46 V., c. 17, s. 63.

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

Confiscation and sale in case of default to contest seizure.

84. 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 from 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; and if, within fifteen days thereafter, the claimant has not instituted proceedings before a court of competent jurisdiction to contest the seizure, or, if the decision of the court is against him, or if the claimant fails duly to prosecute such proceedings, in the opinion of the judge before whom such case is tried (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 may, after thirty days' notice posted up at the place where the same is confiscated, be sold, by order of the Minister, for the benefit of the Crown:

Minister may impose a fine instead of confiscation in certain cases, &c.

Sale in default of payment.

2. The Minister may, if he sees cause for so doing, instead of confiscating timber cut without authority on Dominion lands, impose a 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, in his discretion, retain the whole proceeds of such sale, or the amount of the penalty and costs only 46 V., c. 17, s. 64.

Burden of proof to lie on the claimant.

85. 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 part 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 person instituting such prosecution. 46 V., c. 17, s. 65.

Officer seizing may call in assistance.

86. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown,

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call in any assistance necessary for securing and protecting the timber so seized. 46 V., c. 17, s. 66, *part.*

Slides, &c.

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

87. 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 beside it, for the purpose of facilitating the descent of timber or saw-logs, unless it is 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. 46 V., c. 17, s. 68, *part.*

Free use of slides, &c., not affected.

88. The free use of slides, dams, piers, booms and 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 subsequently to the construction of such works. 46 V., c. 17, s. 68, *part.*

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

89. The free use, for the floating of saw-logs or other timber, of all streams and lakes 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 beside the land on either side, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads as, owing to natural obstacles, are 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. 46 V., c. 17, s. 69.

POWERS OF THE GOVERNOR IN COUNCIL.

Power of Governor as to Indian reserves.

90. The Governor in Council may—

(*a.*) Withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or are reserved for Indians;

Lands required for railways.

(*b.*) Reserve from general sale and settlement, Dominion lands to such an extent as is required to aid in the construction of railways in Manitoba or in the Territories owned by Canada, and provide for the disposal of the lands so reserved, notwithstanding anything contained in this Act, in such manner, at such price and on such terms as are deemed expedient;

Free grant for railway to Hudson's Bay.

(*c.*) Make a free grant of land, not exceeding in extent six thousand four hundred acres for each mile of railway within Manitoba, and not exceeding in extent twelve thou-

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sand eight hundred acres for each mile in the North-West Territories, in aid of the construction of a railway from some point on the Canadian Pacific Railway to Hudson's Bay;

Encouragement of drainage, &c.

(*d.*) Grant to the promoters of works undertaken with a view of draining and reclaiming swamp lands, for the purpose of encouraging such works, remuneration in the way of grants of the lands so reclaimed, or of such portions thereof as are deemed fair and reasonable;

Schools of instruction in agriculture.

(*e.*) Grant land—not in any case exceeding in extent one section and one half section—to any person 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;

Claims arising out of Indian title.

(*f.*) Grant lands, in satisfaction of any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories, outside of the limits of Manitoba, previous to the fifteenth day of July, one thousand eight hundred and seventy, to such persons, to such extent, and on such terms and conditions as are deemed expedient;

Certain claims to lands outside of Manitoba prior to 15th of July, 1870.

(*g.*) Investigate and adjust claims preferred to Dominion lands situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, one thousand eight hundred and seventy, and 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 is considered fair and reasonable, but not exceeding in any case one quarter section, unless there has been cultivation of more than that area;

For carrying out the provisions of this Act.

(*h.*) Make such orders as are 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 arise, and for which no provision is made in this Act; and further make and declare any regulations which are considered necessary to give the provisions in this clause contained full effect; and, from time to time, alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead;

Penalties for violation.

(*i.*) Impose penalties not exceeding two hundred dollars, or not exceeding three months imprisonment, for violation of any regulations under this Act;

Statement under oath.

(*j.*) Provide that any statement or return required to be made by such regulations, shall be verified on oath. 46 V., c. 17, s. 81, *part*;—47 V., c. 25, s. 6.

Such orders must be published.

91. Every order or regulation made by the Governor in Council, in virtue of the provisions of the next preceding

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lished in *Canada Gazette*.

And laid before Parliament.

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. 46 V., c. 17, s. 81, *part*.

Fees for copies of maps, &c.

* **92.** The Governor in Council may establish a tariff of fees to be charged by the Minister 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. 46 V., c. 17, s. 125.

GENERAL PROVISIONS.

Certified copies of certain documents to be evidence.

93. 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 secretary of the Department of the Interior, or of the Surveyor General, or of 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 commissioner of Dominion lands, the secretary of the Dominion Lands Board, 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. 49 V., c. 27, s. 2, *part*.

As to lithographed copies, &c.

94. 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 *primâ facie* evidence of the originals, and of the contents thereof. 49 V., c. 27, s. 2, *part*.

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

** **95.** All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act, except as herein otherwise 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 any 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. 46 V., c. 17, s. 82.

Certain boards and officers may summon and

96. The Dominion lands board, or any member thereof, and any person specially authorized to that effect by the Governor in Council, may summon before them or him,

* See Sec 2 of Chap 26 of 57-58 Vic.

** See Sec 7 of Chap 31 of 50-51 Vic.

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any person, by subpœna issued by them or him, examine such person under oath, and 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 subpœna, legally served upon him, 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 term not exceeding fourteen days. 46 V., c. 17, s. 83;—49 V., c. 27, s. 11.

examine persons on oath.

Punishment for contempt.

97. Every receipt or certificate of entry or sale issued by an agent of Dominion lands shall, unless such entry or sale has been revoked or cancelled by the Minister, entitle the person to whom the same was granted, to maintain actions or suits 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. 46 V., c. 17, s. 85.

Entry receipt, &c., to give right to maintain suits.

98. The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act from form A to form K, both inclusive,—or he may, from time to time, with the like approval, cause to be adopted such other forms to the like effect as he considers applicable to any special case or class of cases. 49 V., c. 27, s. 3.

Forms A to K in schedule may be varied by the Minister.

SURVEYORS AND SURVEYS.

99. No person shall act as surveyor of Dominion lands unless he was, before the fourteenth day of April, one thousand eight hundred and seventy-two, duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of Canada, or has become qualified under the provisions hereinafter set forth. 46 V., c. 17, s. 87, *part.*

Qualifications required of Dominion surveyors.

100. Persons qualified under the provisions of this Act shall be styled "*Dominion Land Surveyors*," or "*Dominion Topographical Surveyors*," as the case may be. 46 V., c. 17, s. 87, *part.*

Official style of surveyors.

Board of Examiners.

101. There shall be a Board of Examiners for the examination of candidates for commissions as Dominion land surveyors, or as articled pupils, which shall consist of the Surveyor General and eight other competent persons 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 February and August in each year, and at such

Board to consist of Surveyor General and eight colleagues.

Meetings.

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other times as the Minister directs,—due notice thereof being given in the *Canada Gazette*; and the place of meeting shall be at the city of Ottawa, or such other place as is from time to time fixed by the Minister:

Members to be sworn.

2. Every member of the board shall take an oath of office, according to the form M, in the schedule to this Act, which shall be administered by a judge of any one of the superior courts in any Province of Canada, or a judge of the Supreme Court of Canada, and such judge is hereby authorized and required to administer such oath:

Quorum.

3. Three members of the board shall form a quorum:

Secretary.

4. The board shall, from time to time, appoint a fit and proper person to be secretary thereof, who shall keep a record of its proceedings:

Examination by a member of the Board.

5. The Minister may cause examinations of candidates for commissions as Dominion land surveyors, or as articled pupils, to be held at such times and places as he directs, by one of the members of the board; but such examinations shall be subject to the rules and regulations made by the board in that behalf, and shall have no effect unless they are conducted in accordance with such rules and regulations, and are subsequently approved by the board. 49 V., c. 27, s. 12, *part*.

Examination for articles as pupils.

102. No person shall be admitted as an articled 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, as to his penmanship and orthography, and also as to his knowledge of arithmetic, algebra, including quadratic equations, plane geometry, plane trigonometry, spherical trigonometry as far as the solution of triangles, the mensuration of superficies, and the use of logarithms, and has obtained a certificate of such examination, and of his proficiency, from such board. 49 V., c. 27, s. 12, *part*.

Notice by applicants to secretary.

103. Applicants for such examination, previously to being articled, shall give notice to the secretary of the board of their desire to present themselves for examination; whereupon that officer shall instruct them as to the manner in which they must proceed. 46 V., c. 17, s. 90.

Conditions precedent to examination for admission.

104. No pupil shall be entitled to be examined before the board, or before one of the members thereof, for admission as a Dominion land surveyor, unless he has previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form N, in the schedule to this Act, duly executed before two witnesses, as pupil of a Dominion land surveyor, and unless he produces an affidavit from such surveyor in the form O, in the schedule to this Act, together with his own affidavit in

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the form P in the schedule to this Act, that he has so served; or if for some good and valid reason such affidavits cannot be produced, unless he produces such evidence of the service as the board requires; and such three years' service shall include at least twelve months' actual practice in the field. 49 V., c 27, s. 13.

Alteration of form N when the pupil is an adult.

105. 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 the next preceding clause, a person of twenty-one years of age, the said form N 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 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. 46 V., c. 17, s. 91, *part*.

Transfer of a pupil.

106. 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; but such pupil shall not be entitled to examination unless he produces the affidavits of both surveyors in the form O in the schedule to this Act or, in default thereof, such evidence as is required by clause one hundred and four of this Act. 49 V., c. 27, s. 14.

Completion of term with another surveyor.

107. If any Dominion land surveyor dies, or leaves Canada, or is suspended or dismissed, his pupil may complete his term under articles, as aforesaid, with any other Dominion land surveyor. 46 V., c. 17, s. 93.

Duplicate of articles to be transmitted to secretary.

108. Articled pupils shall 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 secretary shall acknowledge the receipt of such papers and shall carefully file and keep the same with the records of the board. 46 V., c. 17, s. 94.

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

109. Every person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, was or becomes duly qualified by certificate, diploma or commission, to survey lands in any Province of Canada and who, in order to become so qualified, has served a term under articles to a surveyor, similar to the term prescribed by this Act, and has passed an examination in the subjects prescribed by clauses one hundred and two and one hundred and thirteen of this Act, before the board of examiners of such Province, shall be entitled to obtain a commission as Domin-

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ion land surveyor without being subjected to any examination other than with respect to the system of survey of Dominion lands; but 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 clauses to entitle him, under the foregoing provisions, to such commission; and before any such commission as Dominion land surveyor is granted, it shall 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 with respect to a knowledge of the survey laws of such Province, diplomas, certificates or commissions, as the case may be, as surveyors of lands within such Province. 49 V., c 27, s. 15, *part.*

Proviso: Board to judge of requirements of qualification in such Province

Proviso for reciprocity as to such admission.

110. Every person who shows, to the satisfaction of the board of examiners, that he has been duly admitted as a surveyor of lands in any part of Her Majesty's dominions other than the Provinces of Canada to which the provisions of the next preceding clause relate, and that he has had at least two years' practice either as a surveyor or as a pupil to a surveyor, (of which practice at least six months has been in the field), shall be entitled to a commission on passing an examination in the subjects set forth in clauses one hundred and two and one hundred and thirteen of this Act, and on his producing an affidavit from a Dominion land surveyor in the form O, in the schedule to this Act, that such person has, in addition to the service aforesaid, served for one year with him, including at least six months' actual practice with him in the field. 49 V., c. 27, s. 15, *part.*

Surveyors in Her Majesty's dominions, other than Canada, may be admitted on certain conditions.

111. Every graduate in surveying of the Royal Military College of Canada, and every person who has 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 a complete course of theoretical and practical instruction in surveying is organized, and who has thereupon received from such college or university a diploma as civil engineer, shall be exempt from serving three years as aforesaid, and shall be entitled to examination after one year's service under articles with a Dominion land surveyor, (at least six months of which service has been in the field), on producing the affidavit required by the next preceding clause as to such service; but it shall rest with the board to decide whether the course of instruction in such college or university is that required by this clause. 49 V., c. 27, s. 15, *part.*

Graduates of Royal Military College and of certain other colleges may be admitted on certain conditions.

112. Every person who desires to be examined before the board shall give due notice thereof in writing to the

Notice to secretary.

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secretary at least one month previous to the meeting of the board, and shall, with such notice, transmit the fee hereinafter prescribed. 46 V., c. 17, s. 98. Fee

113. No person shall, unless he is thereto entitled under any other clause of this Act, receive a commission from the board authorizing him to practise as a Dominion land surveyor, unless he has complied with the foregoing provisions of this Act, nor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the board or before a member thereof as hereinbefore provided on the following subjects, that is to say: plane and solid geometry; spherical trigonometry, so far as it includes solution of triangles; the use of logarithms; measurement of areas, including their calculation by latitude and departure, and the dividing or laying off land; a knowledge of the elements of practical astronomy and the solution of the following elementary problems:— Examination for admission as surveyor. In mathematics.

(*a.*) To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star; In practical astronomy.

(*b.*) To obtain the local time and the azimuth from an observed altitude of the sun or a star;

(*c.*) From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter:

He shall 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, in a style of draughtsmanship satisfactory to the board, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments; and shall 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, from time to time, for the guidance of Dominion land surveyors. 49 V., c. 37, s. 16. Surveying operations and use of instruments. System of Dominion surveys.

114. 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. 46 V., c. 17, s. 100. Examination may be on oath as to practice.

115. Every person who passes the examination prescribed by this Act, and every person who is entitled to receive a commission under clause one hundred and nine of this Act, shall receive a commission from the board in accordance with the form Q in the schedule to 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 Successful candidates to receive commissions and give security.

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and faithful performance of the duties of his office, and shall take and subscribe before a judge of any one of the superior courts in any Province of Canada—who is hereby authorized and required to administer such oaths—or before the board—any member of which may administer the same—the oath of allegiance, and an oath in the form following:—

Form of oath.

"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:"

Commission subject to above formalities.

2. Until the above formalities have been complied with the said commission of Dominion land surveyor shall have no effect:

Deposit of oaths.

3. The said oaths of allegiance and of office shall be deposited in the Dominion lands office:

Deposit of bond.

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 Canada, and shall be subject to the same provisions, and shall inure to the benefit of any person who sustains damage by breach of any condition thereof:

Registration of commission.

5. The commission shall be registered in the office of the Registrar General of Canada. 46 V., c. 17, s. 101;—49 V., c. 27, s. 17.

Voluntary examination in higher branches of study.

116. Every Dominion land surveyor who has previously given the notice prescribed in clause one hundred and twelve of this Act, may be examined as to his knowledge of the following subjects relating to the higher branches of 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:—

Mathematics

(*a.*) Algebra;

(*b.*) Plane and spherical trigonometry;

(*c.*) The plane co-ordinate geometry of the point, straight line, circle and ellipse, and the transformation of co-ordinates;

(*d.*) The geometrical theory of limits, and the determination of the form, magnitude and radius of curvature of any plane section of a spheroid of revolution;

(*e.*) Differential calculus as far as Taylor's and McLaurin's theorems, with its practical application;

(*f.*) Methods of trigonometrical 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, regard being had to the effect of the figure of the earth;

(*g.*) The theory of the projections and developments used in the delineation of spherical surfaces;

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(*h.*) The portion of the theory of practical astronomy which relates to the determination of the geographic position of points on the earth's surface and the directions of lines on the same; — Practical astronomy.

(*i.*) The use of the method of least squares in combining direct and indirect observations, the solution of simple equations of condition and the determination of the probable and the mean error; — Determination of errors.

(*j.*) The theory of the Dominion lands system of survey, the methods of surveying blocks and township outlines and of making tract, micrometer and exploratory surveys; — Dominion lands survey system.

(*k.*) The theory and use of the instruments used in connection with the foregoing, and also of the ordinary meteorological instruments; — Theory and use of instruments.

(*l.*) 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 Canada; — Mineralogy and geology. Geology of North America.

(*m.*) Methods of trigonometrical levelling, of measurement of heights by barometer or by the temperature of boiling water, and the use of the pendulum in determining the compression of the earth; — Levelling.

(*n.*) The instruments and methods used in determining the magnetic declination, inclination and intensity. 49 V., c. 27, s. 18. — Magnetic declination, &c.

117. Persons who pass the above mentioned examination in the higher branches of surveying, shall receive a certificate to that effect from the board, and shall be designated Dominion topographical surveyors. 46 V., c. 17, s. 103. — Designation of those passing such examination.

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

(*a.*) To the secretary of the board, by each pupil, on giving notice of his desire for examination preliminary to being articled, one dollar; — On giving notice, preliminary examination.

(*b.*) To the secretary of the board, as the fee due on such examination, ten dollars, and a further sum of two dollars for the certificate; — On examination.

(*c.*) 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; — On transmitting articles.

(*d.*) 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; — On giving notice, final examination.

(*e.*) To the secretary of the board, by each applicant obtaining a commission, as his fee thereon, two dollars; — On obtaining commission.

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On admission.

(*f.*) To the secretary of the board as an admission fee by any candidate receiving a commission, twenty dollars,—but such amount, as also the ten dollars required to be paid under sub-clause (*b*) of this clause, shall be paid to the Minister of Finance and Receiver General to the credit of Dominion lands;

Application of certain fees.

On commission as Dominion topographical surveyor.

(*g.*) To the secretary of the board by each applicant who obtains a commission as Dominion topographical surveyor, as his fee thereon, two dollars;

For testing standards of length.

(*h.*) To the secretary of the board for testing a surveyor's standard of length, two dollars. 46 V., c. 17, s. 104;—49 V., c. 27, s. 19.

Allowances to members of the board.

119. Every member of the board who attends at the meetings thereof, and the secretary and every member who holds an examination as provided by clause one hundred and one, 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 shall pay such sums; but no member of the board, if he has to travel more than one hundred miles in order to be present at the meeting, shall receive any allowance for travelling expenses for attending such meeting, unless such member was previously specially notified to attend the same by the secretary. 49 V., c. 27, s. 20, *part.*

Proviso.

Board may suspend or dismiss negligent or corrupt surveyor.

120. The board may, in its discretion, suspend or dismiss from the practice of his profession, any Dominion land or topographical surveyor whom it finds 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; and, if, after being summoned as aforesaid, the surveyor does not appear, the board may appoint a fit and proper person to present the evidence on behalf of the surveyor. 49 V., c. 27, s. 20, *part.*

Surveyor or some one on his behalf, to be heard.

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

121. 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 Attorney General of Canada shall, upon the application of the Surveyor General, immediately institute a suit upon the bond of such surveyor; and the institution of such

If statement is false, proceedings to be instituted on the bond.

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suit shall operate as a lien on any property owned or held by such surveyor, or his sureties, at the time the suit is instituted. 46 V., c. 17, s. 107, *part.*

Effect of such suit.

122. Every Dominion land surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and shall file them in the order of time in which the surveys have been performed, and he shall give copies thereof to all persons concerned, when required so to do; and for so doing he shall be paid the sum of one dollar for each copy, if the number of words therein does not exceed four hundred—but if the number of words therein exceeds four hundred, he shall be paid ten cents additional for every hundred words over and above four hundred words. 46 V., c. 17, s. 123.

Surveyors to keep journals and field notes and to furnish copies.

123. 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, shall be allowed five dollars for each day he so attends, in addition to his reasonable travelling and living expenses, to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such court. 46 V., c. 17, s. 124.

Allowance to surveyor for attendance as witness.

Chain Bearers.

124. Every chain bearer employed in the survey of Dominion lands shall, before he commences his chaining or measuring, take an oath or affirmation that he will discharge such duty with exactness, according to the best of his judgment and ability, and render a true account of his chaining or measuring to the surveyor by whom he has been appointed to such duty; and any Dominion land surveyor may administer such oath or affirmation. 46 V., c. 17, s. 108.

Chain bearer to be sworn.

Standard of Measure.

125. 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 to him by the secretary of the board on payment of a fee of eight 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; and the said standard measure shall be returned to the secretary of the board as often as it requires to be tested again:

Standard to be English measure of length.

Measuring instruments to be regulated thereby.

Testing subsidiary standards.

2. Every surveyor who is found performing his duties without being in possession of the standard measure which, by this clause, he is required to have, shall be liable to be

Penalty for surveyor without standard.

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suspended for a period not exceeding twelve months. 49 V., c. 27, s. 21.

Renewal of Lost Corners and Obliterated Lines.

Provision where the original mound or post is lost.

126. Whenever 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 admits of, respecting such corner mound, post or monument; but if the position of the same cannot be satisfactorily so ascertained, he shall proceed as follows:—

If a township corner.

(*a.*) 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 shall instruct him how to proceed;

If on one of the outlines of a township.

(*b*) 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;

As to correction lines.

(*c.*) If, in re-establishing the east or west boundary of a township, one of the nearest undisputed corners is on a correction line, every quarter section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the quarter section adjoining the correction line;

Where a deficiency shall be left.

(*d.*) If, 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, every quarter section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the western quarter section;

Township corner to be re-established.

(*e.*) When the position of the township corner is also lost, it shall be re-established as aforesaid, previously to re-establishing the outline of the township;

When the lost corner is in the interior of a township.

(*f.*) 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;

When nearest undisputed corner is on a correction line.

(*g.*) If one of the nearest undisputed corners is on a correction line, 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;

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(*h.*) 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.

(*i.*) 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 to west.

(*j.*) If, in townships surveyed under the first system of survey, the lost corner is in the western row of sections of a township, the first quarter section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the western quarter section; When in western row under first system of survey.

(*k.*) When the position of one of the corners on the meridians is also lost, such meridian shall be re-established previously to re-establishing the east and west line; When meridian shall be re-established.

(*l.*) Whenever 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. 46 V., c. 17, s. 110. Allowance for road to be considered. Effect of such survey.

Survey of Legal Sub-divisions.

127. When, in the survey of legal sub-divisions, it is necessary for a Dominion land surveyor to establish the division line between two sections, he shall effect this by connecting, by a straight line, the opposite original section corners, if they exist, and if not, by similarly connecting the points established in renewal thereof, in accordance with the next preceding clause, giving, in either case, the quarter sections involved an equal breadth: Method of proceeding in laying out a half or quarter section or other legal sub-division.

2. In laying out a half section or a quarter section he shall connect the opposite quarter section posts by straight lines: Half or quarter section.

3. In laying out other and minor legal sub-divisions he shall give to every such sub-division its proportionate share of frontage and interior breadth, and connect the resulting terminal points by a straight line: Other sub-divisions.

4. 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 correspond or do not correspond with the area expressed in the respective patents for such lands. 46 V., c. 17, s. 111. Lines drawn to be true limits.

Division Lines in Fractional Sections.

128. The dividing lines or limits between legal sub-divisions, in fractional sections, shall be drawn from the Dividing lines to be drawn from original corners.

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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:

Northerly and southerly lines.

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

Easterly and westerly lines.

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. 46 V., c. 17, s. 112.

Original Boundary Lines.

Repealed by Dec 7. 2 clause 27 & 52 Vic and new clause provided.

Boundaries under this Act are to be deemed the true ones

129. 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 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, are or are 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. 46 V., c. 17, s. 113.

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

130. 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. 46 V., c. 17, s. 114.

As to aliquot parts of townships, &c.

131. 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 contains on the ground, whether such quantity is more or less than that expressed in such patent, grant or instrument. 46 V., c. 17, s. 115.

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

132. In every town and village in Manitoba or the North-West Territories, surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, lot or

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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. 46 V., c. 17, s. 116.

Evidence before Surveyors.

Surveyors may examine witnesses on oath.

133. Every Dominion land surveyor acting in that capacity, may examine witnesses on oath, 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, and may administer such oath or oaths to every person whom he examines in relation to such matters. 46 V., c. 17, s. 117.

How surveyors shall proceed to ascertain boundaries when doubtful.

134. Whenever 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 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, and 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 subpœna *ad testificandum*, or a *subpœna duces tecum*, as the case requires, accompanying such application by an affidavit or solemn declaration made before such justice of the peace, of the facts on which the application is founded; and such justice may issue a subpœna accordingly, commanding such person to appear before the surveyor at a time and place mentioned in the subpœna, and, if the case requires it, to bring with him any writing, plan or document mentioned or referred to therein:

Subpœna may be issued.

How served.

2. Such subpœna shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some adult person of his family at his residence, exhibiting to him or such adult person the original:

Penalty for disobeying it.

3. If the person required in such subpœna to appear, after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before

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the surveyor at the place and time appointed in the subpœna, or to produce the writing, plan or document, if any, therein mentioned or referred to, or to give such evidence and information as he possesses touching the boundary or limit in question, a warrant by the justice for the arrest of such person may be issued, and he shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding ninety days, or to both, in the discretion of such justice. 46 V., c. 17, s 118.

Evidence taken by surveyor to be reduced to writing and signed.

135. All evidence taken by a Dominion land surveyor, as aforesaid, shall be reduced to writing and shall be read over to the person giving the same, and shall 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. 46 V., c. 17, s. 119.

Power to enter upon private lands.

136. 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. 46 V., c. 17, s. 120.

Offences.

Penalty for molesting surveyor in discharge of his duty.

137. Every person who, 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, is guilty of a misdemeanor, and liable to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding two months, or to both, in the discretion of the court. 46 V., c. 17, s. 121.

Penalty for pulling down or destroying land marks placed by surveyor on original survey.

138. Every person who, 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 the Governor in Council, is guilty of felony, and shall be liable to imprisonment for any term not exceeding seven years:

And for pulling down or destroying other land marks so placed.

2. Every person who, 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, sec-

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tion or other legal sub-division, lot or parcel of land in Manitoba or the North-West Territories, is guilty of a misdemeanor, and liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court. 46 V., c. 17, s. 122, *part.*

As to examining posts.

139. 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. 46 V., c. 17, s. 122, *part.*

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*," for the quarter section of section number of the township, in the range of the meridian.

46 V., c. 17, sch. form A.

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 to, this day of 18 , before me

(*Signature.*)

Local Agent

46 V., c. 17, sch. form B.

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FORM C.

AFFIDAVIT in support of claim for homestead entry by a person who has not previously settled on the land.

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, 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 to, this day of 18 , before me } (*Signature.*)

Local Agent.

46 V., c. 17, sch. form C.

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 to, this day of 18 , before me } (*Signature.*)

Local Agent.

46 V., c. 17, sch. form D.

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FORM E.

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*," respecting homestead rights

Local Agent.

(*Place—Date*).

46 V., c. 17, sch. form F.

FORM F.

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*," for the quarter section of section number of the township, in the range of the meridian.

46 V., c. 17, sch. form G.

FORM G.

AFFIDAVIT by an agent in support of a claim for homestead entry on behalf of 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 , 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 cultivated 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 intention of his residing upon and cultivating the said land, and

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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 to, this day of 18 , before me } (*Signature.*)

Local Agent.

46 V., c. 17, sch. form H.

FORM H.

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

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 to, this day of 18 , before me } (*Signature.*)

Local Agent.

46 V., c. 17, sch. form J.

FORM J.

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; that to the best of my knowledge and belief the land in respect of which application is

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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 this 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 to, this day of 18 , before me } (*Signature.*)

Local Agent.

46 V., c. 17, sch. form K.

FORM K.

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.

Local Agent.

(*Place—Date .*)

Countersigned:

Commissioner of Dominion Lands,
or *Member of the Dominion Lands Board.*

46 V., c. 17, sch. form M.

FORM L.

ACKNOWLEDGMENT AND CHARGE.

Repealed and new form vide Sec 8 & Chap 57 52 Vic.

I, the undersigned, A.B., holding as a homestead the quarter of section , township , range of meridian, hereby acknowledge to have received from C.D. as an advance, under the provisions of "*The Dominion Lands Act*," in aid of my establishment upon the said homestead, the sum of dollars, as shown by the statement thereof, as hereto annexed, certified by the

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local land agent of the Government of Canada, which sum of money I undertake to pay to the said C.D., his representatives or assigns, within years from the date hereof, with interest thereon at the rate of per cent. per annum, payable half-yearly, on the first days of and in each year, the first instalment whereof will become due on the day of next; and as security for such payments, I hereby create a first mortgage and charge upon the said homestead according to the provisions of the said Act:

And I, E.F., the wife of the said A.B., hereby bar and relinquish my right of dower upon the said homestead in favor of the said C.D.

In witness whereof, the parties hereto have executed these presents in duplicate this day of , 18 .

49 V., c. 27, s. 9, *part.*

FORM M.

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.

46 V., c. 17, sch. form N.

FORM N.

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.,

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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,

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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 one hundred and thirteen of "*The Dominion Lands Act*," 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 practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, make the affidavit of service required by section one hundred and four of "*The Dominion Lands Act*" 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.

46 V., c. 17, sch. form O.

FORM O.

AFFIDAVIT BY THE SURVEYOR

I, A.B., or , Dominion land surveyor, do solemnly swear that E. F. has served regularly and faithfully as my pupil from the day of 18 to the day of 18 . That he has been engaged with me in the field on the following surveys, that is to say:

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From the day of to the day of , on the survey of at ;
From the day of to the day of , on the survey of at , and that the said E. F. has always conducted himself with all due diligence, honesty and sobriety on the said service.

Sworn before me }

49 V., c. 27, s. 22, *part.*

FORM P.

AFFIDAVIT BY THE PUPIL.

I, E. F., of , do solemnly swear that I have attained the full age of twenty-one years; that I have served regularly and faithfully with A.B., Dominion land surveyor, as his pupil, from the day of 18 , to the day of 18 ; that I have been engaged with him in the field between the following dates on the following surveys, that is to say:

From the day of to the day of , on the survey of at ;
From the day of to the day of , on the survey of at .

Sworn before me }

49 V., c. 27, s. 22, *part.*

FORM Q.

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 practice 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.

46 V., c. 17, sch. form P.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.

Form R (Re clause 44 added by sec 9 of chap 27 52 Vic.)

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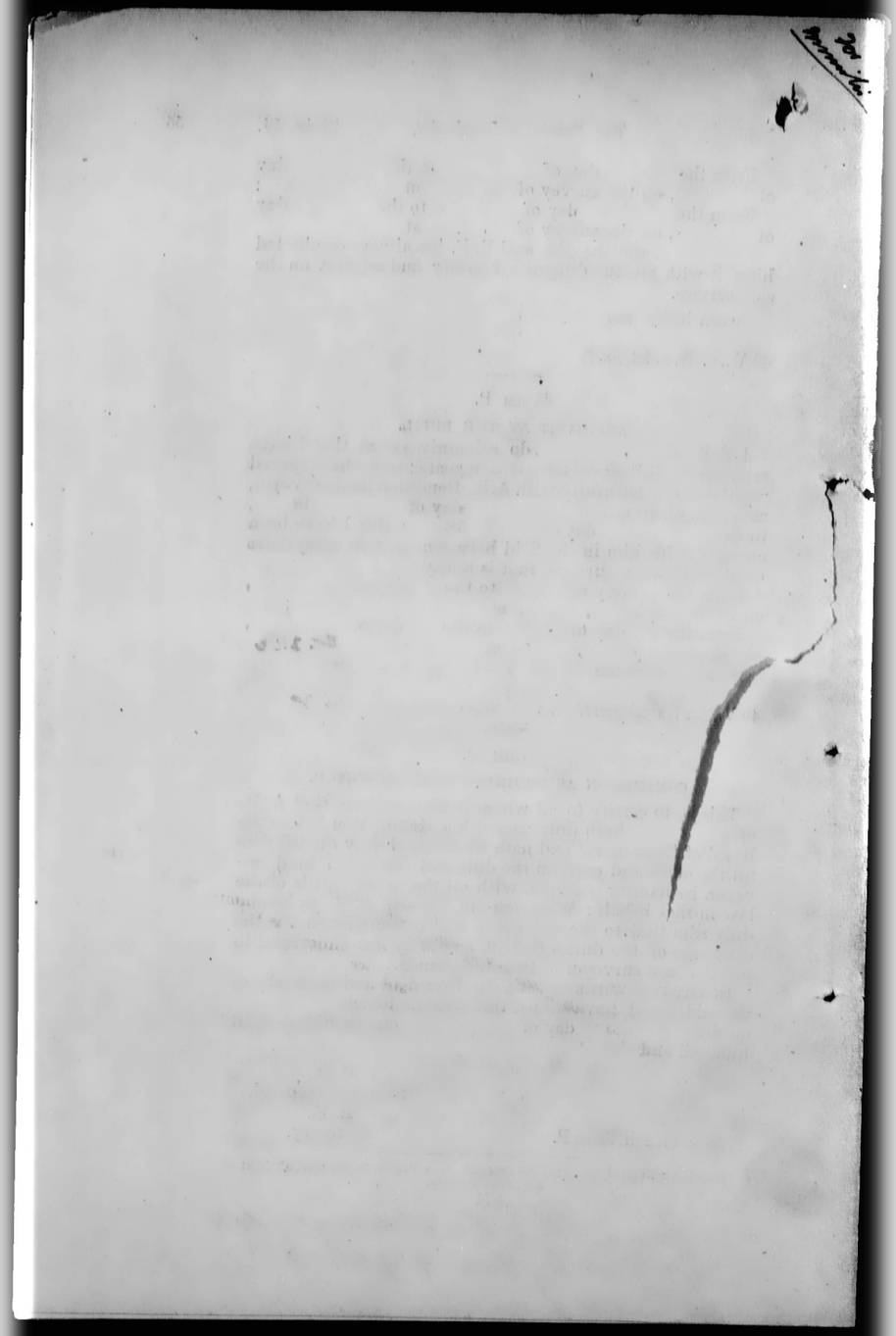

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50-51 VICTORIA.

CHAP. 31.

An Act to amend the Dominion Lands Act.

[*Assented to 23rd June*, 1887.]

Preamble. R.S.C., c. 54.

WHEREAS it is expedient to amend "*The Dominion Lands Act*," chapter fifty-four of the Revised Statutes of Canada, as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In this Act the expression "the said Act" means "*The Dominion Lands Act*."

Clause 32 amended.

2. Sub-clause one of clause thirty-two of the said Act is hereby repealed, and the following substituted therefor:—

Entry for homestead rights.

"**32.** Every person who is the sole head of a family, and every male who has attained the age of eighteen years, who makes application in the form A in the schedule to this Act, shall be entitled to obtain homestead entry for any quantity of land not exceeding one quarter-section, which is of the class of land open, under the provisions of this Act, to homestead entry; and such person shall at the same time as he obtains his entry declare under which of the conditions prescribed by clause thirty-eight of this Act he elects to hold the land affected by such entry."

Area limited.

Clause 38 amended.

3. Sub-clause five of clause thirty-eight of the said Act is hereby repealed, and the following substituted therefor:—

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

"5. 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 included 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 exer-

Forfeiture in default.

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cised and payment made within six months after the settler becomes entitled to claim a patent under his homestead entry, shall be forfeited ; and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior, but on the following conditions only :—

This paragraph repealed and by sec 2 chap 24 of 54-55 Vic, and new paragraph provided.

Conditions on which such pre-emption may be opened for homestead entry.

"(*a.*) Any person obtaining homestead entry for the land included in such forfeited pre-emption entry shall be required to perfect his entry by erecting a habitable house thereon, and commencing actual residence in the said house within six months of the date of such homestead entry, and shall be required to continue such residence for at least six months in each of the three years next succeeding ;

"(*b.*) Before an application for patent for such homestead shall be accepted as satisfactory by the local agent, or the senior clerk performing his duties, the applicant shall be required to prove to the satisfaction of the said local agent, or the senior clerk performing his duties, that he has made permanent improvements on the said land to the aggregate value of not less than one dollar and fifty cents per acre."

Repealed by sec 6 of chap 24 of 54-55 Vic and new clause provided.

Clause 39 repealed ; new provision.

4. Clause thirty-nine of the said Act is hereby repealed, and the following substituted therefor :—

Forfeiture of right :—

"**39.** If it is proved to the satisfaction of the Minister :—

By non-residence.

"(*a.*) That the settler has not resided upon and cultivated his homestead, except as herein provided, for at least six months in any one year ; or—

By non-compliance with the conditions of sub-clause 5 of clause 38.

"(*b.*) In case he has obtained his entry under and in accordance with sub-clause five of the next preceding clause, that he has failed to erect a habitable house and to commence actual residence in the same within six months of the date of such entry, and to continue such residence for at least six months in each of the three years next succeeding, or that he has failed to make permanent improvements on the land to the aggregate value of one dollar and fifty cents per acre within three years from the date of the perfecting of his entry ; or—

And of sub-clause 6 of clause 38.

"(*c.*) In case he has obtained his entry under and in accordance with the conditions prescribed by sub-clause six of the next preceding clause, that he has not been *bonâ fide* resident within a radius of two miles from his homestead quarter-section for at least six months in any one year, or has failed to break, prepare for crop, and crop, in each of the three years after obtaining his homestead entry, the areas of his homestead quarter-section mentioned in the said sub-clause, or has failed to erect upon his homestead a habi-

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table house and to *bonâ fide* reside therein for not less than three months next prior to the date of his application for patent; or—

"(*d.*) In case he has obtained his entry under and in accordance with sub-clause seven of the next preceding clause, that he has failed to perfect his homestead entry and make the cultivation of his homestead during the first and second years after the date of his entry prescribed by the said sub-clause, or that he has failed to erect a habitable house upon his homestead before the expiration of the second year after the date of his homestead entry, or that he has not *bonâ fide* resided in the said house and cultivated the said land for at least six months in each of the three years next prior to the date of his application for patent; And of sub-clause 7 of clause 38.

"The right to the land shall be forfeited, and the entry thereof 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." Effect of forfeiture.

5. Clause forty-three of the said Act is hereby repealed, and the following substituted therefor:— Clause 43 repealed; new provision. Repealed by sec 4 of Chap 15 of 55-56 Vic. and new clause provided.

"**43.** No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause mentioned, shall be entitled to obtain another homestead entry: Provided however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-seven, had obtained a homestead patent, or a certificate of recommendation for a patent, countersigned by the Commissioner of Dominion Lands, or who had complied with the homestead provisions of the Acts then in force relating to Dominion Lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the "*Dominion Lands Act*, 1883," to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-seven, shall be permitted to make a second homestead entry." No second homestead entry. Exception in cases specified. 46 V., c. 17.

6. Sub-clause two of clause forty-four of the said Act is hereby repealed, and the following substituted therefor:— Clause 44 amended. Repealed by sec 5 of Chap 27 of 52 Vic and new clause provided.

"2. If such plan or project is so sanctioned, and such person or company thereupon places any settler upon a homestead, a statement of the expense incurred by such person or company in paying the actual *bonâ fide* cost of the passage and of providing for the subsistence of such settler and his family, of erecting buildings on his homestead (to Statement to be furnished to the settler and to the local agent.

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which purpose one-half of the advance made may be devoted) and of providing horses, cattle, farm implements and seed grain for him, together with an amount in money sufficient to cover the interest on the amount advanced for a time to be agreed upon, to enable such settler to obtain a return from the cultivation of such homestead, shall be furnished to him, and shall also be submitted with proper vouchers in support thereof to the local agent, who shall examine and verify the same both by such vouchers and by an examination of such settler, and of such person or company, or their representative,—and shall certify the result of such verification by a writing upon such statement signed by him; and thereupon such settler shall make and execute an acknowledgment in writing of the amount so advanced to him, and shall by such writing create a charge upon such homestead for the amount of such advance, not exceeding the sum of six hundred dollars, and for the interest thereon, at a rate not exceeding eight per cent. per annum: Provided always, that it shall be competent for the person or company proposing to make such advance to take at once an acknowledgment from the settler for the full amount of the charge proposed to be made; but such acknowledgment shall only operate as a charge upon the homestead to the extent that may be certified by the local agent upon presentation to him of vouchers or other satisfactory evidence that the advance for which a charge is proposed to be created have actually been made to the settler."

And verified by the local agent.

Charge on homestead for advances may be created.

Charge not to exceed amount certified by local agent.

Verification of statements on oath.

7. The Minister of the Interior may require any statement in relation to any land to which the said Act applies to be verified by oath, affirmation, declaration or affidavit, which may be taken or made before any of the officers or persons mentioned in the ninety-fifth clause of the said Act.

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51 VICTORIA.

CHAP. 21.

An Act further to amend "The Dominion Lands Act."

[*Assented to 22nd May*, 1888.]

Preamble

WHEREAS a fund is in course of being raised to enable a scheme to be inaugurated for the colonization of crofters and cotters from the West Highlands and islands of Scotland, in Canada; and whereas it is proposed to establish a board for the administration of such fund, consisting of commissioners representing the private subscribers to the said fund and any land company which may co-operate in and give its assistance to the said scheme: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Board for administration of colonization fund.

Board vested with certain powers.

1. The board constituted in the manner and for the purposes set forth in the preamble to this Act shall be vested with all the powers conferred upon persons or companies by section forty-four of chapter fifty-four of the Revised Statutes of Canada, as amended by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign and chaptered thirty-one, and such board and any persons who accept the assistance of the said board for the purpose of placing themselves on homestead lands shall be subject to all the provisions of the said before cited section as so amended.

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52 VICTORIA.

CHAP. 27.

An Act further to amend "The Dominion Lands Act."

[*Assented to 2nd May*, 1889.]

Preamble. R.S.C., c. 54.

WHEREAS it is expedient further to amend "*The Dominion Lands Act*" as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

S. 11, repealed; new provision. Width of townships on base lines.

1. Clause eleven of the said Act is hereby repealed and the following substituted therefor:—

"**11.** Except as herein otherwise provided, 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:

Certain meridians how surveyed.

"2. The meridians between those townships situated between the International Boundary or first base line and the first correction line, shall be surveyed to the south from the said first correction line to the said International Boundary or first base line."

S. 15 repealed; new provision. Allowance for deficiency or surplus.

2. Clause fifteen of the said Act is hereby repealed and the following substituted therefor:—

"**15.** 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; excepting in the case of the north and south closings in those townships between the first correction line and the International Boundary or first base line, which error is to be left in the last quarter-section adjoining the said first base line; but the Governor in Council may order such deficiency or surplus, and such north and south error, or

Exception.

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either of them, to be equally distributed among all the quarter-sections involved."

Assignments and transfers, made before patent has issued, not null.

Repealed by Sec 4 Chap. 34 of 58-59 Vict

But may be declared so.

3. As respects every assignment or transfer of a homestead or a pre-emption right held or acquired under the said Act, or any prior Acts relating to Dominion Lands, in whole or in part, and every agreement to make any such assignment or transfer, made or entered into before the issue of patent and previous to the date of the passing of this Act, no such assignment or transfer or agreement shall be *ipso facto* null and void, nor shall any forfeiture accrue in respect thereof; but the Minister of the Interior may declare any such assignment or transfer or agreement to be null and void, and such forfeiture to have accrued, or either, and such declaration shall have force and effect as if herein enacted: Provided, that no such declaration shall have force or effect in any case in which a patent for any homestead or pre-emption land has issued previous to the date of such declaration, unless the patent has issued through fraud, error or improvidence:

Proviso.

Saving clause.

2. Nothing in the next preceding subclause contained shall in any manner have force or effect as respects any lands in relation to which the subject matter of the said subclause has already been adjudicated upon, or is in question in any court of competent jurisdiction.

Certain acknowledgments of money advanced to settlers ratified.

4. Every acknowledgment entered into which purports to be so entered into in accordance with the provisions of clause forty-four of "*The Dominion Lands Act*," and which has been examined, verified and certified by a local agent or a homestead inspector, previous to the date of the passing of this Act, is hereby ratified and confirmed, notwithstanding any departure from the conditions of the said clause forty-four, and shall have force and effect as if no such departure had taken place: Provided however, that no such acknowledgment shall be deemed to create a charge in respect of any moneys advanced or paid for any purposes other than those for which an advance is authorized by the said clause forty-four, except the cost of materials for buildings, house furniture, breaking land on homestead, the entry fee for the homestead, and legal expenses not exceeding ten dollars:

Proviso, as to nature of charge thereby created.

Validation of acknowledgments examined by homestead inspectors.

2. Every acknowledgment entered into in pursuance of the said clause forty-four, and which has been submitted, with the proper vouchers in support thereof, to a homestead inspector, instead of to a local agent as provided by the said clause, and which has been examined, verified and certified by such inspector, and subsequently registered at the office of any local agent, or in the books of the Minister of the Interior, shall be valid and binding in like manner as if the same had been examined, verified and certified by a local agent, as provided by the said clause.

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5. Subclause two of the said clause forty-four, as amended by clause six of chapter thirty-one of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, is hereby repealed, and the following substituted therefor:— Subsection 2 of s. 44, repealed; new provision.

"2. If such plan or project is so sanctioned and such person or company thereupon places any settler upon a homestead, a statement of the expenses incurred by such person or company in paying the actual *bonâ fide* cost of the passage, of paying for the homestead entry, or homestead and pre-emption entry, as the case may be, of providing for the subsistence of such settler and his family, of providing materials for buildings and of erecting buildings on his homestead and of insuring the said buildings (to which purposes one-half of the advance may be devoted), of breaking land on such homestead, and of providing horses, cattle, house furniture, farm implements and seed grain for him, in which statement a sum not exceeding ten dollars for the cost of selecting the homestead, placing the settler thereon and legal expenses, and also an amount in money to cover interest on the amount advanced for a time to be agreed upon to enable such settler to obtain a return from the cultivation of such homestead, may be included, shall be furnished to such settler and shall also be submitted with proper vouchers in support thereof to the local agent, a homestead inspector or other agent appointed by the Minister of the Interior, and the local agent, inspector or other agent so appointed, shall examine and verify the same both by such vouchers and by an examination under oath of such settler and of such person or company or their representative, and shall certify the result of such verification by a writing upon such statement signed by him; and thereupon such settler shall make and execute an acknowledgment in writing of the amount so advanced to him and shall, by such writing, create a charge in the form L in the schedule to this Act upon such homestead for the amount of such advance, not exceeding the sum of six hundred dollars, and for the interest thereon at a rate not exceeding eight per cent. per annum: Provided always, that it shall be competent for the person or company proposing to make such advance to take at once from an intending settler, an acknowledgement in the form R in the schedule to this Act and that such acknowledgment shall operate as a charge upon the homestead for which such settler obtains entry, to the extent that is certified by the local agent, homestead inspector or other agent appointed by the Minister of the Interior, for any sum not exceeding six hundred dollars, and for the interest thereon at a rate not exceeding eight per cent per annum, upon presentation to him of vouchers or other satisfactory evidence that the advance for which a charge is proposed to be created has actually been

Statement of expenses to be furnished to settler.

Verification of statement.

Settler to make acknowledgement.

Charge created.

Proviso, acknowledgment may be taken at once.

Charge created in such case.

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made to the settler and that the settler has been actually placed on such homestead."

Repealed by Sec 9 of Chap 24 of 54-55 Vic. and new clause provided

Subsection 3 of s. 44, repealed; a new provision. Deposit of duplicate. Holder's rights. Payment of interest.

6. Sub-clause three of clause forty-four aforesaid is hereby repealed and the following substituted therefor:—

"3. A duplicate of such acknowledgment and charge shall be deposited with the local agent, and thereafter the holder of such charge shall have the right to enforce payment of the amount so advanced and of the interest thereon by ordinary legal proceedings: Provided always, that the time to be fixed for the payment of the first instalment of interest upon such advance shall not be earlier than the first day of November in any year, nor shall it be within less than two years from the establishment of such settler upon such homestead; and provided also, that such settler shall not be bound to pay the capital of such advance, or any part thereof, within a less period than four years from the date of his establishment upon such homestead."

Payment of capital.

Section 129 repealed; new provision. Boundaries under this Act are to be deemed the true ones.

7. Clause one hundred and twenty-nine of the said Act is hereby repealed and the following substituted therefor:—

"**129.** All boundary lines of townships, sections or legal subdivisions, 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 subdivisions, blocks, gores, commons and lots or parcels of land under the authority of this Act or of the Governor in Council, shall, subject to the provisions hereinafter in this clause contained, be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land respectively, whether the same, upon admeasurement, are or are not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land:

Township survey may be cancelled.

"2. Whenever the Minister of the Interior has reason to believe that any gross irregularity or error has been made in the survey of any township surveyed under the authority of this Act, the Governor in Council, upon the recommendation of the Minister of the Interior, may direct that such survey shall be cancelled and a new survey made, and the said new survey shall be made accordingly:

Boundary marks in such case.

"3. In effecting any new survey as provided by the preceding subclause, all posts, mounds or other marks placed to mark the original survey which is to be corrected, may be removed, and the new posts, mounds or other marks placed to mark and define the new survey, shall become the original marks of such survey:

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"4. The plan of any survey performed under the provisions of this Act, and of record in the Department of the Interior, or any tracing or lithographed copy of the same, may be altered and amended so as to show any and all alterations made by a new survey effected as provided by this Act." Amendment of plans.

8. Form L in the schedule to "*The Dominion Lands Act*" is hereby repealed and the following substituted therefor :— Form L repealed.

"FORM L. New form.

"*Acknowledgment and Charge.*

"I, the undersigned
holding as a homestead the quarter
of section Township
Range of the
Meridian, upon which I have been established since the
day of , 18 , hereby acknowledge
to have received from
as an advance under the provisions of "*The Dominion Lands Act*" and amendments thereto, in aid of my establishment upon the said homestead, the sum of dollars as shown by the statement thereof as hereto annexed, certified by the
which sum of money I undertake to pay to the said
his representatives or assigns in years from the
day of 18 , as follows:—

with interest thereon from the day of ,
18 , at the rate of per cent. per annum payable yearly
on the day of in each
year, the first instalment whereof will become due on the
day of , 18 ; and as security for
such payments I hereby create a first mortgage and charge upon the said homestead according to the provisions of the said Act and amendments thereto.

"I create the said mortgage and charge upon the condition that I am to have the privilege of paying off the said advance at any time prior to the expiration of the said
years.

"In witness whereof the parties hereto have executed these presents in triplicate, this day of , 18 .

"Signed sealed and delivered in presence of } { L.S. }

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"STATEMENT OF EXPENSES.

For cost of passage ..... $
do subsistence.....
do entry fee.....
do breaking land .....
do selecting land and placing settler thereon... .....
do legal expenses.....
For cost of material for building and cost of erection .....
do horses and cattle .....
do house furniture .....
do farm implements .....
do seed grain .....
Interest on $, to 18 ."

Form added. **9.** The following is hereby added to the said schedule as Form R :—

Form R. "FORM R.

"*Acknowledgment and Charge.*

"I, the undersigned hereby acknowledge to have received the sum of dollars from as an advance under the provisions of "*The Dominion Lands Act*" and amendments thereto, in aid of my establishment upon a homestead in Manitoba or the North-West Territories of Canada, which sum of money I undertake to pay to the said his representatives or assigns in years from the day of 18 , as follows :—

with interest thereon from the day of 18 , at the rate of per cent. per annum payable on the day of , in each year; the first instalment whereof will become due on the day of 18 , and as security for such payments I hereby undertake and agree that the homestead for which I shall obtain entry shall be charged with the said sum of money advanced to me, with interest thereon at a rate not exceeding eight per cent per annum, according to the said Act and amendments thereto. I create the said charge upon condition that I am to have the privilege of paying off the said advance at any time prior to the expiration of the said years.

"In witness whereof the parties hereto have executed these presents in triplicate, this day of , 18 .

Signed, sealed and delivered in presence of } { L.S. } "

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54-55 VICTORIA.

CHAP. 24.

An Act further to amend "The Dominion Lands Act."

[*Assented to* 30*th September*, 1891.]

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

1. Sub-clause three of clause thirty-four of "*The Dominion Lands Act*," chapter fifty-four of the Revised Statutes, is hereby amended by inserting after the word "or" in the first line thereof the words "any member of." R.S.C., c. 54, clause 34 amended.

Whole Sub. Clause five repealed by S. 3. of C. 15 55-56 V. and new sub provided

2. The paragraph lettered (*a*) of sub-clause five of clause thirty-eight of the said Act, as amended by section three of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter thirty-one, is hereby repealed, and the following substituted therefor :— Clause 38 further amended.

"(*a*) Any person obtaining homestead entry for the land included in such forfeited pre-emption entry shall be required to perfect his entry by erecting a habitable house thereon, and commencing actual residence in the said house and cultivation of the land within six months of the date of such homestead entry, and shall be required to continue such residence for at least six months in each year, and to maintain such cultivation during each year of the three years next succeeding." Conditions on which such pre-emption may be opened for homestead entry.

3. Sub-clause six of clause thirty-eight of "*The Dominion Lands Act*" is hereby repealed, and the following substituted therefor : Clause 38 further amended.

"6. In addition to the cases hereinbefore mentioned, any person claiming a patent under a homestead entry, or under a homestead and pre-emption entry, shall be entitled thereto, upon proving,— Other conditions on which patent may be obtained.

(*a*) That he has erected upon his homestead a habitable house, and has *bonâ fide* resided therein for not less than three months at any time prior to the date of his application for his patent and subsequent to the performance of the other duties set forth in this sub-clause ; House.

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Residence. (*b*) That between the time within which, by clause thirty-six of this Act, it is provided that a person who has obtained a homestead entry shall perfect his entry and the date of his application for a patent he has *bonâ fide* resided within a radius of two miles from his homestead quarter section or upon the said quarter section ;

Breaking land. (*c*) That within the first year after the date of his homestead entry he broke and prepared for crop not less than ten acres of his homestead quarter section ;

Second year. (*d*) That within the second year he cropped the said ten acres and broke and prepared for crop not less than fifteen acres in addition, making not less than twenty-five acres ;

Third year. (*e*) That within the third year after the date of his homestead entry he cropped the said twenty-five acres and broke and prepared for crop not less than fifteen acres in addition, making in all not less than twenty-five acres of the said homestead cropped, and fifteen acres in addition broken and prepared for crop, within three years of the date of his homestead entry ;

Residence explained. And the provisions of this sub-clause as to residence shall be sufficiently fulfilled if the applicant has not been absent from his residence for more than six months in any one year.

Clause 38 further amended. **4.** Sub-clause seven of clause thirty-eight of the said Act is hereby repealed, and the following substituted therefor :—

Further conditions on which patent may be obtained. "7. Any person claiming a patent under a homestead entry or under a homestead and pre-emption entry shall also be entitled thereto upon proving to the satisfaction of the Commissioner of Dominion Lands or the Dominion Lands Board,—

Perfecting entry. (*a*) That he perfected his homestead entry by commencing the cultivation of the homestead within six months from the date of his homestead entry, or, if the entry was obtained on or after the first day of September in any year, before the first day of June following ;

Breaking land. (*b*) That within the first year after the date of his homestead entry he broke and prepared for crop not less than five acres of his homestead quarter section ;

Second year. (*c*) That within the second year he cropped the said five acres, and broke and prepared for crop not less than ten acres in addition, making not less than fifteen acres in all ;

House. (*d*) That he erected a habitable house upon his homestead before the expiration of the second year after his homestead entry, and has *bonâ fide* resided therein and has cultivated the land for three years prior to the date of his application for his patent ;

Residence and cultivation.

Residence. (*e*) That at the commencement of the third year after the date of his homestead entry, or previously, he commenced the residence on his homestead required by the next preceding paragraph of this sub-clause ;

Proviso. Provided, however, that an application for a homestead patent may be accepted and approved and a patent may be issued in

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any case in which all the provisions of this sub-clause have been complied with, except as to cultivation for the first two years.

And the provisions of this sub-clause as to residence shall be sufficiently fulfilled if the applicant has not been absent from his residence for more than six months in any one year." Residence explained.

5. From and after the first day of January, in the year one thousand eight hundred and ninety-four, the privilege of obtaining entry, under sub-clauses six and seven of clause thirty-eight of "*The Dominion Lands Act*," shall be discontinued. Privilege to cease on 1st Jan., 1894.

6. The clause substituted by section four of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter thirty-one, for clause thirty-nine of the said Act, is hereby repealed, and the following substituted therefor:— Clause 39 repealed.

"**39.** If it is proved to the satisfaction of the Minister,— Forfeiture of right:—

"(*a.*) That the settler has not resided upon and cultivated his homestead, except as herein provided, for at least six months in any one year; or— By non-residence.

"(*b.*) In case he has obtained his entry under and in accordance with sub-clause five of the next preceding clause, that he has failed to erect a habitable house and to commence actual residence in the same and cultivation of the land within six months of the date of such entry, and to continue and maintain such residence and cultivation as required by the said sub-clause, or that he has failed to make permanent improvements on the land to the aggregate value of one dollar and fifty cents per acre within three years from the time allowed for the perfecting his entry; or— By non-compliance with the condition of sub-clause 5 of clause 38.

"(*c.*) In case he has obtained his entry under and in accordance with the conditions prescribed by sub-clause six of the next preceding clause, that he has not been *bonâ fide* resident within a radius of two miles from his homestead quarter section for at least six months in any one year, or has failed to break, prepare for crop, and crop, in each of the three years after obtaining his homestead entry, the areas of his homestead quarter-section mentioned in the said sub-clause, or has failed to erect upon his homestead a habitable house and to *bonâ fide* reside therein for not less than three months as required by the said sub-clause; or— Or of sub-clause 6 of clause 38.

"(*d.*) In case he has obtained his entry under and in accordance with sub-clause seven of the next preceding clause, that he has failed to perfect his homestead entry and make the cultivation of his homestead after the date of his entry prescribed by the said sub-clause, or that he has failed to erect a habitable house upon his homestead before the expiration of the second year after the date of his homestead entry, or that he has not *bonâ fide* resided in the said house and cultivated the said land for at least six months in each of the three Or of sub-clause 7 of clause 38.

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years following the date when he is required by the provisions of the said sub-clause to commence residence on his homestead;—

Effect of forfeiture.

"The right to the land shall be forfeited, and the entry thereof 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."

Forfeiture of right to patent.

7. Failure on the part of any person who has obtained a homestead entry under the "*Dominion Lands Act*," to apply, as hereinbefore provided, for the patent for his homestead within a period of five years from the date of his homestead entry, shall render his right liable to forfeiture, in the discretion of the Minister of the Interior.

Clause 44 further amended.

8. Sub-clause two of clause forty-four of "*The Dominion Lands Act*," as enacted by section five of the Act fifty-second Victoria, chapter twenty-seven, is hereby amended by inserting after the word "passage" in the fifth line thereof the words "and freight," and also by inserting after the word "providing" in the sixth line thereof the words "medical attendance and."

Clause 44 further amended.

9. The sub-clause substituted by section six of the Act fifty-second Victoria, chapter twenty-seven, for sub-clause three of clause forty-four of "*The Dominion Lands Act*," is hereby repealed and the following substituted therefor:—

Deposit of duplicate.

Holder's rights.

Payment of interest.

Payment of capital.

Assignment of charge.

Limit of additional charges.

"3. A duplicate of such acknowledgment and charge shall be deposited with the local agent, and thereafter the holder of such charge shall have the right to enforce payment of the amount so advanced and of the interest thereon by ordinary legal proceedings: Provided always, that the time to be fixed for the payment of the first instalment of interest upon such advance shall not be earlier than the first day of November in any year, nor shall it be within less than two years from the establishment of such settler upon such homestead; provided also, that such settler shall not be bound to pay the capital of such advance, or any part thereof, within a less period than four years from the date of his establishment upon such homestead; and provided also, that the holder of such charge may, subject to the approval of the Minister of the Interior, assign the same, and shall be deemed always to have had such power, subject to the approval of the Minister of the Interior; and provided further, that additional charges may, from time time, be created on such homestead in the manner hereinabove provided, so long as the aggregate amount of the capital of the advances so charged thereon does not, at any time, exceed the said sum of six hundred dollars."

Application of clause 44.

10. The provisions of clause forty-four of "*The Dominion Lands Act*," as amended by the Act fifty-second Victoria,

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chapter twenty seven, and by this Act, may be applied, at the option of any person interested, to any lands affected by advances made under any Act in that behalf heretofore in force.

Transfer of charge to second homestead.

11. Any settler who has created a charge upon his homestead for an advance under the provisions of "*The Dominion Lands Act*" may obtain entry for another homestead in lieu thereof, if the Minister of the Interior and the holder of such charge consent thereto and such settler executes a transfer of such charge to the new homestead; and upon such entry being so made, the charge so created shall operate as a first charge upon the new homestead for the amount of such advance still unpaid, and shall cease to be a lien upon the abandoned homestead.

Application of clause.

2. The provisions of this clause may be applied to any settler who has already obtained entry for a new homestead in lieu of the homestead upon which he had created a charge for such advance.

Homesteading cancelled quarter-section, &c.

12. Nothwithstanding anything in "*The Dominion Lands Act*" or in this Act, a settler may homestead any cancelled quarter section or cancelled pre-emption while residing within two miles of the said homestead.

Repealed by Geo 9 2 chap 18 - 55-56 Vic

Assignment of pre-emption rights.

13. After a homestead has been recommended for patent, the holder of the pre-emption right may legally dispose of, convey, assign or transfer his right and title in the land for which he holds the pre-emption entry; and this provision shall also apply retrospectively, but shall have no force or effect as respects any land in relation to which the subject matter of this clause has already been adjudicated upon or is in question in any court of competent jurisdiction.

Retroaction.

Prevention of pollution of water.

14. Whenever lands are entered for either as a homestead or pre-emption, or sold or otherwise disposed of, and such lands contain or border upon a coulée or ravine, which has been utilized for the purpose of forming a reservoir for the storage of water, or which, in the opinion of the Minister, or of the agent or other officer by whom such entry is issued or such sale or disposal is made, is capable of being so utilized to advantage, such entry may be issued or such sale or disposal made subject to the condition that no building shall be erected within a specified distance from the border of such coulée or ravine, and to such other conditions as, under the circumstances of the case, seem desirable with a view to the prevention of the pollution of the water stored in such reservoir; and in every such case any patent issued for such land shall be expressed to be subject to the conditions so imposed.

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55-56 VICTORIA.

CHAP. 15.

An Act further to amend the Dominion Lands Act.

[*Assented to 9th July*, 1892.]

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

R.S.C., c. 54, clause 17 repealed.

1. Clause seventeen of *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, is hereby repealed.

Clause 21 repealed.

2. Clause twenty-one of the said Act is hereby repealed and the following substituted therefor:—

As to laying out and describing certain lands.

"**21.** Nothing in this Act shall be construed to prevent the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the *Act respecting certain Claims to Lands in the Province of Manitoba*, or to prevent fractional sections or lands bordering on any river, or lake, or other watercourse, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such subdivisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent any Dominion lands in the mountainous regions of Manitoba, the North-west Territories and British Columbia, where the ordinary mode of survey is impracticable, from being laid out into townships, sections, quarter sections or legal subdivisions by fixing the corners of such townships, sections, quarter sections, or legal subdivisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister directs, and the describing of such townships, sections, quarter sections or legal subdivisions for patent by metes and bounds according to a plan of record."

R.S.C., c. 48.

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Clause 38 amended.

3. The sub-clause substituted by section three of chapter thirty-one of the Statutes of 1887, for sub-clause five of clause thirty-eight of the said Act, is hereby repealed and the following substituted therefor :—

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

"5. If, in connection with the homestead entry, the settler has obtained 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 included 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 two years after the settler becomes entitled to claim a patent under his homestead entry, shall be forfeited, and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior: Provided, however, that where a settler has had a homestead and pre-emption entry, and has obtained a patent for his homestead in time to entitle him to make a second homestead entry, and has been permitted to make a second homestead entry for the quarter section which was previously his pre-emption, he shall be entitled to a patent under such second homestead entry upon proving—

Forfeiture in default.

Proviso as to second homestead entry.

Residence.

"(1.) That he has resided upon the quarter section which was the subject of his first homestead entry for not less than six months in each of three years from and after the date of his second homestead entry;

Breaking land.

"(2.) That within the first year after the date of his second homestead entry he broke and prepared for crop not less than fifteen acres of his second homestead quarter section;

Second year.

"(3.) That within the second year after the date of his second homestead entry he cropped the said fifteen acres, and broke and prepared for crop not less than fifteen acres in addition on his second homestead quarter section, making not less than thirty acres;

Third year.

"(4.) That within the third year after the date of his second homestead entry he cropped the said thirty acres, and broke and prepared for crop not less than ten acres in addition, making in all not less than forty acres of the said second homestead broken and prepared for crop within three years of the date of his second homestead entry;

Residence explained.

"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.

Clause 43 repealed.

4. The clause substituted by section five of chapter thirty-one of the Statutes of 1887, for clause forty-three of the said Act is hereby repealed and the following substituted therefor :—

No second homestead entry.

"**43.** No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause mentioned, shall be entitled to obtain another homestead entry: Provided, however, that any

Exception.

person

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person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained a homestead patent, or a certificate of recommendation for a patent countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, or who had complied with the homestead provisions of the Acts then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the *Dominion Lands Act*, 1883, to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-nine, shall be permitted to make a second homestead entry."

Chap. 17 of 1883.

Clause 47 repealed.

5. Clause forty-seven of the said Act is hereby repealed, and the following substituted therefor:—

Mineral and coal lands.

"**47.** Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor General in Council may, from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing or other disposal thereof: Provided, however, that no disposition of mines or mining interests in the said park shall be for a longer period than twenty years, renewable, in the discretion of the Governor in Council, from time to time, for further periods of twenty years each, and not exceeding in all sixty years."

Roads in N. W. T.

6. The Lieutenant Governor and Assembly of the North-west Territories may, with the consent of the Governor in Council, close up any road which has been transferred to the Territories, or vary its direction; and may, subject to any ordinances made in respect thereof, open and establish any new highway in the stead of such road; and the land in any road allowance, public travelled road, or trail so closed may be dealt with as the Governor in Council sees fit.

Irrigation companies, &c.

7. The Governor in Council may grant to individuals or companies, upon such terms and conditions as appear just, and subject to such regulations as are from time to time made in that behalf, the right to construct through Dominion lands conduit pipes or canals for irrigation purposes, together with all water powers and privileges necessary therefor.

Section 12 of c. 24 of 1891 repealed.

8. Section twelve of chapter twenty-four of the Statutes of 1891, intituled *An Act further to amend the Dominion Lands Act*, is hereby repealed.

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56 VICTORIA.

CHAP. 18.

An Act further to amend the Dominion Lands Act.

[*Assented to* 1*st April*, 1893.]

Preamble. R. S. C., c. 54.

WHEREAS, by clause twenty-three of *The Dominion Lands Act*, sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion lands are set apart as an endowment for purposes of education and designated as school lands, and are withdrawn from the operation of the clauses of the said Act relating to the sale of Dominion lands and to homestead rights therein; and whereas it is expedient in the public interest that the claims of certain persons, hereinafter mentioned, who in good faith and in ignorance of the law settled prior to the first day of January, in the year one thousand eight hundred and eighty, upon certain school lands hereinafter described, should be recognized: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Grant of lands authorized.

1. Notwithstanding anything contained in *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, or in the several amendments thereto, the Minister of the Interior, under the direction of the Governor in Council, may grant to the several persons hereinafter mentioned homestead entry for the lands set opposite their respective names, upon proof to the satisfaction of the said Minister that the said persons were in *bonâ fide* occupation of the said lands prior to the first day of January, in the year one thousand eight hundred and eighty, and that they have continued to occupy and cultivate them since that date, in accordance with the requirements of the provisions of the said Act relating to homestead entry, that is to say:

Alexander McMillan for the N. E. ¼ of section 11, township 13, range 1, east of the 1st principal meridian;

John Cathcart for the N. W. ¼ of section 11, township 13, range 1, east of the 1st principal meridian;

Henry Welsh for the S. E. ¼ of section 11, township 13, range 1, east of the 1st principal meridian;

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George Williams for the N. E. ¼ of section 29, township 13, range 2, east of the 1st principal meridian;

J. W. Walker for the N. W. ¼ of section 29, township 13, range 2, east of the 1st principal meridian;

George Walker for the S. W. ¼ of section 29, township 13, range 2, east of the 1st principal meridian;

James Walker for the S. E. ¼ of section 29, township 13, range 2, east of the 1st principal meridian;

Andrew Hunter for the N. E. ¼ of section 29, township 14, range 2, east of the 1st principal meridian;

Robert Fisher for the S. W. ¼ of section 25, township 11, range 5, east of the 1st principal meridian;

Archie McFee for the N. E. ¼ of section 11, township 13, range 5, east of the 1st principal meridian;

Thomas Guthrie, for the N. E. ¼ of section 11, township 14, range 1, west of the 1st principal meridian;

Angus Campbell for the N. W. ¼ of section 11, township 14, range 1, west of the 1st principal meridian;

John Campbell for the S. W. ¼ of section 11, township 14, range 1, west of the 1st principal meridian;

W. J. Lundy for the S. E. ¼ of section 29, township 2, range 3, east of the 1st principal meridian;

James Simpson for the N. W. ¼ of section 29, township 5, range 5, west of the 1st principal meridian.

Other lands may be set apart in their stead.

2. The said Minister may cause to be selected in lieu of the school lands described in the next preceding section, for which homestead entries are to be granted, an equal area of vacant and unreserved Dominion lands within the province of Manitoba for the purposes of school endowment, and withdraw them from the operation of the clauses of *The Dominion Lands Act* relating to sale and homestead entry, and set them apart as school lands by a notice to that effect in the *Canada Gazette*.

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57-58 VICTORIA.

CHAP. 26.

An Act respecting Dominion Lands.

[*Assented to 23rd July*, 1894.]

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

R.S. C., c. 54, s. 23 amended.

1. Section twenty-three of *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, is hereby amended by adding the following thereto:—"Provided, that any person who is proved to the satisfaction of the minister to have *bonâ fide* settled and made improvements upon any such section before the survey of the township containing such section, may be granted a homestead entry for the lands so occupied by him, not in excess of one hundred and sixty acres, if such lands are in other respects of the class open to homestead entry: Provided further, that in every such case the minister shall select from the unclaimed lands in the township an area equal to that for which entry is granted, and shall by notice in the *Canada Gazette* withdraw it from sale and settlement and set it apart as school lands."

Rights of settler on school lands before survey.

Other lands to be set apart as school lands instead.

Publication of orders and regulations.

2. Notwithstanding anything contained in any such Act, the omission to publish any order or regulation heretofore made by the Governor in Council under the provisions of any Act relating to Dominion lands, or to publish such order or regulation in any prescribed manner, shall not be held to invalidate it or anything done thereunder.

Sale or lease of public lands.

3. The Governor in Council may authorize the sale or lease of any lands vested in Her Majesty which are not required for public purposes, and for the sale or lease of which there is no other provision in the law.

"Lands" defined.

2. The expression "lands" in this section means real property of any kind, or any interest therein.

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58-59 VICTORIA.

CHAP. 34.

An Act further to amend the Dominion Lands Act.

[*Assented to 22nd July, 1895.*]

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

Grant of lands authorized.

1. Notwithstanding that the lands hereinafter in this section mentioned are school lands within the meaning of *The Dominion Lands Act*, the Minister of the Interior, under the direction of the Governor in Council, may grant to the several persons hereinafter named homestead entry for the parcels of such lands set opposite their respective names upon proof to his satisfaction that the said persons respectively were in *bonâ fide* occupation of such parcels prior to the first day of January, one thousand eight hundred and eighty, and that they continued to occupy and cultivate the same in accordance with the requirements of the provisions of the said Act relating to homesteads:—

W. J. Martin, for the N. E. ¼ of section 29, township 15, range 2, east of the 1st principal meridian;

Samuel Parsons, for the N. E. ¼ of section 11, township 11, range 4, east of the 1st principal meridian;

W. H. Coverdale, for the S. E. ¼ of section 11, township 15, range 1, east of the 1st principal meridian;

William Holmes, for the S. E. ¼ of section 29, township 10, range 6, east of the 1st principal meridian;

Jackson Holmes, for the N. E. ¼ of section 29, township 10, range 6, east of the 1st principal meridian;

William Guthrie, for the S. E. ¼ of section 11, township 14, range 1, west of the 1st principal meridian;

P. Martens, for the N. E. ¼ of section 11, township 3, range 5, west of the 1st principal meridian;

Henry Sutherland, for the S. W. ¼ of section 11, township 13, range 5, east of the 1st principal meridian.

Case of John Cathcart.

2. It having been established that John Cathcart, mentioned in section one of chapter eighteen of the Statutes of 1893, is dead, and that the parcel for which the said John Cathcart

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claimed homestead entry was not the N. W. ¼ but the S. W. ¼ of section 11, township 13, range 1, east of the first principal meridian, the Minister of the Interior is hereby authorized, under the direction of the Governor in Council, to grant homestead entry to Isabella Cathcart, widow and administratrix of the said John Cathcart, for the said S. W. ¼ of said section 11, upon proof to the satisfaction of the said minister that the said John Cathcart was in *bonâ fide* occupation of the said last mentioned quarter section prior to the first day of January, one thousand eight hundred and eighty, and that he or his representatives continued to occupy and cultivate it in accordance with the requirements of the said homestead provisions of *The Dominion Lands Act*.

Case of George M. Aikman.

3. Notwithstanding that the lands in this section mentioned are school lands, the said minister, under the direction of the Governor in Council, may also, upon proof to his satisfaction that George M. Aikman was in *bonâ fide* occupation of the N. W. ¼ of section 29, township 11, range 6, east of the first principal meridian, prior to the first day of January, one thousand eight hundred and eighty, and occupied and cultivated the said quarter-section in accordance with the requirements of the provisions of *The Dominion Lands Act* relating to homestead entry, grant to the said George M. Aikman a homestead entry for the N. E. ¼ of the said section 29 instead of for the said N. W. ¼, the latter quarter-section having been otherwise disposed of and not being available for homestead entry.

Other lands may be set apart instead of those granted.

2. The said minister may cause to be selected in lieu of the school lands described in the next preceding section, for which homestead entries are to be granted, an equal area of vacant and unreserved Dominion lands within the province of Manitoba, for the purposes of school endowment, and withdraw them from the operation of the clauses of *The Dominion Lands Act* relating to sale and homestead entry, and set them apart as school lands by a notice to that effect in the *Canada Gazette*.

Sale of lands to Cochrane Ranch Co. authorized.

3. Notwithstanding anything in *The Dominion Lands Act*, the Governor in Council may, on such conditions as he deems proper, sell to the Cochrane Ranch Company the following school lands, namely:—Section 11 in township 3, range 28, west of the fourth principal meridian, and so much of section 29 in township 3, range 27, west of the fourth principal meridian, as lies north of the Belly River: Provided, that such sale shall not take place until the Minister of the Interior has, by notice in the *Canada Gazette*, set apart as school lands, in lieu thereof, other public lands of equal extent and value as nearly as may be.

1889, c. 27, s. 3 repealed.

4. Section three of chapter twenty-seven of the Statutes of 1889 is hereby repealed.

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5. As respects every assignment or transfer of a homestead or a pre-emption right held or acquired under any Act relating to Dominion lands, in whole or in part, and every agreement to make any such assignment or transfer, made or entered into before the issue of patent and previous to the date of the passing of this Act, no such assignment or transfer or agreement shall be *ipso facto* null and void, nor shall any forfeiture accrue in respect thereof; but the Minister of the Interior may declare any such assignment or transfer or agreement to be null and void, and such forfeiture to have accrued, or either; and such a declaration shall have force and effect as if herein enacted: Provided, that no such declaration shall have force or effect in any case in which a patent for any homestead or pre-emption land has issued previous to the date of such declaration, unless the patent has issued through fraud, error or improvidence. Transfers heretofore made before issue of patent may be declared void.

2. Nothing in the next preceding sub-clause contained shall in any manner have force or effect as respects any lands in relation to which the subject-matter of the said sub-clause has already been adjudicated upon, or is in question in any court of competent jurisdiction. Pending or settled cases not affected.

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57-58 VICTORIA.

CHAP. 26.

An Act respecting Dominion Lands.

[*Assented to* 23*rd July*, 1894.]

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

R. S. C., c. 54, s. 23 amended.

1. Section twenty-three of *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, is hereby amended by adding the following thereto:—"Provided, that any person who is proved to the satisfaction of the minister to have *bonâ fide* settled and made improvements upon any such section before the survey of the township containing such section, may be granted a homestead entry for the lands so occupied by him, not in excess of one hundred and sixty acres, if such lands are in other respects of the class open to homestead entry: Provided further, that in every such case the minister shall select from the unclaimed lands in the township an area equal to that for which entry is granted, and shall by notice in the *Canada Gazette* withdraw it from sale and settlement and set it apart as school lands."

Rights of settler on school lands before survey.

Other lands to be set apart as school lands instead.

Publication of orders and regulations.

2. Notwithstanding anything contained in any such Act, the omission to publish any order or regulation heretofore made by the Governor in Council under the provisions of any Act relating to Dominion lands, or to publish such order or regulation in any prescribed manner, shall not be held to invalidate it or anything done thereunder.

Sale or lease of public lands.

3. The Governor in Council may authorize the sale or lease of any lands vested in Her Majesty which are not required for public purposes, and for the sale or lease of which there is no other provision in the law.

"Lands" defined.

2. The expression "lands" in this section means real property of any kind, or any interest therein.

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

1. Notwithstanding anything contained in the Dominion Lands Act any person who has been placed on homestead lands or has been assisted to place himself on such lands by the Board mentioned in the Act Chapter twenty-one of the Statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

2. The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as may be named in such patent as the fair value of such lands, on pain, in case of refusal, of an absolute forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

3. The Minister shall, for the purposes of the next preceding section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required before he is granted a second entry to sign an acknowledgment in the form R in the schedule to the Dominion Lands Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

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]

BILL.

[1897.

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

1. Notwithstanding anything contained in the Dominion Lands Act any person who has been placed on homestead lands or has been assisted to place himself on such lands by the Board mentioned in the Act Chapter twenty-one of the Statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

2. The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as may be named in such patent as the fair value of such lands, on pain, in case of refusal, of an absolute forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

3. The Minister shall, for the purposes of the next preceding section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required before he is granted a second entry to sign an acknowledgment in the form R in the schedule to the Dominion Lands Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

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] **BILL.** [1897.

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

1. Notwithstanding anything contained in the Dominion Lands Act any person who has been placed on homestead lands or has been assisted to place himself on such lands by the Board mentioned in the Act Chapter twenty-one of the Statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

2. The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as may be named in such patent as the fair value of such lands, on pain, in case of refusal, of an absolute forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

3. The Minister shall, for the purposes of the next preceding section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required before he is granted a second entry to sign an acknowledgment in the form R in the schedule to the Dominion Lands Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

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Ottawa, 10th April, 1897.

Memorandum:-

In view of the relationship between the Commissioner of Immigration at Winnipeg and the new settlers coming to Manitoba and the North West Territories, I would suggest that an amendment be made to sub-section 3 of section 34 of the Dominion Lands Act empowering the Commissioner of Immigration to grant authority to agents to make homestead entries. Please refer to the clause in question and let me know whether you do not think it wise to have the following words inserted in the second line, after Dominion Lands Board, "or the Commissioner of Immigration at Winnipeg."

~~Deputy Minister.~~

T.G. Rothwell, Esq.,
Law Clerk, Department of the Interior,
Ottawa.

ac.

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DEPARTMENT OF THE INTERIOR
CANADA

DEPARTMENT OF THE INTERIOR
MAR 31 189
OTTAWA
CANADA





How entries are to be made on behalf of another person.

3. The Minister of the Interior or any member of the Dominion Lands Board, upon requisition, may authorize any person named therein to make a homestead entry or homestead and pre-emption entries, on behalf of any person signing such requisition and desiring to obtain such entry or entries:

The above is sub-sec. 3 of Sec. 34 of the Dom. Lands Act. (Consolidated for Office Purposes, Aug. 1895.)

The words underlined shd. be so altered as to enable the Commissioner of Immigration at Winnipeg to issue the forms used in this connection. See form B herewith.

L. M. J.

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How entries are to be made on behalf of another person.

8. The Minister of the Interior or any member of the Dominion Lands Board, upon requisition, may authorize any person named therein to make a homestead entry or homestead and pre-emption entries, on behalf of any person signing such requisition and desiring to obtain such entry or entries:

The above is subsec. 3 of Sec. 34 of the Dom. Lands Act. (Consolidated for Office Purposes. Aug. 1895.)

The words underlined should be so altered as to enable the Commissioner of Immigration at Winnipeg to issue the forms used in this connection.

See form B herewith.

L. A. J.

REPEAT
RÉPÉTITION

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B V

Ref. No---------

DEPARTMENT OF THE INTERIOR,

Ottawa, ----------189 .

Sir,-

By direction of the Minister of the Interior you are notified that authority is hereby given, under and in accordance with the provisions of Sub-clause 3, of Clause 34, of the Dominion Lands Act, to ----------
to apply for and receive homestead entry, in advance, on behalf of ----------
---

I am, Sir,
Your obedient servant,

~~Assistant Secretary.~~

To any Agent of
Dominion Lands in Manitoba
or the North-west Territories.

Form No. 80.

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Sir,

Will you please authorize

Mr......

of.....

to make entry for Dominion Lands on my behalf, in accordance with Sub-Section 3, Section 29, 49 Vic., Chap. 27.

Sec incorrectly quoted JGR

Please send the authority to

Mr......

at.....*Post Office.*

I am, Sir,

Your obedient servant,

(*Name in full*).....

(*Occupation*).....

(*Address*).....

.....

To the
Commissioner of
Dominion Lands,
Winnipeg, Man.

Form No. 211.

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No. 60] **BILL.** [1897.

An Act in further amendment of the Dominion Lands Act.

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

Second homestead entry by settler or his son.

1. Notwithstanding anything in the *Dominion Lands Act*, if a settler has obtained a homestead patent after three years' residence, or a certificate countersigned by the Commissioner of Dominion Lands or a member of the Dominion Lands Board, as mentioned in clause forty-two of the said Act, he may obtain a second homestead entry, or his son, over eighteen years of age, may obtain a homestead entry, provided that it is for land which is not more than five miles distant from the settler's first homestead. Proviso.

Residence, requirements as to.

2. Such second homestead entry, or such homestead entry by a settler's son, and the patent which may be obtained thereunder, shall be subject to the provisions of the *Dominion Lands Act* with regard to homesteads, except that the requirements as to residence shall be sufficiently complied with by residence upon the settler's first homestead, reckoned in the manner provided in the said Act.

Don't overlook 19500?

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No. 60.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act in further amendment of the Dominion Lands Act.

Received and read a first time, Monday, 26th April, 1897.
Second reading, Tuesday, 27th April, 1897.

Mr. DOUGLAS.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

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G.P.

[illegible].C. Copy. ✓ 385685.

Department of the Interior,
Ottawa, 15th April, 1897 .

Memorandum;-

Have you received any instructions from the Minister relative to the preparation of an amendment to the Dominion Lands Act, as mentioned in my memorandum to Mr. Burgess of January last?

(Sgd) W.M. Goodeve,
G.P.P.

T.G. Rothwell, Esq.,
Law Clerk,
Interior.

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L.C. Copy. 385685.

Department of the Interior,
Ottawa, 14th April, 1897.

Memo. for Mr. Goodeve,

I mentioned this subject to the Minister at the time your memorandum was made, but he was not able to say then whether or not there would be any amendment made to the Dominion Lands Act during the present session. I have since had no instructions on the subject. You had better submit the question to Mr. Smart.

(Sgd) A.M. Burgess,
per H.

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L.C.

Copy. ✓ 385685.

Department of the Interior ,
Ottawa, 21st January, 1897 .

Memorandum;-

I beg to call your attention to the letter of Messrs. Aikins, Culver & McCleneghan, dated the 11th instant, in the matter of the patent which issued to John Mooney for the South West quarter of Section 6, Township 2, Range 15 West of the 1st Meridian. Mooney, it appears, prior to the approval of his application for patent transferred his interest in the said land. The date of the transfer is 14th August, ~~189~~ 1895, and therefore is subsequent to the date of the amendment of the Dominion Lands Act, approved by His Excellency in July of that year-58-59 Victoria, Chap. 34, Sec. 5- relative to assignments.

"As respects every assignment or transfer of a home-
"stead or a pre-emption right held or acquired under
"the said Act, or any prior Acts relating to Dominion
"Lands, in whole or in part, and every agreement
"to make any such assignment or transfer, made or
"entered into before the issue of patent and previous
"to the date of the passing of this Act, no such
"assignment or transfer or agreement shall be ipso facto
"null and void, nor shall any forfeiture accrue
"in respect thereof; but the Minister of the Interior
"may declare any such assignment or transfer or
"agreement to be null and void, and such forfeiture
"to have accrued, or either, and such declaration
"shall have force and effect as if herein enacted.

Messrs. Aikins, Culver & Company say they presume the Government will be willing to pass the necessary legislation similar to previous legislation so as to prevent a forfeiture in this and other cases of a like nature.

Respectfully submitted,
(Sgd) Wm. M. Goodeve.

A.M. Burgess, Esq.,
Deputy Minister
of the Interior.

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R.E. Copy. 417581.
223027

Department of the Interior,
Ottawa, April 19th, 1897.

Memorandum.

T.G.Rothwell, Esq.,
Law Clerk,
Interior Department.

You will see that the Deputy Minister of Justice is of opinion that the authority of Parliament is necessary to vest the Minister of the Interior with power to waive forfeiture in cases like that referred to in the papers herewith.

Please prepare the necessary draft of an amendment to the Dominion Lands Act to carry out the Minister's instruction endorsed on these papers.

(Sd) Jas A. Smart

Deputy Minister.

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R.E. Copy. 417581.

Department of the Interior,
Ottawa, 14th April, 1897.

Memorandum.

The Deputy Minister of Justice advised recently that in cases where a settler has forfeited his right by assigning or agreeing to assign, the date of such assignment or agreement being subsequent to the last Act giving you discretionary powers with regard to such cases, the authority of Council should be obtained where it is desired to waive forfeiture and issue the patent. You instructed me to ask the Deputy Minister of Justice whether a general Order in Council giving authority to waive would cover the case. His reply is underneath, and is respectfully submitted for your perusal.

(SD) A.M.Burgess
Commissioner.

H.

The Hon. Clifford Sifton,
Minister of the Interior,
Ottawa.

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R.E. Copy. 417681.

Department of Justice,
Ottawa, 3rd April, 1897.

Dear Mr Burgess,

I beg to acknowledge receipt of your letter of 30th ultimo - No.417681- in which you ask if I do not think that a general Order-in-Council giving to the Minister of the Interior authority to waive forfeiture of homestead right in cases like that of S.J.Emanuels might properly be passed.

In reply I beg to state that I am inclined to think that the power of the Governor in Council in such cases is one which, on account of its discretionary or judicial character, cannot be delegated. I think that if it is thought best to vest the Minister with such authority it should be done by Act of Parliament.

Yours very truly,

(SD) E.L.Newcombe

D.M.J.

A.M.Burgess,Esq.,
Deputy Minister of the Interior,
Ottawa.

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R.E. Copy. 417581. C.P.

Ask the Dep. M. J. if a general O in C giving Minister authority to waive would cover the case? sgd. C.S.

Department of the Interior,
Ottawa, 18th March, 1897.

Memorandum.

My letter to the Deputy Minister of Justice of the 27th February and his reply of the 8th instant are submitted for your perusal. This means that it would be necessary to apply for the authority of Council in every case in which, since the date of the last legislation on the subject of illegal transfers or assignments of homestead rights, a settler may have executed such a transfer or assignment and you may decide to waive forfeiture.

Respectfully submitted,

(SD) A.M.Burgess.

D.M.I.

The Hon. Clifford Sifton,
Minister of the Interior,
Ottawa.

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R.E. Copy. 417681.

Department of Justice,
Ottawa, 8th March, 1897.

Dear Mr. Burgess,

I beg to acknowledge the receipt of your letter of the 27th ultimo, relating to the case of S.J.Emanuels.

I am inclined to think that whether the facts entailing a forfeiture and the waiver of the forfeiture are to be set out or not, the issue of the patent should be authorized by the Governor in Council. The Minister of the Interior in his administration of the Dominion Lands can only exercise the powers vested in him by the Act. In one case or the other the issue of a patent where a forfeiture has been incurred, which the Minister is not given power to waive, must be looked upon as an exercise of the common law power of the Crown, referred to in the McKinlay case.

Yours very truly,

(SD) E.L.Newcombe
D.M.J.

A.M.Burgess, Esq.,
Deputy Minister of the Interior,
Ottawa.

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R.E. Copy. 417581.

Department of the Interior,
Ottawa, 27th February, 1897.

Dear Mr. Newcombe,

I am in receipt of your letter of the 17th instant, No. 156/97, in regard to the case of S.J. Emanuels. In order to set out clearly the point on which I desire your advice I think it well to state here, briefly, the effect of the correspondence which I have had with you in regard to the general question of issuing patent to a homesteader who has violated the law by assigning or transferring his homestead before receiving certificate of recommendation therefor.

For a time it was the practice to issue patents in such cases containing a recital of the facts. This was done upon a suggestion of your predecessor in the Friesen case. Without such a recital it was pointed out that Friesen's title would probably not be passed by the Registrar of Land Titles if he were aware of the fact of the execution of the mortgage, but with a recital of the facts and of the waiver of the forfeiture the Registrar might very well do so since the patent could only be impeached, if at all, by the Crown and the Government might be trusted not to take any such action in the face of an express waiver.

In November last I caused a letter to be written to you in regard to the case of R.H.Ford, saying that the advisability of embodying the facts in the patent appears to be very questionable as clouding a title which should be a clear one if granted at all. One feature of

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Mr. Ford's case was that he executed a mortgage on his homestead after the 22nd July,1895, and the transaction was therefore not covered by the provisions of clause 5 of the Dominion Lands Act of that year. I asked you for advice as to whether the Minister or the Government had any authority to come to Mr.Fords relief, or whether it would be obligatory upon the Department to cancel his entry.

In your advice, dated 11th December,Ref. 1019/96, you set out the reasons for the practice of issuing a special patent in each case, and then indicate that an Order in Council may be obtained setting out the facts of the case and authorizing the waiving of forfeiture of Ford's homestead right and the issue of a patent to him. The patent would then not require to contain any special recital of the facts.

On consulting the Acting Minister, the Hon.Mr. Scott, he saw no reason why we should not act upon the Friesen precedent, issuing a patent to Ford in the same form as we did to Friesen. He did not think it necessary to trouble Council with a case of this kind, and authorized me to proceed with the issue of Letters-patent without such intervention.

In the case of S.J.Emanuels the facts are similar to those in the case of Ford,- that is to say, that the transfer was executed subsequent to the 22nd July 1895,- and in your advice of the 17th February you refer me to your opinion in the Ford case and say that it has occurred to you that I may, on consideration, think it better to obtain the authority of the Governor in Council and thereupon issue a patent not containing any

special

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special recitals.

The choice of the Department appears to be confined to two courses - either to issue a patent which shall tell the whole story, or to get authority from Council to issue an ordinary patent. It appears to me that it would be unnecessarily burdening Council with what after all is routine business to obtain a special Order in each case of this kind, and I should be glad to know what your opinion is as to which of the two courses indicated would be preferable.

Yours very truly,

(SD) A.M.Burgess

D.M.I.

E.L.Newcombe,Esq.,Q.C.,
Deputy Minister of Justice,
Ottawa.

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R.E. Copy 417581.

156/97
Enclosure

Department of Justice,
Ottawa, 17th February, 1897.

Sir,

I have the honour to acknowledge the receipt of your letter of 12th instant- No.417581- in which you ask me to furnish you with a draft form of patent to be issued to one S.J.EManuels for the North West quarter of Section 22, Township 13, Range 31, West of the 1st Meridian, under the circumstances set out in Mr.Burpe's letter of the 23rd of December last and your report to the Minister of the 30th December. You enclose file No. 231813 of your Department, containing the papers relating to the case of one Friesen, and among them, the draft patent in that case as a precedent for the one now proposed to be issued.

In reply I beg to refer you to my letter of 11th December last, dealing with the similar case of Mr. R.H.Ford, and especially to the last paragraph of that letter. It has occurred to me that you may, on consideration, think it better to adopt the course suggested in that paragraph, and to issue a patent not containing any special recitals, having first obtained the authority of the Governor-in-Council, in the manner pointed out in the Ford case.

Papers returned herewith.

I am, Sir,
Your obedient servant,
(SD) E.L.Newcombe
Deputy Minister of Justice.

The Deputy Minister,
Department of the Interior,
Ottawa.

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R.E. Copy. 417581.

Issue Special patent to S.

Department of the Interior,
Ottawa, 31st Dec., 1896.

Memorandum.

The report underneath from the Commissioner sets out fully the facts relating to a transfer made by a homesteader named S.J.Emanuels prior to the issue of his certificate of recommendation.

Chapter 34 of the statutes of 1895 (section 5) contains the following,--

> 42A. As respects every assignment or transfer of a homestead or a pre-emption right held or acquired under the said Act, or any prior Acts relating to Dominion Lands, in whole or in part, and every agreement to make any such assignment or transfer, made or entered into before the issue of patent and previous to the date of the passing of this Act, no such assignment or transfer or agreement shall be *ipso facto* null and void, nor shall any forfeiture accrue in respect thereof; but the Minister of the Interior may declare any such assignment or transfer or agreement to be null and void, and such forfeiture to have accrued, or either, and such declaration shall have force and effect as if herein enacted: Provided that no such declaration shall have force or effect in any case in which a patent for any homestead or pre-emption land has issued previous to the date of such declaration, unless the patent has issued through fraud, error or improvidence :
>
> 2. Nothing in the next preceding sub-clause contained shall in any manner have force or effect as respects any lands in relation to which the subject-matter of the said sub-clause has already been adjudicated upon, or is in question in any court of competent jurisdiction. 58-59 V., c. 34, s. 5.

Assignments and transfers, made before patent has issued, not null.

But may be declared so.

Proviso.

Saving clause.

This provision became law on the 22nd July, 1895, and since Emanuels executed his transfer subsequent to that date, he has forfeited his homestead right under the provisions of Section 42 of the Dominion Lands Act.

I

The Hon. Clifford Sifton,
Minister of the Interior,
Ottawa.

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I send you herewith the papers in the Friesen case to which the Commissioner refers, and have marked the advice of the Department of Justice under which a special patent was issued under similiar circumstances to those occurring in the present instance. This special patent contained a recital of all the facts and a waiver of forfeiture.

The expediency of issuing such patents is doubtful, but there seems to be no other way in which Emanuels can be protected from the effects of what he has done.

Respectfully submitted,

(SD) A.M.Burgess
D.M.I.

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Department of the Interior,
Dominion Lands Office,
Ottawa, ... *18*

MEMO.

Mr. Rothwell,

Please note the suggestion of Messrs. Muir & Jephson with regard to the repeal of section 42 of the Dominion Lands Act. You might let me have the benefit of your opinion as to this.

26th April, 1897.

A.S.B.
D.L.O.

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Address your reply "To the Secretary, Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

LETTER. DUPLICATE. FILE 235667:

Department of the Interior,

Ottawa, 26th April, 1897.

Gentlemen,

I am directed to acknowledge the receipt of your letter of the 3rd instant, addressed to the Minister of Interior, in which you make certain suggestion respecting the repeal of section 42 of the Dominion Lands Act. Your suggestions will be very carefully considered, and in the mean time I am to thank you for the interest you are taking in the matter.

I am, Gentlemen,
Your obedient servant,

Assistant Secretary.

Messrs. Muir & Jephson,
Barristers, &c.,
Calgary, N.W.T.

ac.

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Department of the Interior,

Dominion Lands Office,

Ottawa, 20/4/97 *18*

Return papers.to Mr.Smart.

D.M.
Due 424658
undersealed
V.B.

235667

~~Rec~~ 19/4

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol 722
File/dossier 385816

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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

425457 LETTER

MEB FILE

Department of the Interior,

Ottawa, 20th April, 1897.

Sir,

I am directed to acknowledge your letter of the 15th ultimo, making suggestions as to certain amendments which you think should be made to the land regulations. Your suggestions will be very carefully considered, and in the meantime I am to thank you for the interest you are taking in the matter.

I am, Sir,
Your obedient servant,
Lyndwode Pereira.
Assistant Secretary.

W. C. Paynter, Esq.,
Springhill,
Assa.,

D.L. Agent
file

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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425457

Department of the Interior,

Dominion Lands Office,

Ottawa, 20 4 *189* 7.

MEMO. Mrs Bell.

W. C. Paynter, Esq., Spy Still, Assn.

[illegible] 15th [illegible]

[illegible]

[illegible]

[illegible]





DEPARTMENT OF THE INTERIOR
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425457

M.

Mr. Swan

Ottawa, 25th March, 1897.

Memorandum.

Upon the letter of Mr. W. C. Paynter underneath, on which you ask a report from me, I beg to state as follows.-

The first amendment suggested by Mr. Paynter differs from the existing law in two particulars,- first, that the minimum number of homesteaders who may constitute a "hamlet" is reduced from 20 to 10, and second, that instead of being compelled to cultivate each his own homestead the aggregate cultivation may be performed anywhere within the whole tract. That is the system applied to the Mennonites, and with a community under combined ecclesiastical and municipal organization like the Mennonites it ~~no doubt~~ worked well enough. Your own information on that subject is no doubt complete. Whether it would work equally well under a co-operative system such as is contemplated by Mr. Paynter, is I think open to grave doubt.

Mr. Paynter's next suggestion is that where any settler has less than 80 acres of arable land upon his homestead he should be allowed to take a second homestead. This would involve a very close inspection if not indeed an actual survey of all the unsettled portions of the country, and with so much good agricultural land open for settlement in the North West generally it is a question of policy, and therefore one for you to consider very largely in your quality as Minister of the Interior, whether the time has arrived when action of this kind, involving as it necessarily would the expenditure of a considerable sum of public money, is actually called for in the public

Mr. Stone has Bill filed this file

The Hon. Clifford Sifton,
Minister of the Interior,
Ottawa.

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Hon.C.S. 2;

public interest. My observation leads me to the conclusion that as the country settles up actual settlers are themselves inclined to take up land of inferior quality because the condition of the community offers compensations in other ways. There is a good deal of force in what Mr. Paynter says as to the insufficiency of some quartersections to afford a living for the ordinary farmer, but to draw an empirical line at 80 acres and say that the holder of any quartersection containing less than that area of arable land should have 320 acres as a homestead, would, I fear, have the effect of creating a greater grievance than that which it would be designed to correct.

The question of incorporating Co-operative Farming Associations is one with regard to which I presume I am not called upon to express any opinion.

The third suggestion, that people living in towns along the line of Railway should not be permitted to have access to the timber growing in the country 30 or 40 miles distant, is clearly impracticable. The village, the town and the city not only grow up largely in response to the demands of the surrounding country, but are necessary for the convenience of the agricultural community. We already discriminate between people living in towns and people living on farms by giving the latter practically free of dues - on payment merely of a trifling office fee - all the timber they require for construction and fuel purposes, whereas to the people of the towns ordinary commercial dues are charged. That is as far, in my judgment, as good public policy would dictate that we should go.

Respectfully submitted,

A. N. Bryce

D.M.I.

DEPARTMENT OF THE INTERIOR
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Mr Boyce

Report to me on
Mrs. Mr Paynter's Answer
to be an exceptionally
capable Judge
J.

425457

M.L.

DEPT. OF THE INTERIOR
RECEIVED
APR 22 1897
OTTAWA

Spy Hill Mar 15th 1897

To Hon C. Sifton
Minister of Interior
Ottawa

Dear Sir

Yours of Jan 11th received. And as you no doubt are preparing ~~for~~ some changes in the land regulations we beg leave to submit for your consideration, the following clause which would fill the bill as far as we are concerned.

"(Whenever ten or more homesteaders form themselves into a Co operative farming association, and for social and other advantages wish to reside in a village, they will be permitted to select and locate homesteads of 160 acres on any Government lands. (Odd or even numbered sections) Residence and cultivation on each separate ¼ section will be dispensed with, but at least twenty five acres for each homesteader must be under cultivation, before the patents

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one issued. The said cultivation may be in large blocks nearest the village.)

We wish to point out some other changes which we believe would be for the better to apply generally. In some districts where swamps or deep valleys occur and on sand plains where the land is very light it is impossible for a man to make a living on 160 acres. Therefore we would suggest that any settler having less than 80 acres of arable land upon his homestead should have permission to Homestead a second time providing he could secure a ¼ section near enough to his first homestead to work both together. There are many ¼ sections around here with only from 15 to 40 acres of arable land on them. Two that I know of have been deserted by the settlers after living a year or two on them.

II A Dominion Act under which Co-operative farming Associations could be incorporated with the smallest possible cost.

III The timber reserved for settlers should not be permitted to be hauled 25 and 30 miles to supply towns along the line of the

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C.P.R. for if this continues for a few years we shall have to buy fuel, and haul back over the same route. At present large quantities of wood are being taken to Oak Lake, Virden, Elkhorn, Moosomin, and other towns west from the Assiniboin, and Qu-Appelle Valleys.

As soon as we can get the changes made to suit us as a Co-operative Farming Association we intend publishing our Country's resources, and advantages for settlement. in nearly every State in the Union, and in Europe.

Hoping to receive a reply at your earliest.

I remain
Yours respectfully
W. C. Paynter

P.S. I may state that I have had over 17 years experience in Manitoba, which has resulted in forming the ideas for settlement here brought out.

W.C.P.

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425457

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The Hon. Clifford Sifton,
Minister of the Interior,
Ottawa.

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425457

Hon. S. 2;

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Respectfully submitted,

Adam Burgess

D.M.I.

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DEPARTMENT OF INTERIOR.

MEMORANDUM.

To.....

Taken out of
Mr Rothwell's
room H.

Ottawa 23/4 189.4

F THE INTERIOR
L'INTÉRIEUR

RG 15, D-II-1
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Muir & Jephson,
Barristers, Advocates,
Notaries.
James Muir, Q.C. J.P.J. Jephson.

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M.S.

424493

Calgary, N.W.T. Canada.

DEPT. OF THE INTERIOR
RECEIVED
APR 10 1897
OTTAWA

3rd April, 1897.

The Honourable,

The Minister of the Interior,

O T T A W A.

Sir/-

There is a section in the Dominion Lands Act which unless the Department sees some very good reason for retaining, we in our practice have seen good reasons for wishing repeal. We refer to section 42 which allows a homesteader who has received his certificate of recommendation for patent to assign his land; and it has been the practice of your Dept'm't to record the assignment and issue the Crown grant to the assignee. The right to transfer after recommendation for patent for a homestead seems first to have been given by section 17 of chap. 31 of 42 Vic., though sec. 16 of chap. 19 of 37 Vic. may have been acted on in the same way. The writer knows that the delay in the issue of patents by the Department some 17 or 18 years ago was very great extending sometimes to two and three years, and in most cases nine months or a year. So there may have been very good reason in 1879 to allow a man to deal with and sell his homestead; but there is no such reason now as patents are generally issued within six weeks or two months of the recommendation. There are

two

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Muir & Jephson,
Barristers, Advocates,
Notaries

James Muir, Q.C. *J. P. J. Jephson.*

421658

Calgary, N.W.T. Canada.

The Hon. the Minister of Interior. -2- *1899*

reasons ~~why~~ more especially why these assignments should not be registered - in fact why there should not be any other place than the Land Titles Offices where transfers will be given effect to, as they are at present, viz:-

1st The present system can be an instrument of fraud. e.g. A homesteader who has received a recommendation and against whom an execution de terris has been issued or is likely to be issued can send to the Department a transfer to some relative and a patent will issue to the transferee. Therefore a fi. fa. de terris filed under section 92 of the Land Titles Act (chap. 28 of 57-58 Vic.) against the execution debtor will be passed over.

2nd. The present system leads to an anomaly - and until the point is decided by a Court an uncertainty - in regard to sale under a mortgage made under the provisions of section 73 (2) of the Land Titles Act or under section 125 of the Territories Real Property Act (chap. 51 Rev. Stat. Can.) For example:- " A party rightfully in possession of land prior to the issue of the grant" such as a homesteader who has obtained his recommendation for homestead or homestead and pre-emption mortgages both or one or the other and the mortgage is filed in the Land Titles Office. After date he sends an

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Barristers, Advocates,
Notaries.

Calgary, N.W.T. Canada.

James Muir, Q.C. J.P.J. Jephson.

The Hon. the Minister of Interior. -3- 189

assignment to your office Department and the Patent is issued to the transferee in whose name the Certificate of title is issued. Proceedings are taken to sell and under section 76 of the Land Titles Act the purchaser at the sale gets "the estate or interest of the mortgagor at the time of making such mortgage". That is, he gets an estate or interest which is not shown on the books in the Land Titles Office at all. This is no hypothetical case as we have now two such cases in our own office - though we are not the Solicitors who took the mortgage.

Seeing that patents do not take such a time to issue as when this provision for the record of assignments was first made in 1879, the balance of convenience will we think be that this clause 42 of the Dom. Lands Act be repealed, or that all patents be issued to the persons originally entitled and that any transfers made be not acted on by the Department in issuing patents.

We shall be obliged if you can give this your attention so that if possible such repeal may be made at this present session.

We are,

Your obedient servants,

Muir & Jephson

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DEPARTMENT OF INTERIOR.

MEMORANDUM.

To.....

Taken out of
Mr Rothwell's
Room
E. C.

Ottawa 13/4 1894

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shall be prosecuted, under the Summary
Convictions Act"

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J.R.

copy for file 23567

Copy.

423000.

Department of Justice,
Ottawa, 15th March, 1897.

Enclosure.

Sir,

As requested in your letter of the 4th instant, No. 345364- I have the honour to enclose herewith a draft clause empowering the Governor in Council to sell school lands to leaseholders of grazing ranches as part of the 10% of the area of their leaseholds which, under the Order-in-Council of 12th December, 1892, they were permitted to purchase. There would not seem to be any present necessity for an Order-in-Council in the terms of the draft report of the 12th February if legislation of this character is to be introduced.

I am, Sir,
Your obedient servant,

(sgd) E.L.Newcombe,
Deputy Minister of Justice.

The Deputy Minister,
Department of the Interior,
Ottawa.

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C.P.

J.R. Copy. 45498.

Copy for file 235667

Whereas the holders of leases of grazing ranches in the North West Territories whose leases were determined pursuant to the provision of a certain Order-in-Council of the 12th day of October, 1892, were by the said Order-in-Council given, amongst other privileges, permission to purchase not in excess of ten per centum of their leaseholds at the rate of $2.00 per acre, and in some such cases it may be expedient to include school lands in the area purchased under that permission, therefore it is hereby enacted that notwithstanding anything in the Dominion Lands Act the Governor in Council may authorize the sale to any such leaseholder, as part of such ten per centum of his leasehold of any school lands comprised in such leasehold; Provided that such sale shall not take place until the Minister of the Interior has, by notice in the Canada Gazette, set apart as school lands, in lieu of the school lands so to be sold, other public lands of equal extent and value as nearly as may be.

Mr Sherwood has drawn my attention to reduction of price from $2 to $1.25 by O.C. of 22nd April 1893 amending O.C. 12th Oct 1892

T.G.R.
22.4.7

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(Copy)

Ottawa, 24th March, 1897.

Memorandum :-

Mr. Rothwell,

Please prepare legislation giving the Government authority to cancel the interest on prompt payments of moneys due by settlers in the North West on account of seed grain advances.

'Sd' Jas.A.Smart.

DEPARTMENT OF THE INTERIOR
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BB

Department of the Interior,
Ottawa, 27th March, 1897.

Memorandum :-

Mr. Smart,

Herewith is the draft bill called for by your memorandum to me of the 24th instant.

(1) Although these provisions may be made the subject of a special act, they might also be included, in a bill which I have to prepare to further amend the Dominion Lands Act. Please see Clauses "90a", "90b" and "90c," in my office consolidation of the Dominion Lands Act -- copy herewith.

(2) The words "or other lands" have been inserted for the reason that in Manitoba at least advances were made upon the security of lands for which the patent had issued, or lands which are not Dominion Lands.

(3) The words "any person legally claiming title thereto from such settler" have been included to meet cases where the settler has conveyed the lands subject to the seed grain security.

(4) The words "or provisions" appear in the Manitoba Seed-Grain Mortgage Act, and in some of the old seed grain mortgages.

(5) The provisions of the Bill are confined to seed grain advances which have "heretofore" been made. If they are intended to apply to advances "hereafter" to be made, a third section can be easily added to the bill.

(6) I have thought it well to add the second section of the bill to give the Minister power under Order in Council. In framing this section I have adapted the wording of a section in the Ontario Act, viz:- Section 24 of Chapter 25 R.S.O.

Please let me know after you have discussed the bill with the Minister, whether it is to be brought down as a separate bill, or whether its provisions may be included in the bill to contain other proposed amendments to the Dn Lands Act.

Yd T.G. Rockwell

DEPARTMENT OF THE INTERIOR
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BB

BILL

An Act to permit of the remission of interest on certain debts due to the Crown.

-----0-----

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

The Governor in Council may remit any sum or sums of money due to the Crown by any bonâ fide settler upon any Dominion Lands or other lands within the Province of Manitoba or the North West Territories, or by any person legally claiming title thereto from such settler, for interest on an advance of seed-grain or provisions heretofore made to such settler, and the repayment of which is secured by a mortgage, lien, bond or other security executed by such settler against such lands, upon payment by such settler or person, promptly upon demand, in writing, from the Minister of the Interior, of the principal amount mentioned in such mortgage, lien, bond or other security, as the value of the advance of seed-grain or provisions.

2. The Governor in Council may confer upon the Minister of the Interior authority to make the remission of interest in the next preceding section mentioned, subject to the provisions thereof and of any Order in Council not inconsistent therewith.

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Application for Homestead Entry

I, Leontine Pauline Tremblaye, wife of Robert de la Tremblaye, and formerly the widow of Louis Dupuich, do hereby apply, for and on behalf of myself and the other legal representatives of the said Louis Dupuich, for a homestead entry, under sub-clause 2 of Clause 38 of "The Dominion Lands Act," for the South East quarter of Section 29, Township 23, Range 15, West of the 1st Meridian.
Lake Dauphin District.

1897.

Affidavit in support of claim for homestead entry by a legal representative of a person who has bona fide settled and made improvements upon land in advance of survey.

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I, Leontine Pauline Tremblaye, wife of Robert de la Tremblaye, and formerly the widow of Louis Dupuich, do solemnly swear, 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 class open for homestead and pre-emption entry ; that the said Louis Dupuich became resident upon and began to cultivate the said land on the day of A.D. 18 , before the same was surveyed ; that from that date until the day of his death the said Louis Dupuich and since his death one or more of his legal representatives have resided upon and cultivated the said land continuously ; that there is no other person residing or having improvements upon it, and that this application is made for the exclusive use and benefit of myself and the other legal representatives of the said Louis Dupuich with the intention that one or other of such representatives will reside upon and cultivate the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that the said Louis Dupuich has not heretofore nor have I the said deponent, nor any other person as his legal representative obtained an entry for a homestead on Dominion Lands.

Subscribed and sworn to
this
day of
A.D.1897, before me

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MEMORANDUM.

To Mr. Rothwell

Department of the Interior,

Ottawa, 22. 3. 97 189

QUERY.

I have had a copy made of the draft Bill prepared by the Department of Justice. It should be noted by you in connection with the Bill to amend the Dominion Lands Act, of which it will no/doubt form a part.

A memorandum in explanation of the Bill is also herewith.

'Sd' A.M.B.
D.M.I.

Mr. Henry.

Put by T.G.R.

ANSWER.

Noted

Copy attached to file 236 235667

Mem. for self. Consider advisability of leaving this bill separate and not including it in D.L.Act. Special legislation for benefit of an individual.

T.G.R.
24.3.7.

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M.S. Copy for 235 687 R Copy. Ref. 380604. C.P.

BILL.

An Act to amend the Dominion Lands Act so as to authorize the sale of certain school lands to the Honourable Peter McLaren.

Her Majesty by and with &c.,

Notwithstanding anything in the Dominion Lands Act the Governor in Council may authorize the sale, upon such terms as he thinks proper, to the Honourable Peter McLaren of the following school lands, that is to say;- being composed of the Northerly twenty five acres of that portion of the North West Quarter of Section Eleven in Township Nine and Range Twenty ~~(description)~~ six West of the Fourth Meridian in the Provisional District of Alberta, lying South and East of the Old Man's River, the southern boundary so of such twenty five acres to be a due East and West line.

Provided that such sale shall not take place until the Minister of the Interior has, by notice in the Canada Gazette, set apart as school lands in lieu thereof, other public lands of equal extent and value as nearly as may be(Dominion Lands Act, R. S. C., cap. 54,s.s.23, 24 & 25; 58-59 Vic., cap. 34, s.3) .

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M.S.

Copy for 235767

Ref. 380604.

By the Order-in-Council of the 19th March, 1887,(copy herewith) the land shown in red on the enclosed plan was set apart for the purposes of the North West Mounted Police. The Hon. Peter McEncls. Laren represents that in the year mentioned permission was granted him to place a small saw-mill on a portion of this reserve which is shown cross-hatched in black. The Comptroller of the North West Mounted Police corroborates the statement made by Mr. McLaren as to his having been in occupation since 1887. It appears that the mill which was erected on this land was destroyed by fire some years ago, and Senator McLaren represented that he was being urged to rebuild it, and he accordingly made application for a grant of the 25 acres marked, for mill and piling grounds. It might be mentioned that this plot of 25 acres, which it is observed is part of a School Section, is the site set apart for the purposes of the mill and piling grounds by the Mounted Police.

As the saw-mill erected by Mr. McLaren had been of great benefit to the settlers and stock-men of

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of the Macleod District, an Order-in-Council was passed on the 4th July last authorizing the sale of the land applied for to Mr. McLaren at the rate of $1 per acre. We are, however, advised by the Department of Justice that this land has not, merely because it forms part of a tract reserved for Mounted Police purposes, ceased to be School Lands, and that therefore it cannot properly be sold otherwise than at public auction, except by authority of Parliament.

I am informed by Senator McLaren that on the strength of the assurances which he had already received from some members of the late Government he has actually proceeded with the re-building of his mill. I regard this step on his part as being of great importance to that section of country, because the industry is one which not only furnishes employment to a very considerable number of people but is of great value to the pioneer settlers, who will depend upon the product of this mill to a very large extent for the lumber they require for their houses and buildings. Indeed it is of ~~great~~ importance to the whole of the South-western part of Alberta, and it is easy to understand that , dealing as he was with the Mounted Police, Senator McLaren did not concern himself as to whether the land upon which he was building was a School Section or not. To him it was a Mounted Police Reserve, and I presume also that the authorities of the Mounted Police took for granted that the fact of

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the land having been set apart for the purposes of that Department removed it from the operation of the law respecting School Endowment.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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PRIVATE

351045.

Ottawa, 19th March, 1897.

Memorandum. Mr. Rothwell.

Please note in connection with the amendment of the Dominion Lands Act.

D.M.I.

DEPARTMENT OF THE INTERIOR
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RG 15, D-II-1, vol. 722
File/dossier 385816

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00083

R.E. Copy. 422562
351045.

Department of Justice,
Ottawa, 10th March1897.

Sir,

I have the honour to acknowledge the receipt of your letter of the 8th instant-No. 351045) in which you request me to have drafted for insertion in a bill further to amend the Dominion Lands Act, a clause limiting a time during which homesteaders who secured their entries before the Act of 1891 came into force must apply for their patents or be liable to forfeiture of their rights.

I think this may best be done by adding a sub-section to section 7 of the Act referred to, e.g.,thus:-

"Section 7 of Chapter 24 of the Statutes of 1891 is hereby amended by adding thereto the following sub-Section:-

" 2. In the case of entries obtained before the thirtieth day of September,1891, the right of the entrant shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the day of 1898."

Papers returned herewith.

I am,Sir,
Your obedient servant,
(Sd) E.L.Newcombe,
Deputy Minister of Justice.

The Secretary,
Department of the Interior,
Ottawa.

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L.C.

Copy.

File 351045.
Ref. 422562.

Department of Justice, Canada.
Ottawa, 10th March, 1897.

Sir,

I have the honour to acknowledge the receipt of your letter of the 8th instant- No. 351045- in which you request me to have drafted for insertion in a bill further to amend the Dominion Lands Act, a clause limiting a time during which homesteaders who secured their entries before the Act of 1891 came into force must apply for their patents or be liable to forfeiture of their rights.

I think this may best be done by adding a sub-section to Section 7 of the Act referred to, e.g. ,thus;-

"Section 7 of Chapter 24 of the Statutes of 1891 is hereby amended by adding thereto the following sub-section;-

"2. In the case of entries obtained before the thirtieth day of September, 1891, the right of the entrant shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the day of 1898."

Papers returned herewith.

I am, Sir,

Your obedient servant,

(Sgd) E.L. Newcombe,

Deputy Minister of Justice.

The Secretary,
Department of the Interior,
Ottawa.

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M. 351045.

Copy for file 235667

Ottawa, 1st March, 1897.

Memorandum.

As you are aware Parliament in 1891 made provision for the forfeiture of homestead entries where settlers do not apply for patent within five years. A case has arisen in which the homestead entry was made in 1889 and with regard to which we are advised by the Department of Justice that the provision of the law in question does not operate retrospectively so as to affect entries previous to the time it came into force. The Deputy Minister of Justice adds --

> "It would seem to be reasonable that a time should be "limited within which all who have heretofore obtained "entries must apply for patent or forfeit their rights, "but further legislation would be necessary for this pur- "pose."

The matter is respectfully submitted for instructions.

As regards the case of William Finlayson, to which this correspondence more particularly relates, I beg to say that the facts, as known to the Department, are fully set out in the letter of the Deputy Minister of Justice of the 7th December underneath, but the evidence submitted does not seem to be conclusive as to whether or not Finlayson had completed the performance of his duties before he left the land, and as we cannot procure the cancellation of his entry by reason of his failure to apply for patent within five years from the date of entry, it appears that no further action can be taken until such time as the legislation suggested by the Department of Justice has been obtained.

The Hon. Clifford Sifton,
Minister of the Interior,
Ottawa.

Respectfully submitted,

(sd) A. M. Burgess
D.M.I.

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Extract (with reference to necessity of amending sub-clause 4 of Clause 38 of the Dominion Lands Act) from Mr. Rothwell's memorandum of the 27th January last on file 419157 to the Deputy MinisterL

"In closing this memorandum I desire to suggest that the provision quoted in this memorandum should be amended to read : before the local agent or his senior assistant, or before some other person named for that purpose by the Minister.

In the event of proceedings ever being taken against a settler for making a false statement before the senior clerk of "other person" as the Clause in question now stands, I am certain his counsel could easily secure an acquital. "

13th Mch.'97L

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BB

Department of the Interior,

Ottawa, 2nd March, 1897.

Memorandum :- 410201 -

To the Minister,

I think that if the provision referred to in my memorandum of the 11th ultimo as being contained in the United States Statutes-at-large, is altered as follows, it will answer the purpose mentioned in Mr. Macara's letter of the 19th ultimo :-

Where patents for any public lands, under the control and management of the Minister of the Interior, have been or may be issued to a person who had died or who hereafter dies before the date of such patent, the title to the land designated therein, and granted or intended to be granted ~~EX~~ thereby, shall inure to and become vested in the assigns, heirs, devisees or other legal representatives of such deceased person, according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life.

I have attached a copy of the above clause to the Dominion Lands Act amendment file, as a bill to contain several other proposed amendments of that Act is I understand to be submitted to Parliament during the approaching Session of Parliament.

ad T. G. Rothwell

DEPARTMENT OF THE INTERIOR
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M.

235667. 420302.
& 419157.

Ottawa, 15th February, 1897.

Memorandum. Mr. Rothwell.

Please note that when the next amendment to the Dominion Lands Act is prepared the amendment suggested by you in your memorandum on file 419157 should be brought up for consideration.

A.M. Burgess
D.M.I.

G. Rothwell, Esq.,
Law Clerk,
Dept. of the Interior.

See memo. immediately underneath
A.M.B.

Remember also amended suggestion by me on mem. of 11 Feb. 97 to Minister
This approval - Ref. 410201 R

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M.

235667
420302
&
419157.

Ottawa, 15th February, 1897.

Memorandum. Mr. Rothwell.

Please note that the Minister desires that in the next amendment of the Dominion Lands Act a provision is to be included to meet cases like that of Joseph Kirby who has taken up his preemption as a second homestead but who represents that to cultivate 40 acres would spoil his land for pasture, and that 22 acres is all he can find in one field suitable for cultivation. I have pointed out to the Minister that the law is definite as to the amount of cultivation where a preemption is taken up as a second homestead — that is the case because no new residence is required — but that in the case of ordinary homestead entries the provision is not so definite, and we have sometimes accepted a nominal amount of breaking under circumstances similar to those occurring in Kirby's case.

Please bring this up when the amendment to the Dominion Lands Act is being discussed.

A. M. Burgess
D.M.I.

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Ottawa 8. 2. 1897

Mr. Henry

Please register, and return to me with papers.

Dom. Lands Act amendment file

A.M.Burgess

per

H.

DEPT OF THE INTERIOR RECEIVED FEB 9 1897 OTTAWA

DEPARTMENT OF THE INTERIOR
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Memo

See file 417751 letters from Supt Pearce, Land Commr Smith and Agents Stephenson and Rutlan re duties of officials in administering the Law and Regulations —

WJH

EPARTMENT OF THE INTERIOR
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Memo

See file 417751 letters from Supt Pearce, Land Commr Smith and Agents Stephenson and Rutlan re duties of officials in administering the Law and Regulations —

[illegible]

REPEAT/
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T OF THE INTERIOR
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DUPLICATE.

235667.

Ottawa, 15th August, 1896.

Sir,

I am directed to acknowledge the receipt of your letter of the 11th instant, No. 4499, enclosing a copy of a resolution passed by the Board of Examiners for Dominion Land Surveyors, and to say that the resolution of the Board will be considered when the work of revising and consolidating the Dominion Lands Act is taken up.

I am, Sir,
Your obedient servant,

LYNDWODE PEREIRA
Assistant Secretary.

P. P. Symes, Esq.,
Secretary to the
Board of Examiners for
Dominion Land Surveyors,
Ottawa.

H.

DEPARTMENT OF THE INTERIOR
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Board of Examiners

for Dominion Land Surveyors

409656

Department of the Interior

AUG 12 1896

Ottawa 11th, August 1896

Lr.4499

Sir,

I am directed to forward you the enclosed copy of a resolution passed by the Board of Examiners for Dominion Land Surveyors in reference to proposed amendments to the Dominion Lands Act.

I have the honour to be,

Sir,

Your obedient servant

P.B. Symes
Sec'y. to Board

A.M. Burgess, Esq.,

Deputy Minister

Department of the Interior,

Ottawa.

DEPARTMENT OF THE INTERIOR
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409656

AUG 12 18

Copy of Resolution passed by the Board of Examiners for Dominion Land Surveyors, August 10th, 1896.

Moved by W.F.King

Seconded by J.I.Dufresne

That the Board recommends that Clause 113 of the Dominion Lands Act be amended by inserting after "laying off land" the words "laying out curves and levelling" also that the words of sub-clause (1) of clause 116 be transferred to clause 113, after "ordinary surveying instruments".

Carried

(Sd) E.Deville

S.G.

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235667.

Wm Henry

Pudsey.

Aug 14.

5 Aug 96.

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Department of the Interior,

Dominion Lands Office,

Ottawa, 30th July, *1896*

MEMO.

409082

Mr. Bell :-

Please attach the extract, herewith, from my memo. to the Deputy Minister of the 29th instant, to the file to which it relates, the proposed bill to consolidate and amend the Dominion Lands Act, which the Deputy has been preparing for some time past.

T.G.Rothwell

23567

AUG 1 1896

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409082

AUG 1 1896

Extract from Mr. Rothwell's memorandum of the 29th July, 1896, to the Deputy Minister, on file 251119

oooooooo---oooooo

The Commissioner, by Mr. Burpe's letter of the 15th instant points out that although it has been generally understood that a homesteader has the right to mortgage or transfer his homestead so soon as his certificate of recommendation is countersigned, the provisions of Clause 42 of the Dominion Lands Act call for delivery of the certificate to the homesteader before he can part with or encumber his homestead or any part of it. Reference is also made in such letter to one the Commissioner wrote to you upon the 11th instant asking whether a homesteader, whose certificate has been countersigned, but not delivered, may be allowed to abandon that land, and take up another homestead the point to be decided in that case, as well as in this one, being whether the preparation and signature of the certificate constitutes the act of issue although the certificate is still retained in the possession of the Department. As that portion of Clause 42 to which reference is made is now worded, delivery of the certificate to the homesteader is clearly necessary, although I am satisfied that this was not the intention when the provision was framed, The provision is "that a person whose homestead or "homestead and pre-emption have been recommended for "patent for the local agent, and who has received "from such agent a certificate to that effect in "the form K in the schedule to this Act, counter-"signed by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands "Board, may legally dispose of and convey, assign "or transfer his right and title therein." The italics are mine.

Fixing the time of delivery as the time at which a homestead may be encumbered or transferred, makes an uncertain date, whereas taking the date of approval by the Commissioner, affords a certain one. For this reason you may deem it advisable to amend the provision as follows :- "and "in whose favor has been issued a certificate to "that effect, in the form K., &c."

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J.R. Copy.

DEPT OF THE INTERIOR RECEIVED JUN 28 1895 OTTAWA

Department of the Interior,
Ottawa, 26th June, 1895.

Private.

Dear Mr. Smith,

My attention has today been directed to Mr. Burpe's letter of the 18th instant, Ref. 282322, in regard to the application of Mr. W.E.Partridge, the homesteader of the North East quarter of Section 14, Township 18, Range 8, West of the 2nd Meridian, who is now in England and wants to be permitted to make the necessary declaration in connection with his application for patent before Mr. T.Pitts, one of the English Farmers' Delegates to this country. Mr. Burpe asks whether, as Mr. Pitts has no legal standing, this permission can be granted. On submitting this matter to Mr. Rothwell he reports that in his opinion permission to take such evidence should only be granted to persons who are empowered by some Act of Parliament to take evidence, and that the line should be drawn at justices of the peace and mayors. I have expressed my concurrence in this view of the case, and Mr. Burpe will be written to accordingly. This, however, draws attention to a practicewhich appears to be growing of permitting homesteaders to prove up by appearing before justices of the peace, &c., in Ontario, the United States and in England. There

H.H.Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg, Man.

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There does not appear to be any reason why a justice of the peace should be any more efficient for a purpose of this kind outside of Manitoba and the North West Territories than inside, and we know to what objectionable results that practice led in Manitoba and the Territories in the past. Moreover, the fact that these people wish to be permitted to prove up without returning to the North West is pretty conclusive evidance of their intention to stay out of the country altogether, and in each of their cases therefore the object of the Government of Canada in granting a free homestead, namely, to secure an actual settler in Manitoba and the North West, is probably about to be defeated. I have the greatest possible doubt as to whether we are following the right line of policy in affording facilities for obtaining patents to this class of settlers.
The more experience I have of the existing practice the more am I convinced that we were right in the beginning, and the sooner we return to our earlier method the better for the country. However, before finally making up my mind upon this point and reporting to the Minister, I should like to be in possession of your views.

Yours very truly,
(sgd) A.M.Burgess.
D.M.I.

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DEPT. OF THE INTERIOR RECEIVED JUN 28 1895 OTTAWA, CAN.

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Department of the Interior,
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H.H.Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg, Man.

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The more experience I have of the existing practice the more am I convinced that we were right in the beginning, and the sooner we return to our earlier method the better for the country. However, before finally making up my mind upon this point and reporting to the Minister, I should like to be in possession of your views.

Yours very truly,
(sgd) A.M.Burgess.
D.M.I.

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List of files re Consolidation of the Dominion Lands Act:-

274467
328349
340960
Imm. 653
167569
208055
272055
264598
348448
334431
332329
218021
338608
235667
199054
325163
222344 N° 2 only
104187
377600
342323 in case Amendments are made

J.A. Coté.
4th June, 1895.

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Department of the Interior,

Ottawa, 30th April, 1892.

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Department of the Interior,
Ottawa, 9th January, 1896.

MEMORANDUM:-

The timber provisions of the Act have not been altered in any way in the proposed consolidation of last year, although as will appear from Mr. Hall's letter to the Commissioner of the 1st May last (duplicate marked underneath) they will require a radical overhauling. Mr. Smith, in his letter of the 4th May following, sates that "he agrees generally in the recommendations of Mr. Ryley" as embodied in Mr. Hall's letter above referred to.

The survey provisions have not even been printed in the Bill, and as suggestions towards their amendment have been made by both the Surveyor General and the Inspector of Surveys, as well as the Secretary of the Board of D.L.S. Examiners, nothing can be done in the way of carrying out any of them and pushing this portion of the Act to its Bill stage until some kind of understanding is arrived at. Mr. Deville's suggestions are attached to file 235667, and those of the two other officers mentioned will be found separate amongst the documents herewith.

A full list will also be found herewith of all proposed amendments to the Act for which no provision has so far been made in the Bill, as well as a brief of the Bill, clause by clause, showing what is new and what is old.

J. Arthur Cote.

A.M. Burgess, Esq.,
Deputy Minister of the Interior,
Ottawa.

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AMENDMENTS TO THE DOMINION LANDS ACT:-

notes by T.G.R. 10.5.97 pass for present bill

Dom. Ld. Commissioner, 14th May, 1894, on file 235667 - To be authorized to accept evidence in support of applications for patents given before Justices of the Peace, Notaries Public or Commissioners in B.R. to be named by him for the purpose. Recommendation approved by Minister, Deputy Minister dissenting. Correspondence marked. No provision in proposed Bill of last year.

Clause 96 of the Act, 87 of Consolidation, -

pass for present

Dom. Ld. Commissioner, 9th May, 1892, Ref. 293831 on file 235667., That clause 96 is not sufficiently broad to cover an investigation by one of the persons named therein into the charges of irregularity against an official. Nothing changed in consolidation beyond adding the name of the Minister to the lsi of persons already authorized.

Mr. Geo. B. Fraser, Dept. of Justice, 10th July, 1891 -

do

Questions power of Commissioner to cancel entries under the present provisions of the Act. No remedy applied in proposed consolidation, see Clause 88 of Consolidation.

Mr. Rothwell, 20th April, 1893 - Ref.235667.

include an amendt in Act

Suggests amendment of form "R". Clause 89 of Con. (98 of Act) provides for the changing and altering of forms from "A" to "N", which will cover form "R" whose number or letter will be changed under the proposed revision. No steps have been taken [redacted] to amend the form itself so far as the con. of last year is concerned, but Mr. Rothwell, with his memorandum

above

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above, submits a draft amended form which I have marked.

30th April, 1891, - Mr. Rothwell, memo. on file 235667:

Suggests that Clause 95 of the Act be so amended as to permit of a Foreign Notary Public taking affidavits for use in Canada. No action taken.

Re protection of Forests:

Letter from ~~the~~ Mr. J. Bawden, of Kingston, to the Hon. G.A. Kirkpatrick, dated 28th March, 1889, marked. No action taken.

4th June, 1894. Wesley F. Orr, of Calgary, to Mr. Davin, M.P., suggesting that provision be made for a University grant. No action taken. Letter marked.

Memo. of Mr. Burgess of 14th Dec., 1894:-

There should be a clause added to the Act to the effect that where there is no express provision to the contrary the Dominion Lands Act shall govern in regard to the disposition of any lands vested in Her Majesty or any interest therein. I want to keep in mind particularly the fact that while we are authorized to issue patents of lands other than Dominion Lands proper, or patents conveying any interest the Crown may have in any such lands, there is no provision for the cancellation of such a patent if issued in error. No action taken as yet.

1st Dec., 1894. Memo. of Deputy Minister re advisability of amending the Act so as to require persons making entry to give any information regarding their nationality which the Government may call for. No. action.

4th May, 1894, Commissioner of Dom. Lands:

To obtain legislation re liens given under the Act of 1883. No provision made in consolidation. Letter marked.

See also memos of Mr. Rothwell of 9th May, 94, file 235667.
" " " " Deputy Min. 2 Dec. 93 " 38431

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Commissioner of Dominion Lands, 16th October, 1891, letter marked:

noted

Re giving him discretionary power to deal with patent applications in cases where the requirements of the law have been substantially but not exactly fulfilled. No provision to that effect in last year's proposed consolidation.

Dominion Land Commissioner, 24th August, 1891:-

noted

That persons authorized to act for an insane claimant be permitted to make proof on his behalf. No provision made in consolidation.

26th April, 1894. Mr. F.W.G. Haultain:

Re closing up of Road Allowances: That matter should be dealt with by the Lieut . Governor acting on the advice of the Executive Council (if one be created) or of the Executive Committee, subject to the provisions of any Ordinance which may be passed on the subject.

No provision made in consolidation with regard to road allowances, section 90a of the Act being left out so far. See also memo. of Mr. Rothwell of 9th May,94, file 235667.

File No.354328. Inspector Thompson suggests that in the application in support of a claim to Hom. entry after the words "is of the class open for homestead entry" we add " and that there is not over 25 acres of timber or 40 acres of hay land" or something to that effect. Suggestion not acted on yet.

334431

2nd December, 1893. Memo. of Deputy Minister, Ref. ~~235667~~ since 2nd

noted

To obtain legislation re transfers made ~~before~~ of May, 1889; to waive forfeiture in certain cases as provided in the case of transfers made prior to that date by clause 42b. Memo. marked . See Ref. 334431.

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31st May, 1894, Memo. of Deputy Minister on File 235667:

To see if provision can be put in Bill to meet case of Dominion Lands Colonization Company.

10th December, 1894. Mr. Rothwell, Ref. 235667:-

Suggests advisability of amending clause 42 of the Act. Memo. marked. See also his memo. of 9th May, 1894, on same subject, file 235667.

9th May, 1894, Mr. Rothwell, file 235667:

Suggests repeal of Chap. 4, Vict. 56, re subsidies in land to Railway Companies, and insertion of its provisions in Dominion Lands Act.

Refers also in the same memo. to the question of issuing duplicates in the case of lost military bounty warrants. Cites case of one Ed. McLorg. (Difficulty has since been overcome by the issue of a duplicate warrant to McLorg under the authority of advice from the Department of Justice. See file 118239).

Refers also to the question of obtaining legislation to meet cases where unmaried women, the mothers of children, are desirous of obtaining homesteads. Files 264598, 348448 and 325163. No provision to that effect in Bill.

Re quarter-sections traversed by rivers and streams. Order in Council passed on 10th January, 1894, sanctioning practice of the Department in the past to confine entries to one side of the river. See section 21 of the present Act. File 332329.

Verbal message from Mr. Checkley to the effect that the words

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words "unclaimed lands in the same township" should be omitted from the provision of the Act re settlers on school lands in advance of survey. See subclause 2 of clause 23 of the Act, Clause 8 of the Consolidation.

3rd November, 1894. Mr. Burgess to Minister. Recommends that Clause 74 of the Act be so amended as to give the Minister of the Interior a freer hand than the law now permits in respect of ground rents, royalties and other dues. Ref. 222344 No.2. T&M.

Re Geographical Board, Ref. 283499: Is legislation necessary?

Suggestion by Mr. Checkley that provision be added to the Act authorizing the Minister of the Interior to cancel sales of School Lands for non fulfilment of contract. Not in consolidation of last year.

Suggestion of Mr. Checkley that clause passed last Session re school lands be amended by striking out the provision that the "land selected in lieu " must be selected from the same township. See File 235667.

Re disposal of lands which at time of survey were covered with water. Ref. 167569, 208055, 272055, 104187 and 377600.

Board of D.L.S. Examiners. Suggestions of Surveyor General re amendment of section 101 of Consolidation. (See his letter of 23rd April, 1896, on file 391717).

Re re-inserting provisions of the Act of 1879 respecting the right of the Hudson's Bay Company to a proportion of the revenue derived from mineral lands in the unsurveyed portions of the Fertile Belt. T & M 139739.

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School Lands

1/4/95

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J. A. Coté Esq.

Department of the Interior,
Dominion Lands Office,
Ottawa, 23 March 1895.

MEMO.

I understand you were to make for the Deputy a schedule of the proposed amendments this Session to the D.L. Act, I may remind you that it was the Deputy's intention to have the clause passed last Session permitting homestead entry for School Lands settled on before survey amended by striking out the provision that the land selected in lieu must be selected from the same township.

FAC

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MEMORANDUM. 235667

To Mr. I. A. Cote

Department of the Interior,

Ottawa, 26 February 1895.

QUERY.

Had you any instructions on this file? It was taken off your able in your absence.

John R Hall.
& G.R.P.

ANSWER.

Mr. Hall,

I have no particular instructions about this file, except that Mr. Burgess asked me to make a schedule of the proposed amendments to the act and to keep all the papers by me so that they might be easily available when required. He intended to discuss the subject with Mr. Smith, but did not do so.

I. A. Cote.

26th Feb., 1895.

Mr. Cote
Mr. Hall
says you can
keep this
G.R.P.
26 Feb 95

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375062

DEPT. OF THE INTERIOR RECEIVED FEB 22 1895 OTTAWA.

R.T.

Extract from a letter dated Gartmore, 7th February, 1895, from P.J. Beauchamp, Esq., to the Hon. T. Mayne Daly, Minister of the Interior.

Ackd 20. 2. 95.

------ooo-------

The last item to which I wish to draw your attention is this. You are yourself well aware that canadians make better Pioneers as a rule than Old Countrymen, then would it not be better to allow 3rd or 4th Homesteading for that matter provided that the Homesteader sold his claim to an actual settler as there are always men coming in who would prefer a partly improved place to going into an unsettled district, and the Government would be none the worse. There are hundreds here who would like to see an amendment to the Land Act to that effect. Such an act introduced at the coming session would be much appreciated here.

-------ooo--------

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D.T.

375055

Ottawa, 13th February, 1895.

Mr Henry

DEPT OF THE INTERIOR RECEIVED FEB 1895 OTTAWA.

Dear Mr. McDonald,

Yours of the 7th enclosing one from Mr. Wm. Clements, of Fairmede, Assa., came duly to hand. I shall write you fully in the course of a day or so regarding the suggestions he makes in his letter in regard to land matters in which he is interested.

Yours sincerely,

(Sgd) Thos. Daly

W. W. McDonald, Esq., M.P.,
Fleming,
Assa.

235-67

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D.T.

375055

Ottawa, 10th February, 1895.

Mr Henry

DEPT OF THE INTERIOR RECEIVED FEB 13 1895 OTTAWA

Dear Mr. McDonald,

Yours of the 7th enclosing one from Mr. Wm. Clements, of Fairmede, Assa., came duly to hand. I shall write you fully in the course of a day or so regarding the suggestions he makes in his letter in regard to land matters in which he is interested.

Yours sincerely,

(Sgd) Frank Pedley

W. W. McDonald, Esq., M.P.,
Fleming,
Assa.

23567

REPEAT/
RÉPÉTITI

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Fleming Feb 11 1895

375055

My Dear Daly

I enclose letter could you change the law if so what would be the effect on the General policy of the Dept it seems that it would be a good moove to make

I remain
Yours Truly
Wm McDonald

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FEB 22 1895
OTTAWA

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Fairmont Feb 4th 1895

Private

Mr. McDonald M.P.

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FEB 7
1895
OTTAWA

I venture to ask you to do
Myself and others around
here and other parts of the
country a favour

An Order in Council
or an Amendment to the
Land act was passed allow-
ing any person homesteading
their Preemption the option
of doing improvements
to the Amount of $1.25 per
Acre in lieu of the regular
regulations

Now what I and
Hundreds others would like
to have passed is that the
same Apply to all Homesteads

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E DE L'INTÉRIEUR
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who have Homesteaded and wish to change or those who have got to second Homestead that has or does second Homestead A part of the section that their first Homestead is located

The same to be bonafide residents of their first and Cultivated at least 50 acres

It is a shame to cause a man to erect buildings on his second Homestead just for the purpose of living on it [redacted] months in the year. When he [redacted] all the necessary [redacted] an opportunity [redacted]

The Homestead duties

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who have Homesteaded and wish to change or those who have yet to second Homestead that has or does second Homestead a part of the section ~~that~~ where their first Homestead is located

The same to be bonafide residents of theirs first and cultivating at least 50 acres

It is a shame to cause a man to erect buildings on his second Homestead just for the purpose of living on it ~~the~~ six months in the year.

When he has already all the necessary buildings on an ajoining 1/4 sec.

The Homestead duties

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under such regulations are only a farce and never properly done

We would be much obliged if you would write the Minister of the Interior urging him to have an Order in Council passed to the Effect That any person secure Home Steading (Or has done so and wishes to Chane Entry) an ajoining 1/4 being part of sec of which first Home Stead is a part can have same priveleges as if it were his Premption

If you can get this much needed Amendment

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passed You can depend
on Gerrie a few more votes
~~that would~~

By what we read in
the papers there is likely
to be an election soon and
this would be a opportune
time to get the Ministers
to grant such

I hope you are
succeeding in your canvass
and would like if you could
give us a call shortly

Yours Truly

Wm. Clements.
Fairmede
Ozsa

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13
1894
OTTAWA.

Department of the Interior,

Ottawa, 13th December, 1894.

Memorandum:

Mr. Henry,

The accompanying copy of a memo. I made to Mr. Burgess on file 369517 on the 10th instant is to be attached to Dominion Lands Act amendment file so that the advisability of amending Clause 42 of that Act may be considered when other amendments are being settled. Necessary action re. issue of patent to representatives of late Alaric Thuot has of course been taken on file 369517.

T.G. Rothwell,
B

PS. I suggest the addition of a proviso to Sec 47 giving Minister right to pronounce on assignts executed by homesteaders under certain circumstances R

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DEPT OF THE INTERIOR RECEIVED DEC 13 1894 OTTAWA

Department of the Interior,
Ottawa, 10th December, 1894.

Memorandum :- 369517 -
To the Deputy Minister,

You will see upon reading the letter of the 28th ultimo that the Deputy Minister of Jus - tice does not agree with the views expressed by me in my memorandum to you of the 12th ultimo with re- gard to the assignment which Mr. Alaric Thuot exe - cuted, shortly before his death in favor of his wife.

Approved
'sd' A.M.Burgess,
D.M.I.
12th Dec. '94

The action which should now be taken in accordance with that opinion is to advise Mr. New- combe that forfeiture is to be waived ; ask for draft patent to the personal representative of the deceased and advise Mr. Joseph Baril, Mrs. Thuot's Solicitor or Agent that the patent will issue when the necessary letters of administration to the de- ceased husband's estate have been filed here.

Although it would of course be highly im- proper for me, as an official of this Department, to criticise the opinion of the Deputy Minister of Justice, I think I am within my province in adding in this memorandum to you, to what is set out in my memorandum to you of the 12th ultimo, the follow- ing further remarks upon this case :-

The assignment in this case is one which should not have been executed because of the provi- sions of Clause 42 of the Dominion Lands Act, or it does not belong to that class.

My reasons for thinking that it is not such an instrument are : that the vital principle of the homestead provisions of the Dominion Lands Act is the settlement of lands in Manitoba and the North-West ; that each one of the provisions in question was passed for the purpose of securing that end and not in any instance for the purpose of defeating it ; that the provisions in question-- inclusing those of Clause 42 -- were enacted in the interest of the bona fide settler and not against his interest ; that the clear purpose of the pro - visions of Clause 42 is to prevent the Crown in every case in being defeated in this object of settlement of the lands by bona fide settlers and that where it is certain that the instrument to be considered was executed not with a view of defeat- ing this object but of assisting it, and that the rights of the Crown are not injured in any way, such instrument does not belong to the class prohibited by Clause 42.

I know that it may be said that according to this argument a mortgage executed by a homestead- er for the purpose of helping him to remain upon land he might have to abandon but for the moneys he would

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would receive thereunder would not be contrary to Clause 42. But my answer to this is that by a mortgage the interests of the Crown would be affected if the homesteader abandoned the land after executing it, and before he had completed the homestead conditions and the mortgage had to be recognized.

But even if my view is incorrect, and according to the opinions which have been given by the Department of Justice it is, let it be acknowledged that the execution of the assignment in this case is a breach of the Clause 42. Now what is the result according to the provisions of that clause ? Are they not that the moment Thuot executed this instrument, it became null and void, and that his estate in the lands was instantly completely extinguished.

If this view is correct how can a waiver of the breach -- in the absence of the authority of Parliament -- restore the homesteader's estate to its former position ? The moment the conveyance was executed it ceased, became dead. How then can it be restored so as to pass title to any one.

As the settler's family will not lose the land in this case, I would not trouble you with these views did I not know that it is intended to bring down some amendments to the Dominion Lands Act during the approaching Session, and if I did not feel that they would at least shew that Clause 42 calls for amendment. On that account I submit they are worthy of consideration.

I have therefore prepared a second copy of this memorandum so that it may be attached to the Dominion Lands Act Amendments file if you see fit.

The memorandum has not of course been prepared for the purpose of opposing my opinion to the opinion of the Deputy Minister of Justice. In fact as the settler's family is not to lose this land and the improvements made by the deceased and by his widow -- since he died, I would prefer, personally, that no delay should take place in closing the matter by the issue of a patent in accordance with the opinion of the Deputy Minister of Justice.

Respectfully

(sd) T.G. Rothwell

All right. Put this memo.

on the Dominion Lands Act file.

'Sd' A.M.B.,

D.M.I.

12th Dec. '94.

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Ref. No. 369188.

23567

Ottawa, 1st December, 1894.

Memo.

Mr. Henry,

Please place this memorandum on the file relating to amendments to the Dominion Lands Act, so that when the whole question comes up I may be reminded to discuss with the Minister the advisability of amending the Act so as to require persons making homestead entry to give any information regarding their nationality which the Government may call for.

A. M. Burgess

ral.

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~~237~~ 13445 Hall 12/11

MEMORANDUM.

To: Mr Henry

Department of the Interior.

Ottawa. 188

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QUERY.	ANSWER.
These memos. shd go on the files of the respective acts to which they relate.	7
AWB H.	Done
23/11/94.	

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NOV 24 1894
OTTAWA.

Department of the Interior,

Ottawa, 7th November, 1894.

Memorandum :-

To the Deputy Minister,

Chapter 26 of 57-58 Victoria.

There is nothing in this Act (which contains three amendments of the Dominion Lands Act) calling for Departmental action.

T. G. Rothwell

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Proof of D.L. Bill

Miscellaneous Papers

relating to same

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CHAPTER

An Act respecting the Public Lands of Canada.

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

SHORT TITLE.

1. This Act may be cited as "*The Dominion Lands Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

(*a.*) The expression "Minister" means the Minister of the Interior, or any officer of his Department duly authorized by him to perform any of the duties imposed upon him by this Act;

(*b.*) The expression "Surveyor General" means the officer of the Departemnt of the Interior who bears that designation, or the officer performing his duties for the time being;

(*c.*) The expression "agent" or "officer" means any person or officer employed in connection with the administration of Dominion lands; the expression "local agent" means the local officer for Dominion lands employed as aforesaid, with respect to such lands; and the expression "land office" means the office of any such agent;

(*d.*) The expression "Dominion Topographical Surveyor" or "Dominion Land Surveyor" means a surveyor duly authorized, under the provisions of this Act, to survey Dominion lands;

(*e.*) The expression "Crown Timber Agent" means the local officer appointed to collect dues and to perform such other duties as are assigned to such officer, in respect to the timber on Dominion lands;

(*f.*) The expression "clause" means a section of this Act, or of any Act herein cited, distinguished by a separate number; and the expression "sub-clause" means a subdivision of any clause distinguished by a separate number or letter in smaller type;

(*g.*) The expression "Dominion Lands" means any lands to which this Act applies;

(*h.*) The expression "certificate of entry" means the certificate of a local agent in the form H in the schedule to this Act;

(*i.*) The expression "Board" means the Dominion Lands Board constituted under this Act.

APPLICATION OF ACT.

3. Except as provided by any other Act of the Parliament of Canada, this Act applies exclusively to the public lands included in Manitoba and the several territories of Canada.

ADMINISTRATION.

4. The Minister shall have the administration and management of the Dominion lands.

5. The Governor in Council may appoint an officer who shall be styled "The Commissioner of Dominion Lands," an officer who shall be styled "The Superintendent of Mines," and an officer who shall 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 are, from time to time, conferred upon and assigned to them by order of the Governor in Council:

2. 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, the Superintendent of Mines, and the Inspector of Dominion Lands Agencies, and all other 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 the Governor in Council, from time to time, directs.

6. No person employed in or under the Department of the Interior shall purchase any Dominion lands except under authority of the Governor in Council, or shall purchase, or sell, or locate military or bounty land warrants, or land scrip, or act as agent of any other person in such behalf; and no person so employed shall disclose to any person, except his superior officer, any discovery made by him or by any other officer of

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6. No person employed in or under the Department of the Interior shall purchase any Dominion lands except under authority of the Governor in Council, or shall purchase, or sell, or locate military or bounty land warrants, or land scrip, or act as agent of any other person in such behalf; and no person so employed shall disclose to any person, except his superior officer, any discovery made by him or by any other officer of the Department of the Interior, or 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 disclosure has been obtained:

2. Every person employed in the outside service of the Department of the Interior shall, before any salary is paid to him, take and subscribe the oath of allegiance, and also the oath of office prescribed by clause fifty-seven of "*The Civil Service Act.*"

DISPOSAL OF DOMINION LANDS.

The Hudson's Bay Company's Lands.

7. In every fifth township in the territory surrendered to the Crown by the Hudson's Bay Company, and described and designated as the "fertile belt," that is to say: in those townships numbered five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, forty, forty-five, fifty, and so on in regular succession northerly from the International Boundary, the whole of sections numbers eight and twenty-six, and in each and every of the other townships, the whole of section number eight, and the south half and north-west quarter of section number twenty-six, except in the cases hereinafter provided for, shall be known and designated as the lands of the said Company:

2. 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, and the allotment thereof shall be effected by the Minister and the said Company, or by some person duly authorized by them respectively:

3. If, when the survey of a township is effected, the sections so allotted, or any of them, or any portion of them, are found to have been *bonâ fide* settled on under the authority of any Order in Council, or of this Act, the Company may, if it foregoes its right to the sections settled upon as aforesaid, or any one or more of such sections, select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied:

4. When the sections and parts of sections above mentioned are 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 the property of the Company:

5. One-twentieth of the revenue derived from timber limits granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall, so long as the townships comprised in the same remain unsurveyed, be annually paid and accounted for to the Company; but such one-twentieth shall cease or be diminished in proportion as the townships comprised in such limits, or any of them, are surveyed; and in such case the Company shall receive their one-twentieth interest in the lands in such townships, in sections eight and twenty-six, as hereinbefore provided:

6. If the said sections, or either of them, when surveyed as aforesaid, prove to have been denuded of timber by the lessee, to the extent of one-half or more, the Company shall not be bound to accept such section or sections so denuded, and shall be entitled to select a section or sections of an equal extent, in lieu thereof, from any unoccupied lands in the township:

7. As townships are surveyed, and the respective surveys thereof are confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the Company shall be duly notified thereof by the Minister, 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 is entitled under this clause, as afore-

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said, and to vest the same in the Company, without the issue of a patent 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 two and three of this clause, 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.

School Lands.

8. Sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion lands are hereby set apart as an endowment for purposes of education, and shall be designated school lands; 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 of them;

2. Provided, that on a township being surveyed, should such sections, or any parts thereof, not being of the class reserved from the operation of the homestead provisions of this Act by clause thereof, be found to have been settled upon and improved, then and in such case the occupant or occupants conforming to the requirements of this Act shall be confirmed in such possession, and the Minister shall cause to be selected from the unclaimed lands in such township a quantity equal to that found to have been so settled upon and shall withdraw the land so selected from sale and settlement and shall set apart and publish the same as school lands by notice in the *Canada Gazette*.

9. The school lands shall be administered by the Minister under the direction of the Governor in Council.

10. All sales of school lands shall be at public auction, and an upset price shall be 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 are situate;

2. 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, which shall be paid with each instalment on the balance of purcahse money, from time to time, remaining unpaid:

3. All moneys, from time to time, realized from the sale of school lands, shall be invested in securities of Canada, 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; and the moneys so paid shall be distributed for that purpose by the Government of such Province or Territory in such manner as it deems expedient.

Sale of Dominion Lands.

11. Except as otherwise hereinafter provided, Dominion lands, as the surveys thereof are made and confirmed, may be sold at such prices, and on such terms and conditions as are fixed, from time to time, by the Governor in Council; but no sale shall be made at a less price than one dollar per acre:

2. Except in special cases in which the Governor in Council otherwise orders, no sale to one person shall exceed a section, or six hundred and forty acres:

3. The Minister may from time to time as he deems expedient withdraw any land from sale and settlement and sell the same by public auction or by tender to the highest bidder,—an upset price being fixed for the same;

4. Any legal subdivision or other portion of Dominion land which includes a water power, harbour or stone quarry, shall not be subject to sale or settlement but shall be disposed of in such manner, and on such terms and conditions, as are fixed by the Minister.

Town Plots, &c.

12. The Minister may withdraw from sale or settlement any land, and may lay the same out into town or village lots; and the lots so laid out may be sold, either by private sale and for such price as the Minister sees fit, at public auction or by tender,—an upset price being fixed for the same:

2. When the lands so withdrawn are adjacent to lands to which any railway company is entitled, the Minister may

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lands are situated, towards the support of public schools therein; and the moneys so paid shall be distributed for that purpose by the Government of such Province or Territory in such manner as it deems expedient.

Sale of Dominion Lands.

11. Except as otherwise hereinafter provided, Dominion lands, as the surveys thereof are made and confirmed, may be sold at such prices, and on such terms and conditions as are fixed, from time to time, by the Governor in Council; but no sale shall be made at a less price than one dollar per acre:

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3. The Minister may from time to time as he deems expedient withdraw any land from sale and settlement and sell the same by public auction or by tender to the highest bidder,—an upset price being fixed for the same:

4. Any legal subdivision or other portion of Dominion land which includes a water power, harbour or stone quarry, shall not be subject to sale or settlement but shall be disposed of in such manner, and on such terms and conditions, as are fixed by the Minister.

Town Plots, &c.

12. The Minister may withdraw from sale or settlement any land, and may lay the same out into town or village lots; and the lots so laid out may be sold, either by private sale and for such price as the Minister sees fit, at public auction or by tender,—an upset price being fixed for the same:

2. When the lands so withdrawn are adjacent to lands to which any railway company is entitled, the Minister may arrange with such company that the lands so withdrawn, and such lands of the company in the town or village as are agreed upon, shall be sold on joint account, and on such terms as appear just and equitable; or the lands so withdrawn may be granted to the company or to such person as the Government and the company agree upon, for the purposes of such sale:

13. The Governor in Council may reserve such lands as he deems expedient, as sites of market places, gaols, court-houses, places of public worship, burying grounds, schools, benevolent institutions, squares, and for other similar public purposes; and he may make free grants, for the purposes aforesaid, of the lands so reserved.

Homesteads.

14. Every person who is the sole head of a family, and every male who has attained the age of eighteen years, who makes application in the form A in the schedule to this Act, shall be entitled to obtain homestead entry for any quantity of land not exceeding one quarter-section, which is of the class of land open, under the provisions of this Act, to homestead entry.

2. The privilege of homestead 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 harbour, bridge site or canal site, or being either an actual or prospective railway terminus or station, it is in the public interest to withould from such entry. Provided however, that the Governor in Council may by regulation provide for the disposition of the surface rights in mineral lands by sale or homestead entry, reserving to the Crown and its assigns the right to the minerals thereunder and also the right to such easements as the said Governor in Council may prescribe as requisite for the purpose of mining such minerals.

3. The certificate entry for a homestead shall entitle the recipient to take, occupy and cultivate the land entered for, and to 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 land shall not be liable to be taken in execution before the issue of the patent.

15. 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, if such right is exercised within three months after the land is open for settlement, and if such land has not been reserved or the right to homestead entry is not excepted under the provisions of this Act:

2. No homestead entry shall be granted to any other person in respect of such land until three months after notice in writing has been given by the local agent to such *bonâ fide* settler that such land is open for settlement. 46 V., c. 17, s. 28.

16. Every person applying for homestead entry shall appear and make affidavit before the local agent, or, in his absence, the senior clerk performing his duties, according to the form B, C, D, E, F or G. in the schedule to this Act, as the circumstances of the case require; and upon filing such affidavit with such local agent, or senior clerk, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the local agent, or senior clerk, according to the form H in the schedule to this Act:

2. The Minister of the Interior the Commissioner of Dominion Lands or any member of the Dominion Lands Board, upon requisition, may authorize any person named therein to make a homestead entry, on behalf of any personsigning such requisition and desiring to obtain such entry:

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3. The person so authorized shall, in order to obtain such entry, make application in the form I in the schedule to this Act, on behalf of each of those whom he represents, and shall make an affidavit before the local agent, or, in his absence, the senior clerk performing his duties, according to the form J, K or L in the schedule to this Act, as the circumstances of the case require; and shall pay for each homestead entry the office fee of ten dollars hereinbefore prescribed for such entry.

17. If 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, shall make investigation and obtain evidence respecting the facts; and his report thereon, together with the evidence taken, shall be referred to the Minister for decision, or to the Dominion Lands Board, or Commissioner of Dominion Lands, or such person as is appointed by the Governor in Council to consider and decide in cases of such disputes:

2. When two or more persons have settled upon and seek to obtain homestead entry for the same land, the one who first began continuous residence upon and cultivation thereof, in accordance with the requirements of the homestead provisions of this Act shall be entitled to such entry, if the land is of the class open to homestead entry, and if it is not in the opinion of the Minister otherwise inexpedient, in the public interest, to entertain any such application therefor:

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

18. If a number of homestead settlers, embracing at least 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 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.

19. Every 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 is not perfected within that period, it may be cancelled and thereafter the land shall be open to entry or purchase by another person, or to other disposition under this Act by the Minister:

2. Provided, that every person who obtains entry on or after 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:

3. Provided further, that the Minister may in special cases in his discretion extend the time for the perfecting of entry for a period not exceeding twelve months from the date thereof.

20. At the expiration of three years from the date of his perfecting the homestead entry, the settler, or in case of his death, his legal representatives, upon proving, to the satisfaction of the local agent, or, in his absence, the senior clerk performing his duties, that he or they, or some of them or his widow, or his heirs-at-law, or his next of kin, or some of them have erected a habitable house and have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent for the land, if such proof is accepted by the Commissioner of Dominion Lands, or a member of the Land Board; but the patent therefor shall shall not issue to any person who is not a subject of Her Majesty by birth or naturalization:

2. In the case of a settler who obtains homestead entry for land occupied by him previous to survey thereof, in the 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 are otherwise in conformity

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open to entry or purchase by another person, or to other disposition under this Act by the Minister:

2. Provided, that every person who obtains entry on or after 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:

3. Provided further, that the Minister may in special cases in his discretion extend the time for the perfecting of entry for a period not exceeding twelve months from the date thereof.

20. At the expiration of three years from the date of his perfecting the homestead entry, the settler, or in case of his death, his legal representatives, upon proving, to the satisfaction of the local agent, or, in his absence, the senior clerk performing his duties, that he or they, or some of them, or his widow, or his heirs-at-law, or his next of kin, or some of them have erected a habitable house and have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent for the land, if such proof is accepted by the Commissioner of Dominion Lands, or a member of the Land Board; but the patent therefor shall shall not issue to any person who is not a subject of Her Majesty by birth or naturalization:

2. In the case of a settler who obtains homestead entry for land occupied by him previous to survey thereof, in the 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 are otherwise in conformity with the provisions of this Act:

3. Proof of performance of the homestead duties, 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 to which their evidence relates, and shall be subject to acceptance as sufficient by the Commissioner of Dominion Lands or by a member of the Land Board; and such affidavit shall be sworn, and such evidence given, before the local agent, or in his absence the senior clerk performing his duties, or a homestead inspector, or some other person named for that purpose by the Minister:

4. If, in connection with the homestead entry, the settler has heretofore obtained a pre-emption entry, he shall, on becoming entitled to a patent for his homestead, be also entitled to a patent for the land included 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 two years after the settler becomes entitled to claim a patent under his homestead entry, may be forfeited, and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior: Provided, however, that where a settler has had a homestead and pre-emption entry, and has obtained a patent for his homestead in time to entitle him to make a second homestead entry, and has been permitted to make a second homestead entry for the quarter-section which was previously his pre-emption, he shall be entitled to a patent under such second homestead entry upon proving that he has complied, in respect of the land which is the subject of such entry, with the requirements of this clause, or upon proving—

(1.) That he has resided upon the quarter-section which was the subject of his first homestead entry for not less than six months in each of three years from and after the date of his second homestead entry;

(2.) That within the first year after the date of his second homestead entry he broke and prepared for crop not less than fifteen acres of his second homestead quarter-section;

(3.) That within the second year after the date of his second homestead entry he cropped the said fifteen acres, and broke and prepared for crop not less than fifteen acres in addition on his second homestead quarter-section, making not less than thirty acres;

(4.) That within the third year after the date of his second homestead entry he cropped the said thirty acres, and broke and prepared for crop not less than ten acres in addition, making in all not less than forty acres of the said second homestead broken and prepared for crop within three years of the date of his second homestead entry.

21. If it is proved to the satisfaction of the Minister,—

(*a.*) That the settler has not resided upon and cultivated his homestead, except as herein provided, for at least six months in any one year; or—

(*b.*) That he has not resided upon the quarter-section which was the subject of his first homestead entry for at least six months in each of three years from and after the date of his second homestead entry;

(*c.*) That within the first year after the date of his second homestead entry he has failed to break and prepare for crop less than fifteen acres of his second homestead quarter-section;

(*d.*) That within the second year after the date of his second homestead entry he failed to crop the said fifteen acres, and to break and prepare for crop at least fifteen acres in addition on his second homestead quarter-section, making not less than thirty acres;

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(*e.*) That within the third year after the date of his second homestead entry he failed to crop the said thirty acres, and to break and prepare for crop at least ten acres in addition, making in all not less than forty acres of the said second homestead broken and prepared for crop within three years of the date of his second homestead entry : or

(*f.*) In case he has obtained his entry under the conditions prescribed by clause eighteen of this Act that he has not cultivated the quarter section entered as a homestead and otherwise complied with the conditions of the same clause.

The right to the land shall be forfeited, and the entry thereof 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.

22. Failure on the part of any person who has ~~therefore~~ heretofore obtained or may hereafter obtain a homestead entry under the "*Dominion Lands Act*," to apply, as hereinbefore provided, for the patent for his homestead within a period of five years from the date of his homestead entry, shall render his right liable to forfeiture, in the discretion of the Minister, the Commissioner of Dominion Lands.

23. In case of illness, vouched for by sufficient evidence, or in the cases of immigrant settlers returning to their native land to bring their families to their homesteads, or in other special cases, the Minister may, in his discretion, grant an extension of time during which such settler may be absent from his homestead, without prejudice to his right therein ; but the time so granted shall not be reckoned as residence.

24. Every homestead, the entry of which has been cancelled, may, in 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.

25. Every assignment, transfer or mortgage of homestead or pre-emption right, or any part thereof, and every agreement to assign, transfer or mortgage any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, shall be null and void ; and the person so assigning, transferring or mortgaging, or making an agreement to assign, transfer or mortgage, 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 have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign, transfer or mortgage his right and title therein.

26. After a homestead has been recommended for patent, the holder of the pre-emption right may legally dispose of, convey, assign, transfer or mortgage his right and title in the land for which he holds the pre-emption entry ; and this provision shall also apply retrospectively, but shall have no force or effect as respects any land in relation to which the subject-matter of this clause has already been adjudicated upon or is in question in any court of competent jurisdiction.

27. As respects every assignment, transfer or mortgage of a homestead or a pre-emption right held or acquired under the said Act, or any prior Acts relating to Dominion lands, in whole or in part, and every agreement to make any such assignment or transfer, made or entered into before the issue of patent and previous to the date of the passing of this Act, no such assignment or transfer or agreement shall be *ipso facto* null and void, nor shall any forfeiture accrue in respect thereof ; but the Minister of the Interior may declare any such assignment or transfer or agreement to be null and void, and such forfeiture to have accrued, or either, and such declaration shall have force and effect as if herein enacted : Provided, that no such declaration shall have force or effect in any case in which a patent for any homestead or pre-emption land has issued previous to the date of such declaration, unless the patent has issued through fraud, error or improvidence :

2. Nothing in the next preceding sub-clause contained shall in any manner have force or effect as respects any lands in relation to which the subject-matter of the said sub-clause has already been adjudicated upon, or is in question in any court of competent jurisdiction.

28. No person who has obtained a homestead patent or a

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the holder of the pre-emption right may legally dispose of, convey, assign, transfer or mortgage his right and title in the land for which he holds the pre-emption entry ; and this provision shall also apply retrospectively, but shall have no force or effect as respects any land in relation to which the subject-matter of this clause has already been adjudicated upon or is in question in any court of competent jurisdiction.

27. As respects every assignment, transfer or mortgage of a homestead or a pre-emption right held or acquired under the said Act, or any prior Acts relating to Dominion lands, in whole or in part, and every agreement to make any such assignment or transfer, made or entered into before the issue of patent and previous to the date of the passing of this Act, no such assignment or transfer or agreement shall be *ipso facto* null and void, nor shall any forfeiture accrue in respect thereof ; but the Minister of the Interior may declare any such assignment or transfer or agreement to be null and void, and such forfeiture to have accrued, or either, and such declaration shall have force and effect as if herein enacted : Provided, that no such declaration shall have force or effect in any case in which a patent for any homestead or pre-emption land has issued previous to the date of such declaration, unless the patent has issued through fraud, error or improvidence :

2. Nothing in the next preceding sub-clause contained shall in any manner have force or effect as respects any lands in relation to which the subject-matter of the said sub-clause has already been adjudicated upon, or is in question in any court of competent jurisdiction.

28. No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as hereinbefore mentioned, shall be entitled to obtain another homestead entry : Provided, however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained a homestead patent, or a certificate of recommendation for a patent countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, or who had complied with the homestead provisions of the Acts then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the *Dominion Lands Act*, 1883, to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-nine, shall be permitted to make a second homestead entry.

29. If any person or company is desirous of assisting, by advances in money, intending settlers to place themselves on homestead lands in Manitoba or the North-west Territories, and of securing such advances, such person or company may make application to the Minister, stating the plan or project intended to be acted upon, the steps to be taken in furtherance thereof, and the amount to be advanced to such settlers ; and the Minister may sanction or authorize such plan or project, or refuse his sanction and authority thereto :

2. If such plan or project is so sanctioned and such person or company thereupon places any settler upon a homestead, a statement of the expenses incurred by such person or company in paying the actual *bonâ fide* cost of the passage and freight, of paying for the homestead entry, or homestead and pre-emption entry, as the case may be, of providing medical attendance and for the subsistence of such settler and his family, of providing materials for buildings and of erecting buildings on his homestead and of insuring the said buildings (to which purposes one-half of the advance may be devoted), of breaking land on such homestead, and of providing horses, cattle, house furniture, farm implements and seed grain for him, in which statement a sum not exceeding ten dollars for the cost of selecting the homestead, placing the settler thereon and legal expenses, and also an amount in money to cover interest on the amount advanced for a time to be agreed upon to enable such settler to obtain a return from the cultivation of such homestead, may be included, shall be furnished to such settler, and shall also be submitted witl proper vouchers in support thereof to the local agent, a homestead inspector or other agent appointed by the Minister of the Interior, and the local agent, inspector or other agent so appointed shall examine and verify the same both by such vouchers and by an examination under oath of such settler and of such person or company or their representative, and shall certify the result of such verification by a writing upon such statement signed by him ; and thereupon such settler shall make and execute an acknowledgment in writing of the amount so advanced to him, and shall, by such writing, create a charge in the form L in the schedule to this Act upon such homestead for the amount of such advance, not exceeding the sum of six hundred dollars, and for the interest thereon at a rate not exceeding eight per cent per annum : Provided always, that it shall be competent for the person or company proposing to make such advance to take at once from an intending settler an acknowledgment in the form R in the schedule to this Act, and that such acknowledgment shall operate as a charge upon the homestead for which such settler obtains entry, to the extent that is certified by the local agent, homestead inspector or other agent appointed by the Minister of the Interior, for any sum not exceeding six hundred dollars, and for the interest thereon at a rate not exceeding eight per cent per annum, upon presentation to him of vouchers or other satisfactory evidence that the advance for which a charge is proposed to be created has actually been made to the settler and that the settler has been actually placed on such homestead. 52 V., c. 27, s. 5 ; *and* 54-55 V., c. 24, s. 8.

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3. A duplicate of such acknowledgment and charge shall be deposited with the local agent, and thereafter the holder of such charge shall have the right to enforce payment of the amount so advanced and of the interest thereon by ordinary legal proceedings: Provided always, that the time to be fixed for the payment of the first instalment of interest upon such advance shall not be earlier than the first day of November in any year, nor shall it be within less than two years from the establishment of such settler upon such homestead; provided also, that such settler shall not be bound to pay the capital of such advance, or any part thereof, within a less period than four years from the date of his establishment upon such homestead; and provided also, that the holder of such charge may, subject to the approval of the Minister of the Interior, assign the same, and shall be deemed always to have had such power, subject to the approval of the Minister of the Interior; and provided further, that additional charges may, from time to time, be created on such homestead in the manner herein above provided, so long as the aggregate amount of the capital of the advances so charged thereon does not, at any time, exceed the said sum of six hundred dollars.

4. Upon such acknowledgment and charge being duly executed and duly registered in the registry office for the registration district in which such homestead is situated, the same shall constitute and be and remain a first charge upon such homestead after the issue of the patent or certificate of patent for such homestead, until duly satisfied and extinguished according to law:

5. If such settler has not performed the conditions of settlement required to entitle him to a patent for such homestead within the time and in the manner provided by this Act, and has thereby forfeited his right to obtain a patent, the holder of the charge created thereon may apply to the Minister for a patent of such homestead, and upon establishing the facts to the satisfaction of the Minister, shall receive a patent in his name therefor; and such patentee shall be bound to place a *bonâ fide* settler on such homestead by the sale thereof to such settler or otherwise within two years from the date of such patent, and in default of so doing within the said period shall be bound and obliged on demand to sell the said homestead to any person willing to become a *bonâ fide* settler thereon, for such sum of money as is sufficient to pay the amount of such charge and interest, and the expenses incurred by the patentee in obtaining such patent and in retaining the homestead, on pain, in case of refusal, of an absolute forfeiture of the said property and of all claims thereon and of the patent or other title thereto. But if the settler has acquired a right to receive a patent for the land so charged and does not apply for the issue of the same, the holder of such charge may obtain such patent, or certificate for patent, in the name of the person entitled to receive the same or of his legal representatives, and thereafter the said charge shall become a statutory mortgage on such homestead.

30. Every acknowledgment entered into which purports to be so entered into in accordance with the provisions of clause forty-four of "*The Dominion Lands Act*," and which has been examined, verified and certified by a local agent or a homestead inspector, previous to the date of the passing of this Act, is hereby ratified and confirmed, notwithstanding any departure from the conditions of the said clause forty-four, and shall have force and effect as if no such departure had taken place: Provided, however, that no such acknowledgment shall be deemed to create a charge in respect of any moneys advanced or paid for any purposes other than those for which an advance is authorized by the said clause forty-four, except the cost of materials for buildings, house furniture, breaking land on homestead, the entry fee for the homestead, and legal expenses not exceeding ten dollars:

2. Every acknowledgment entered into in pursuance of the said clause forty-four, and which has been submitted, with the proper vouchers in support thereof, to a homestead inspector, instead of to a local agent, as provided by the said clause, and which has been examined, verified and certified by such inspector, and subsequently registered at the office of any local agent, or in the books of the Minister of the Interior, shall be

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pain, in case of refusal, of an absolute forfeiture of the said property and of all claims thereon and of the patent or other title thereto. But if the settler has acquired a right to receive a patent for the land so charged and does not apply for the issue of the same, the holder of such charge may obtain such patent, or certificate for patent, in the name of the person entitled to receive the same or of his legal representatives, and thereafter the said charge shall become a statutory mortgage on such homestead.

30. Every acknowledgment entered into which purports to be so entered into in accordance with the provisions of clause forty-four of "*The Dominion Lands Act*," and which has been examined, verified and certified by a local agent or a homestead inspector, previous to the date of the passing of this Act, is hereby ratified and confirmed, notwithstanding any departure from the conditions of the said clause forty-four, and shall have force and effect as if no such departure had taken place: Provided, however, that no such acknowledgment shall be deemed to create a charge in respect of any moneys advanced or paid for any purposes other than those for which an advance is authorized by the said clause forty-four, except the cost of materials for buildings, house furniture, breaking land on homestead, the entry fee for the homestead, and legal expenses not exceeding ten dollars:

2. Every acknowledgment entered into in pursuance of the said clause forty-four, and which has been submitted, with the proper vouchers in support thereof, to a homestead inspector, instead of to a local agent, as provided by the said clause, and which has been examined, verified and certified by such inspector, and subsequently registered at the office of any local agent, or in the books of the Minister of the Interior, shall be valid and binding in like manner as if the same had been examined, verified and certified by a local agent, as provided by the said clause.

31. The board constituted in the manner and for the purposes set forth in the preamble to the Act passed in the session held in the fifty-first year of Her Majesty's reign and chaptered thirty-one, shall be vested with all the powers conferred upon persons or companies by section forty-four of chapter fifty-four of the Revised Statutes of Canada, as amended by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign and chaptered thirty-one, and such board and any persons who accept the assistance of the said board for the purpose of placing themselves on homestead lands shall be subject to all the provisions of the said before cited section as so amended.

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32. The provisions of clause forty-four of "*The Dominion Lands Act*," as amended by the Act fifty-second Victoria, chapter twenty-seven, and by this Act, may be applied, at the option of any person interested, to any lands affected by advances made under any Act in that behalf heretofore in force.

33. Any settler who has created a charge upon his homestead for an advance under the provisions of "*The Dominion Lands Act*" may obtain entry for another homestead in lieu thereof, if the Minister of the Interior and the holder of such charge consent thereto and such settler executes a transfer of such charge to the new homestead; and upon such entry being so made, the charge so created shall operate as a first charge upon the new homestead for the amount of such advance still unpaid, and shall cease to be a lien upon the abandoned homestead.

2. The provisions of this clause may be applied to any settler who has already obtained entry for a new homestead in lieu of the homestead upon which he had created a charge for such advance.

34. Clause seven of the "*Act respecting Interest*" shall apply to all charges created under clause —— of this Act.

Mining and Mining Lands.

35. Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor General in Council may, from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing or other disposal thereof: Provided, however, that no disposition of mines or mining interests in the said park shall be for a longer period than twenty years, renewable, in the discretion of the Governor in Council, from time to time, for further periods of twenty years each, and not exceeding in all sixty years.

36. No grant from the Crown of lands in freehold or for any less estate shall be deemed to have conveyed or to convey the gold or silver mines therein, unless the same are expressly conveyedin such grant.

37. Every 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 passed in the forty-third year of Her Majesty's reign, chapter twenty-six, shall be held to have the same rights as if that Act had not been passed.

38. Whenever lands are entered for either as a homestead or pre-emption, or sold or otherwise disposed of, any such lands contain or border upon a coulée or ravine, which has been utilized for the purpose of forming a reservoir for the storage of water, or which, in the opinion of the Minister, or of the agent or other officer by whom such entry is issued or such sale or disposal is made, is capable of being so utilized to advantage, such entry may be issued or such sale or disposal made subject to the condition that no building shall be erected within a specified distance from the border of such coulée or ravine, and to such other conditions as, under the circumstances of the case, seem desirable with a view to the prevention of the pollution of the water stored in such reservoir; and in every such case any patent issued for such land shall be expressed to be subject to the conditions so imposed.

Grazing Lands.

39. The Minister may grant leases of unoccupied Dominion lands for grazing purposes to any person, or persons, under such regulations in that behalf as may be made from time to time by the Governor General in Council.

Hay Lands.

40. A settler may obtain a lease of unoccupied hay lands for an area thereof not exceeding a quarter-quarter-section, or forty acres, for such term and at such rent as the Minister deems expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land; and in the case of such sale or settlement, the lessee shall be paid, by the purchaser or settler, for fencing or other improvement made, such sum as the local agent determines;

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been passed.

38. Whenever lands are entered for either as a homestead or pre-emption, or sold or otherwise disposed of, any such lands contain or border upon a coulée or ravine, which has been utilized for the purpose of forming a reservoir for the storage of water, or which, in the opinion of the Minister, or of the agent or other officer by whom such entry is issued or such sale or disposal is made, is capable of being so utilized to advantage, such entry may be issued or such sale or disposal made subject to the condition that no building shall be erected within a specified distance from the border of such coulée or ravine, and to such other conditions as, under the circumstances of the case, seem desirable with a view to the prevention of the pollution of the water stored in such reservoir; and in every such case any patent issued for such land shall be expressed to be subject to the conditions so imposed.

Grazing Lands.

39. The Minister may grant leases of unoccupied Dominion lands for grazing purposes to any person, or persons, under such regulations in that behalf as may be made from time to time by the Governor General in Council.

Hay Lands.

40. A settler may obtain a lease of unoccupied hay lands for an area thereof not exceeding a quarter-quarter-section, or forty acres, for such term and at such rent as the Minister deems expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land; and in the case of such sale or settlement, the lessee shall be paid, by the purchaser or settler, for fencing or other improvement made, such sum as the local agent determines; and the lessee shall be allowed to remove any hay he has cut.

Military Bounty Land Scrip.

41. In all cases in which land scrip has been earned, or is hereafter given by Canada, for military services, warrants therefor shall be granted in favour of the persons entitled thereto, by the Minister of the Interior upon the certificate of the Minister of Militia and Defence; and such certificate shall be recorded in the Department of the Interior:

2. Such warrants shall be received at the value shown upon their face, in payment for any Dominion lands open for sale; but no greater area in any township than twenty per cent of the land, exclusive of school and Hudson's Bay Company's lands, shall be open for entry by military bounty warrants:

3. When warrants are accepted as purchase money, any deficiency shall be payable in cash; but if any payment by warrant or by amount in warrants, is in excess of the amount of the purchase money, the excess shall not be returned by the Crown.

42. 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; the warrantees shall be at all risk of their loss, and no warrant shall be duplicated:

2. If any person entitled to a military bounty warrant dies before it is issued, the warrant shall issue in favour of the legal representative or representatives of such deceased person.

PATENTS.

43. 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.

44. Every patent for land shall be prepared in the Department of the Interior, and shall be signed by the Minister or the Deputy of the Minister of the Interior, or by some other person thereunto specially authorized by the Governor 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 General or Deputy Governor, as hereinbefore provided.

45. Whenever, through error in survey or in the books or plans of a Dominion lands office, any grant of land is found deficient, the Minister 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 is made within five years from the date of the patent, and 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.

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46. Whenever a patent has been issued to, or in the name of, a wrong person, 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 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.

47. 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 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, caused 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 may assign land, or grant such amout of scrip for the purchase of Dominion lands as to him seems 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.

48. Whenever patents, leases or other instruments respecting lands have issued through fraud, or in error or improvidence, any court having competent jurisdiction in cases respecting real property in the Province or Territory where such lands are situate, may, upon action, bill or plaint respeting such lands, and upon hearing the parties interested, or upon default of the said parties after such notice of proceeding as the said court orders, decree or adjudge such patent, lease or other instrument to be void: and upon the registry of such decree or adjudication in the office of the Registrar General of Canada, such patent, lease or other instrument shall be void.

49. When any settler, purchaser or other person refuse 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 may apply to a judge of any court of competent jurisdiction in cases respecting real property in the Province or Territory 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 in possession to deliver up the same to the Minister, 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.

ASSIGNMENTS.

50. The Minister shall cause to be kept, in the Department of the Interior, books for registering, at the option of the persons interested, assignments of any rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignments are 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 shall be unconditional, and all conditions on which the right depends shall be performed, or dispensed with by the Minister, before the assignment is registered.

51. On any application for a patent by the legal representative of a person who died entitled to such patent, the Minister may receive proof of the facts in such manner as he sees 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.

52. The Minister 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.

LAND SCRIP

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LAND SCRIP.

53. The Governor in Council may, if he deems it expedient so to do, satisfy any claim to or arising out of a grant 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.

TIMBER AND TIMBER LANDS.

Wood for Settlers.

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

2. If a quarter-section is found to contain timber land which does not exceed in extent twenty-five acres, such timber land shall be appurtenant to such quarter-section and shall not be divided into wood lots :

3. Out of any wood lots set apart under the first sub-clause 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 woodland; and such wood lot shall be paid for by the applicant at the price for wood lots fixed at the time by the Minister, 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-seven 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 apportioned thereto, and also the forfeiture of the purchase money of such wood lot:

4. Any holder of a homestead entry who, previously to the issue of the patent, sells 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 so to do from the Minister, is guilty of a trespass and may be prosecuted therefor before a justice of the peace; and, upon conviction thereof, shall be liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, in 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 hereinafter provided.

Timber Berths.

55. In the twenty-five clauses next following, the expression "timber" means all wood and all products thereof.

56. The Governor in Council may, from time to time, declare districts of territory to be timber districts; and no

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lease of a timber berth shall be granted except within timber districts so set apart.

57. The Minister 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 are made by the Governor in Council respecting the ground rents, royalties or other dues which shall be paid in connection therewith, leases of the right to cut timber on such berths may be granted as hereinafter provided.

58. 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 in the order, and awarded to the person bidding, in each case, the highest bonus therefor,—such bonus to be paid in cash at the time of sale;

2. 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 the lease,—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:

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

59. 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:

2. No lease shall be renewed in any case in which the lessee has failed to pay any ground rent, royalty or other dues in connection therewith.

60. The lease shall describe the lands upon which the timber may be cut, and shall, during its continuance, vest in the lessee all rights 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 are 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 against any person 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.

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

(*a.*) To erect, in connection with the berth lease, 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 the Minister accepts as equivalent thereto;

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

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

(*d.*) To make, monhtly or at such other intervals of time as they are required of him by regulations made under this Act or by the Minister, returns sworn to by him or by his agent or

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

(*d.*) To make, monhtly or at such other intervals of time as they are required of him by regulations made under this Act or by the Minister, 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 whatsoever form the same are sold or otherwise disposed of by him during such month or other period, and the amount received by him therefor;

(*e.*) 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;

(*f.*) To exercise strict and constant supervision to prevent the origin and spread of fire.

62. 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.

63. Every lease of a timber berth shall be subject to the right of the Crown to deal, in accordance with the provisions of this Act and the regulations made under it by the Governor in Council, with any and all coal and other minerals found within the limits of the berth leased; and the Crown 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 and other minerals are granted, to take possession of and occupy such extent of the land so leased as is necessary to work such coal or other minerals, and to open necessary roads through any such timber berths—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.

64. Every lease shall be subject to forfeiture for violation of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister may, without any action, suit or other proceeding, and without compensation to the lessee, cancel the same and make a new lease or disposition of the limit described therein to any other person, at any time during the term of the lease so cancelled: but the Minister may, if he sees fit, refrain from cancelling such lease for non-payment of dues, and may enforce payment of such dues in the manner by this Act provided.

65. All ground rents, royalties 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 thereof, 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, 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 is not made within three months after such seizure, he may, with the sanction of the Minister, 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, to the person who had possession thereof at that time.

66. All timber cut under lease shall be liable for the payment of the Crown dues thereon, whenever and wherever the said timber, or any part of it, is found, whether it is or is not converted into deals, board or 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 is found, until the dues thereon are paid or

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secured, as provided in the next preceding clause.

67. If the payment of the Crown dues on any timber has been evaded by any lessee or other person, 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 Crown 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 hereinbefore provided; or the amount due to the Crown, of which payment has been evaded, may be recovered by action or suit in the name of the Minister or his agent, in any court of competent jurisdiction.

68. The Minister 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, penalties and costs incurred or to be incurred, and may, if it is 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 on 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.

69. 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 labour and disbursements, incur a penalty 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 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 person charged; and the averment of the person 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.

70. Whenever any Crown timber officer or agent receives satisfactory information, supported by affidavit, made before a justice of the peace or before any other competent officer or person, 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 the matter is decided by competent authority.

71. If 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, unless the holder separates, to the satisfaction of the Crown timber agent, the timber cut without authority from the other.

72. Whenever any Crown timber agent or other officer or agent of the Minister 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 inquire 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 requires, is given to him, he may seize and detain such timber until proof is made to the satisfaction of the Minister or of such Crown timber agent or officer, that such timber was not cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof is not made within thirty days after such seizure, such timber may be

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satisfactory information, supported by affidavit, made before a justice of the peace or before any other competent officer or person, 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 the matter is decided by competent authority.

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73. If 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, penalties and costs incurred or imposed thereon, as the case may be.

74. 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 from 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; and if, within fifteen days thereafter, the claimant has not instituted proceedings before a court of competent jurisdiction to contest the seizure, or, if the decision of the court is against him, or, if the claimant fails duly to prosecute such proceedings, in the opinion of the judge before whom such case is tried (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 may, after thirty days' notice posted up at the place where the same is confiscated, be sold, by order of the Minister, for the benefit of the Crown:

2. The Minister may, if he sees cause for so doing, instead of confiscating timber cut without authority on Dominion lands, impose a 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, in his discretion, retain the whole proceeds of such sale, or the amount of the penalty and costs only.

75. Whenever any timber is seized for non-payment of Crown dues, or for any cause or 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 part 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 person instituting such prosecution.

76. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized.

Slides, &c.

77. 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 beside it, for the purpose of facilitating the descent of timber or saw-logs, unless it is 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.

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78. The free use of slides, dams, piers, booms and 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 subsequently to the construction of such works.

79. The free use, for the floating of saw-logs or other timber, of all streams and lakes 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 beside the land on either side, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads as, owing to natural obstacles, are 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.

Forest Parks.

80. 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 it 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. Every one who 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, which shall be recoverable, with costs, in a summary manner, before a judge of the Supreme Court of the North-west Territories, a stipendiary magistrate, commissioner of police, or any two justices of the peace, under the "*Act respecting Summary Proceedings before Justices of the Peace:*"

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POWERS OF THE GOVERNOR IN COUNCIL.

81. The Governor in Council may—

(*a.*) Withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or are reserved for Indians;

(*b.*) Reserve from general sale and settlement, Dominion lands to such an extent as is required to aid in the construction of railways in Manitoba or in the Territories owned by Canada, and provide for the disposal of the lands so reserved, notwithstanding anything contained in this Act, in such manner, at such price and on such terms as are deemed expedient;

(*c.*) Make a free grant of land, not exceeding in extent six thousand four hundred acres for each mile of railway within Manitoba, and not exceeding in extent twelve thousand eight hundred acres for each mile in the North-west Territories, in aid of the construction of a railway from some point on the Canadian Pacific Railway to Hudson's Bay;

(*d.*) Grant to the promoters of works undertaken with a view of draining and reclaiming swamp lands, for the purpose of encouraging such works, remuneration in the way of grants of the lands so reclaimed, or of such portions thereof as are deemed fair and reasonable;

(*e.*) Grant land—not in any case exceeding in extent one section and one half-section—to any person 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 the period, an average attendance of thirty pupils, and otherwise meeting the approval of the Minister;

(*f.*) Grant lands, in satisfaction of any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-west Territories, outside of the limits of Manitoba, previous to the fifteenth day of July, one thousand eight hundred and seventy, to such persons, to such extent, and on such terms and conditions as are deemed expedient;

(*g.*) Investigate and adjust claims preferred to Dominion lands situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, one thousand eight hundred and seventy, and 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 is considered fair and reasonable, but not exceeding in any case one quarter-section, unless there has been cultivation of more than that area;

(*h.*) Make such orders as are 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 arise, and for which no provision is made in this Act; and further make and declare any regulations which are considered necessary to give the provisions in this clause contained full effect; and, from time to time, alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead;

(*i.*) Impose penalties not exceeding two hundred dollars, or not exceeding three months' imprisonment, for violation of any regulations under this Act;

(*j.*) Provided that any statement or return required to be made by such regulations, shall be verified on oath.

2 OF / D

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82. All regulations made by the Governor in Council, under this Act, shall be published in the *Canada Gazette;* and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof.

83. The Governor in Council may establish a tariff of fees to be charged by the Minister 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.

GENERAL PROVISIONS.

84. 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 Secretary of the Department of the Interior, or of the Surveyor General, or of any chief clerk of 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 Commissioner of Dominion Lands, the Secretary of the Dominion Lands Board, 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.

85. 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 *primâ facie* evidence of the originals, and of the contents thereof.

86. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act, except as herein otherwise 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 any 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, and the Minister of the Interior may require any statement in relation to any land to which the said Act applies to be verified by oath, affirmation, declaration or affidavit, which may be taken or made before any of the officers or persons mentioned in this clause.

87. The Minister, the Dominion Lands Board, or any member thereof, and any person specially authorized to that effect by the Governor in Council, may summon before them or him, any person, by subpœna issued by them or him, examine such person under oath, and 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 subpœna, legally served upon him, 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 goal, as for contempt of court, for a term not exceeding fourteen days.

88. Every receipt or certificate of entry or sale issued by an agent of the Dominion lands shall, unless such entry or sale has been revoked or cancelled by the Minister, entitle the person to whom the same was granted to maintain actions or suits against any wrong-doer or trespasser on the lands to

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88. Every receipt or certificate of entry or sale issued by an agent of the Dominion lands shall, unless such entry or sale has been revoked or cancelled by the Minister, entitle the person to whom the same was granted to maintain actions or suits 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.

The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act from form A to form N, both inclusive,—or he may, from time to time, with the like approval, cause to be adopted such other forms to the like effect as he considers applicable to any special case or class of cases.

REPEAL.

Subject to the provisions hereinafter made, chapter 54 of the Revised Statutes of Canada, intituled an Act respecting Public Lands, and all Acts subsequently passed amending the same 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 repealed 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.

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MEMORANDUM.

To Mr Henry — Department of the Interior.

Ottawa. 18 Sept 188[illegible]

QUERY.

Please cause search to be made among the papers in my room for this file. and in the meantime tell me what it relates to —
235667.

ANSWER.

Amendments to Act

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M. 362364.

Mr Hume

Ottawa, 11th September, 1894.

Memorandum :

Mr. Henry.

Will you please see whether the file to which this should be attached has been returned, as nothing can be done with it until the papers are procured.

A.M.B.
H.

Mr. Hume we have not yet received this file
[illegible] 13-9-94

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Department of the Interior,

Ottawa, 27 E. 1894

MEMO.

Mr Hume.

Please bring this to D.m's attention on his return.

L.p.

DEPARTMENT OF THE INTERIOR
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Department of the Interior,

Ottawa, 27 - 8 1894

MEMO.

Mr Henry.

Can you turn up letter of 29th March referred to?

Mr Pereira

L/P.

The file it appears is away - you might - on the Letter Book -

27/8/94 [illegible]

file 235667 taken by to M to N.B. 28/7/94

~~File 235667~~

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Sept 24/8

DEPT. OF THE INTERIOR
RECEIVED
AUG 27 1894
OTTAWA.

Ref.362364-

Ottawa, 24th August, 1894.

Dear Mr. Dawson,

Encl: The enclosed letter which I wrote to Mr. McCord on the 10th instant, has been handed to me today by Mr. Coursolles with Mr. McCord's note on the margin of it, to which I have to call your attention. I think ~~ex~~ this assurance that the correction will be made in the original record on Mr. McCord's return should be sufficient to warrant you in causing the word in question to be printed correctly.

Yours very truly,

JOHN B. HALL.

Acting D.M.I.

S.E. Dawson, Esq., LL.D.,
Queen's Printer,
Ottawa.

ac.

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363449

No. 305220
Ref. 275840

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Do not write about more than one subject in the same letter.
Write legibly your full name and address.
Address your reply to the Commissioner of Dominion Lands, Winnipeg.

Winnipeg, Man. 16th August 1894 18

235767

DEPT. OF THE INTERIOR RECEIVED AUG 20 1894 OTTAWA

Sir,

I am directed by the Commissioner to refer to my letter to Mr. Burgess dated the 29th of March last requesting that a nwe issue of forms of Declaration, more especially those numbered 59 amd 215 having the figures 1893 added to the last clause might be sent to all Agents and others whose business is to take declarations in accordance with the Act that that purpose provided and to say that the same forms are still in use.

The Commissioner suggests that all the Agents be requested to return the blank forms unused as soon as a new supply is sent and thus avoid much loss of time which now in many instances is necessitated by having to return declarations for correction.

I am, Sir,

Your obedient servant

Secretary

The Secretary

Department of the Interior,

Ottawa, Ont.

G.

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Ref. 362364:

Ottawa, 10th August, 1894.

Dear Sir,

I have called the attention of the Queen's Printer to an error in the third line of sub-section (h) of section 2 of the Act to amend the Acts respecting Land in the Territories, being Chapter 28 of this year's Statutes, where the word "encumbrance" is printed instead of "encumbrances". Mr. Dawson says that the Act will have to be printed in the way in which it was certified to him by the Clerk of the Parliaments. It is desirable to rectify this matter if possible, and I therefore beg to request that you will endeavour to have it set right.

I am, Dear Sir,

Your obedient servant,

JOHN R. HALL

Act'g D.M.I.

F. A. McCord, Esq.,
Law Clerk of the House of Commons,
Ottawa.

ac.

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362544

Department of Public Printing and Stationery.

OFFICE OF THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY,

DEPT. OF THE INTERIOR RECEIVED AUG 7 1894 OTTAWA.

Ottawa, 6th August, 1894.

41 ~~362364~~

Dear Sir,

In reply to your letter of the 3rd of August I beg to say that the Act therein referred to will have to be printed in the way in which it was certified to me by the Clerk of the Parliaments. There is no means of altering a statute after it has passed in Parliament.

I am,

Dear Sir,

Yours truly,

J. E. Dawson

Queen's Printer and

Controller of Stationery.

Jno. A. Hall, Esq.,

Act'g Dep. Min. of the Interior.

DEPARTMENT OF THE INTERIOR
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362364

23566

DEPT OF THE INTERIOR RECEIVED AUG 4 1894 OTTAWA

Ottawa, 3rd August, 1894.

Dear Sir,

My attention is called to the ~~wording of the~~ word "encumbrance" at the end of the third line of sub-section (h) of section 2 of the Act to amend the Acts respecting Land in the Territories, being Chapter 28 of this year's Statutes. This word should be "emcumbrancee" I presume there is still time to see that it is printed right.

I am, Dear Sir,

Yours very truly,

JOHN R. HALL.

Acting D.M.I.

S.E. Dawson, Esq., LL.D.,
Queen's Printer,
Ottawa.

ac.

DEPARTMENT OF THE INTERIOR
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00090

M.

Enclosure :

235667.

Ottawa, 1st June, 1894.

My dear Minister,

The letter from Mr. Smith of which a copy is enclosed is, briefly stated, a recommendation that he should be authorized to accept evidence in support of all applications for patent made before a Justice of the Peace, a Notary Public, or a Commissioner in B.R., to be named by him for that purpose. This is really going back to a position from which we once receded because we found it was a fruitful source of perjury and fraud. I should be most willing to forward in any way in my power the making of any arrangement which would promote the satisfactory transaction of public business, provided that arrangement involved no danger to the public interest. I very much fear that this one would involve such danger. It is in my opinion very important that the evidence should be taken before our own officers, who are cognizant of the facts. [redacted] Even having evidence taken in cases of this sort before a judge is apparently not a sufficient protection, for, as you will probably remember, the fraud which undoubtedly was committed on the Department in the Irving case (where the improvements of McDermid and Ross were used by Irving for the purpose of obtaining his homestead patent) ~~was~~ occurred in connection with evidence taken before a judge. If it had been taken before one of our own

The Hon. T. Mayne Daly,
Minister of the Interior,
Ottawa.

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The Hon. T. Mayne Daly,
Minister of the Interior,
Ottawa.

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
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Hon.T.M.D. 2:

own officers there is no doubt that the fraud would have been discovered. I have kept the original letter of Mr. Smith with your endorsation upon it for the purpose of using it in the amendment of the Dominion Lands Act, but think it well to make you this memorandum in the meantime.

Yours faithfully.

A. M. Burgess
D.G.L.

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E.C. Copy. 4 No. 296026.
Ref. 58190.

DEPARTMENT OF THE INTERIOR,
Office of the Commissioner of Dominion Lands,
Winnipeg, Man., 14th May, 1894.

Dear Mr. Daly,

It frequently happens that persons who have applied for patent and from whom it is necessary to obtain supplementary evidence, find it inconvenient to visit the Dominion Lands Office and experience occasionally some difficulty in giving the necessary evidence before an officer of the Department authorized to receive it, it is not always possible to send a Homestead Inspector to receive this evidence.

To meet the convenience of the settlers and at the same time properly safeguard against fraud, we have been in the habit of getting your authority for some Local J. P., within convenient reach of the settler to take the necessary evidence under Secs. 38 and 95 of the Office consolidation.

It seems to me that it would facilitate the business if in this instance as well as in other cases in which I am authorized to act, authority were conferred upon me to accept evidence in support of an application for patent, given before the J.P., Notary Public or Commissioner

The Hon. T. Mayne Daly,
Minister of the Interior,
Ottawa, Ont.

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Commissioner in B.R., to be named by me for this purpose. If you concur in this view, will you kindly have the necessary words introduced in the proposed amendment to the Dominion Lands Act which are now under consideration.

Yours truly,

(Sgd) H. H. Smith.

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The Hon. T. Mayne Daly,
Minister of the Interior,
Ottawa, Ont.

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DEPARTMENT OF THE INTERIOR
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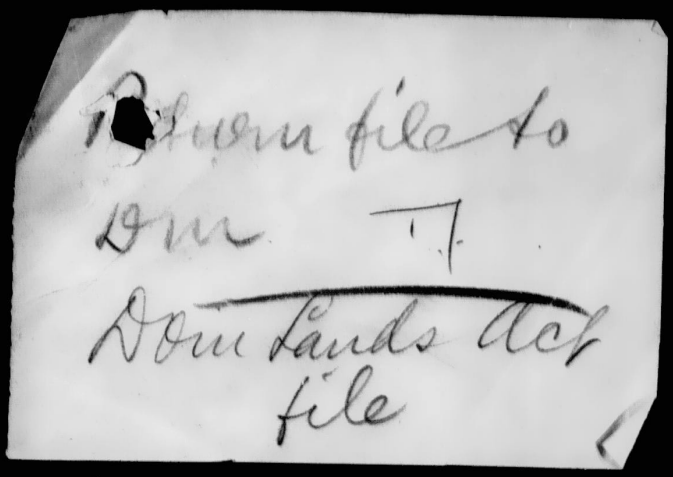

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M. 235667.

Enclosure : Ottawa, 1st June, 1894.

My dear Minister,

The letter from Mr. Smith of which a copy is enclosed is, briefly stated, a recommendation that he should be authorized to accept evidence in support of all applications for patent made before a Justice of the Peace, a Notary Public, or a Commissioner in B.R., to be named by him for that purpose. This is really going back to a position from which we once receded because we found it was a fruitful source of perjury and fraud. I should be most willing to forward in any way in my power the making of any arrangement which would promote the satisfactory transaction of public business provided that arrangement involved no danger to the public interest. I very much fear that this one would involve such danger. It is in my opinion very important that the evidence should be taken before our own officers who are cognizant of the facts ~~of the case.~~ Even having evidence taken in cases of this sort before a judge is apparently not a sufficient protection, for as you will probably remember the fraud which undoubtedly was committed on the Department in the Irving case (where the improvements of McDermid and Ross were used by Irving for the purpose of obtaining his homestead patent) occurred in connection with evidence ~~was~~ taken before a judge. If it had been taken before one of our own

The Hon. T. Mayne Daly,
Minister of the Interior,
Ottawa.

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own officers there is no doubt that the fraud would have been discovered. I have kept the original letter of Mr. Smith with your endorsation upon it for the purpose of using it in the amendment of the Dominion Lands Act, but think it well to make you this memorandum in the meantime.

Yours faithfully,

Sgd A. M. Burgess

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M. 235867.

Enclosure : Ottawa, 1st June, 1894.

My dear Minister,

The letter from Mr. Smith of which a copy is enclosed is, briefly stated, a recommendation that he should be authorized to accept evidence in support of all applications for patent made before a Justice of the Peace, a Notary Public, or a Commissioner in B.R., to be named by him for that purpose. This is really going back to a position from which we once receded because we found it was a fruitful source of perjury and fraud. I should be most willing to forward in any way in my power the making of any arrangement which would promote the satisfactory transaction of public business provided that arrangement involved no danger to the public interest. I very much fear that this one would involve such danger. It is in my opinion very important that the evidence should be taken before our own officers who are cognizant of the facts ~~of the case.~~ Even having evidence taken in cases of this sort before a judge is apparently not a sufficient protection, for as you will probably remember the fraud which undoubtedly was committed on the Department in the Irving case (where the improvements of McDermid and Ross were used by Irving for the purpose of obtaining his homestead patent) occurred in connection with evidence ~~was~~ taken before a judge. If it had been taken before one of our own

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Hon.T.M.D. 2:

own officers there is no doubt that the fraud would have been discovered. I have kept the original letter of Mr. Smith with your endorsation upon it for the purpose of using it in the amendment of the Dominion Lands Act, but think it well to make you this memorandum in the meantime.

Yours faithfully,

Sgd A.M. Burgess

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No. 296026
Ref. 58190

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 14th May, 1894. 18

☞ Do not write about more than one subject in the same letter.
☞ Write legibly your full name and address.
☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

Dear Mr.Daly,

It frequently happens that persons who have applied for patent and from whom it is necessary to obtain supplementary evidence, find it inconvenient to visit the Dominion Lands Office and experience occasionally some difficulty in giving the necessary evidence before an officer of the Department authorized to receive it, it is not always possible to send a Homestead Inspector to receive this evidence.

To meet the convenience of the settlers and at the same time properly safeguard against fraud, we have been in the habit of getting your authority for some Local J.P., within convenient reach of the settler to take the necessary evidence under Secs.38 and 95 of the Office consolidation.

It seems to me that it would facilitate the business if in this instance as well as in other cases in which I am authorized to act, authority were conferred upon me to accept evidence in support of an application for patent, given before the J.P., Notary Public or Commissioner in B.R, to be named by me for this purpose. If you concur in this view, will you kindly have the necessary words introduced in the proposed amendment to the Dominion Lands Act which are now under consideration.

Yours truly,

H. H. Smith

The Hon.T.Mayne Daly,
Minister of the Interior,
Ottawa, Ont.

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MEMORANDUM.

To Self:

Department of the Interior,

Ottawa, 188

QUERY.	ANSWER.
Dom. Lands Act Clause 137. Make it a summary conviction	

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M. 300962.

Ottawa, 23rd May, 1894.

Memorandum for Self:

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

Petitions have been addressed to this Department by a number of Half-breeds who settled along the Turtle River in the Lake Dauphin District of Manitoba before survey, asking that they may be allowed homestead entry for the lands occupied by them.

Upon the survey being made of the townships in which the lands in question are situated, it was found that the Section occupied and cultivated by these set- tlers embraced odd-numbered Sections set apart as Rail- way grants; a Hudson's Bay Company's Section, and one

School

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School Section, viz:- Section 29, Township 23, Range 15 West of the 1st Meridian.

With respect to the Sections set apart for Railway grants, it is proposed to set apart other lands in lieu thereof, and in regard to the Hudson's Bay Company's Section the Governor of the Company has been asked to accept another section in exchange.

The Department of Justice advises that assuming that the survey of the Township in which this School Section is situated was made subsequently to the repeal by the "Dominion Lands Act of 1883" of the provision contained in the earlier Acts for the recognition of the rights of squatters on lands which upon survey were found to be School Lands, the Governor in Council has no power to withdraw this Section from the School Endowment in order that an entry therefor may be granted to the Half-breeds who were in occupation of it prior to the survey. The express provision in the existing Act that no right to obtain homestead entry in connection with School Sections shall be recognized, forbids any such action.

Prior to the 21st of May, 1883, the Dominion Lands Act contained a clause enabling the Minister in the event

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event of a settler proving bona fide occupation and cultivation of a quartersection of School Land prior to its being surveyed, to grant him homestead entry therefor, and to set apart by publication in the Canada Gazette an equal area of unoccupied Dominion Lands in lieu thereof as School Lands.

In the Dominion Lands Act of 1883 this clause was left out, not, as I am personally aware, with the intention of preventing the Minister of the Interior from granting entry to School Lands in cases where he might consider it in the public interest to do so, but rather with a view of discouraging settlement in advance of survey, there being then, as indeed there is now, no necessity for settlers taking up land in unsurveyed territory, the area of Dominion Lands set out for settlement being very large and offering ample choice to intending settlers. The Half-breed population of the North West, however, have a sense of proprietorship in the soil - quite unfounded in fact and in law - which makes them feel free to select any land which is not occupied or owned by some other person; their natural disposition is to settle far in advance not only of survey but of civilization;

and

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and their position as a connecting link between the white people and the aboriginal races makes it very desirable that their wishes and even their prejudices should be respected where that can be done without injury to the public interest. It is therefore proposed to re-enact the above clause to cover the cases of the "quarters" on above section. A.M.B. H.

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MEMORANDUM.

To Dell

Department of the Interior.

Ottawa. 188

QUERY.	ANSWER.
The Dom Lands Colonization Company	
See if a provision can be put in bill to meet case.	
	A. P. H.
31. 5. 94.	

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Department of the Interior.

Topographical Surveys Branch.

Ottawa, 14 May 1894

To Mr Henry

I understand that this matter is very urgent: so please not delay the file.

E Deville
Ly

Deputy Minister

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Ref.

Department of the Interior,

TOPOGRAPHICAL SURVEYS BRANCH,

Ottawa, 14th, May, 1894.

Memorandum

In accordance with the directions which you gave me on Friday last, I submit herewith a draft of proposed amendments to the survey portion of the Dominion Lands Act.

As I reported before, I am not qualified either by education, training or experience, to deal with legal matters and I am aware that the proposed amendments do not remove all the objections which have been made to our mode of survey, most of which, I must reluctantly admit, are beyond my comprehension. Moreover, there are portions of the law which I believe to be defective but which I could not attempt to amend without legal assistance and advice. So, I submit these amendments, not with any expectation that they will prove acceptable, but simply out of deference to your renewed request for an expression of my views.

The surveys of Dominion Lands, as they are now made, are amply good enough for the purposes which they are intended to serve, viz: those of settlement. They are also reasonably cheap, taking into account the conditions under which they are made; if any improvements are to be introduced, they are not likely to be the result of

amendments

The Deputy Minister
of the Interior

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amendments to the law. I understand that all this is conceded and that the only objection raised is that our operations are not legal.

There are two ways of mending this state of affairs. The first one, which I think to be the best, would be to place the matter in the hands of a legal expert who would remove the legal traps into which we have been falling while we were striving to carry out what we conceived to be the object and intention of the law and who would frame his amendments to allow surveys being made without hindrance.

Or if this cannot be done, he might prepare a law which would obstruct our operations as little as possible and inform us of the particulars in which our mode of procedure must be changed to conform with the requirements of the law.

Respectfully submitted,

E. Deville

Surveyor-General.

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Proposed amendments to the Dominion Lands act.

SURVEYS.

8. 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~~, nearly as may be except when such townships or sections are rendered fractional by Lakes, rivers or other surveys or similar causes, together with such road allowances ~~between sections~~, and of such width, as the Governor in Council prescribes: and the provisions of this act shall be subject to such modifications as are the natural consequences of the establishment of such road allowances

System of survey. Townships.

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

N

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

S

The proposed change in the words makes this clause more comprehensive -

To provide for particular cases if such a proviso is necesary

To permit road allowances to be made elsewhere than between one section and another one -

Is not this a matter of course?

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Proposed amendments to the Dominion Lands Act.

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9. 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~~. Lines bounding townships.

East and west lines

How townships shall be numbered from principal meridian.

10. 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 one thousand eight hundred and sixty-nine, styled the "principal meridian," drawn northerly from the forty-ninth parallel of north latitude 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, in his direction of the land surveys, orders to be established:

From other meridians.

Designation of meridians.

2. Such meridians shall be styled the second, the third, the fourth meridian, and so on, according to their order in number westward from the principal meridian. ~~46 V., c. 17, s. 6.~~

Width of townships on base lines.

11. ~~Except as herein otherwise provided,~~ townships and sections shall be given their prescribed width on the base lines hereinafter mentioned; and the meridians between townships shall ~~be drawn~~ extend across such bases, northward and southward, to the depth of two townships therefrom, that is to say, to the correction lines hereinafter mentioned:

~~Certain meridians how surveyed.~~

~~2. The meridians between those townships situated between the International Boundary or first base line and the first correction line, shall be surveyed to the south from the said first correction line to the said International Boundary or first base line. 52 V., c. 27, s. 1.~~

Base lines of townships.

12. 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. ~~46 V., c. 17, s. 6.~~

Less pedantic

See explanation opposite clause 12

~~The~~ Provided the lines are in the right places, it is not a matter of public concern whether the survey is commenced at one end or the other - we should be allowed to do what is best according to circumstances.

It must not be assumed that the forty ninth parallel and the International boundary are identical

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Correction lines.

13. The correction lines, or those upon which the jog resulting from the convergence of meridians and the discrepancies of the Survey shall be allowed, 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, that is to say: they will be those lines running east and west between townships and midway between the bases. ~~46 V., c. 17, s. 9.~~

Divisions of a section.

14. Each section shall be divided into quarter-sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made. ~~46 V., c. 17, s. 10.~~

Allowance for deficiency or surplus.

~~**15.** 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; excepting in the case of the north and south closings in those townships between the first correction line and the International Boundary or first base line, which error is to be left in the last quarter-section adjoining the said first base line; but the Governor in Council may order such deficiency or surplus, and such north and south error or either of them, to be equally distributed among all the quarter-sections involved. 52 V., c. 27, s. 2.~~

Exception.

16. 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.

The disposal of the convergence of meridians and of the discrepancies of the survey is not a matter of public concern and should be left to us to do the best we can with them according to circumstances.

When a portion of a quarter section is rendered useless for farming purposes by a permanent lake, river or dock marsh, the area of such lake river or marsh may be deducted from

This is being done now for lakes of 20 acres at least. We do not survey smaller lakes as the expense would be greater than the land is worth.

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the area of the quarter section

~~18. 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; such 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 the 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. 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 townships 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. 46 V., c. 17, s. 14.~~ As to corners on correction lines.

19. The township subdivision surveys of 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 the Governor in Council, from time to time, directs: Surveys to be given out by contract or tender.

2. In special cases, where circumstances render it advisable to effect otherwise the survey of a township or townships, the Governor in Council may order the same to be done. ~~46 V., c. 17, s. 15.~~ Exception.

20. To facilitate the description 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 subdivisions of a section, which shall be styled legal subdivisions: Legal subdivision of townships.

N.

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

S.

To be provided for in the Surveyors' instructions – The Act should not be made a text book of Surveying

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Areas to be more or less.

2. The area of any legal subdivision 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 subdivision in the original survey. ~~46 V., c. 17, s. 16.~~

As to laying out and describing certain lands.

R.S.C., c. 18.

21. Nothing in this Act shall be construed to prevent ~~the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the Act respecting certain Claims to Lands in the Province of Manitoba, or to prevent~~ fractional sections or lands bordering on any river, or lake, or other watercourse, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided, or the describing of ~~the said lands upon the Red and Assiniboine Rivers, or~~ such subdivisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent any Dominion lands in the mountainous regions of Manitoba, the North-west Territories and British Columbia, where the ordinary mode of survey is impracticable, from being laid out into townships, sections, quarter-sections or legal subdivisions by fixing the corners of such townships, sections, quarter-sections, or legal subdivisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister directs, and the describing of such townships, sections, quarter-sections or legal subdivisions for patent by metes and bounds according to a plan of record.

Are not these surveys provided for in the next sentence? In any case they have all been made—

Should not B.C be omitted

X The Surveyor General may, with the Minister's authorization, issue instructions to Surveyors for carrying out the provisions of this Act—

New clause suggested if it is not a matter of course

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As to laying out and describing certain lands.

R.S.C., c. 18.

21. Nothing in this Act shall be construed to prevent ~~the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the Act respecting certain Claims to Lands in the Province of Manitoba, or to prevent~~ fractional sections or lands bordering on any river, or lake, or other watercourse, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided, or the describing of ~~the said lands upon the Red and Assiniboine Rivers, or~~ such subdivisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent any Dominion lands in the mountainous regions of Manitoba, the North-west Territories and British Columbia, where the ordinary mode of survey is impracticable, from being laid out into townships, sections, quarter-sections or legal subdivisions by fixing the corners of such townships, sections, quarter-sections, or legal subdivisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister directs, and the describing of such townships, sections, quarter-sections or legal subdivisions for patent by metes and bounds according to a plan of record.

Are not these surveys provided for in the next sentence? In any case they have all been made—

Should not B.C. be omitted?

New clause suggested if it is not a matter of course

X The Surveyor General may, with the Minister's authorization, issue instructions to Surveyors for carrying out the provisions of this Act—

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Reads in Y.W.T.

~~**98.** The Lieutenant Governor and Assembly of the North-west Territories may, with the consent of the Governor in Council, close up any road which has been transferred to the Territories, or vary its direction; and may, subject to any ordinances made in respect thereof, open and establish any new highway in the stead of such road; and the land in any road allowance, public travelled road, or trail so closed may be dealt with as the Governor in Council sees fit. 55-56 Vic., c. 15, s. 6.~~

As to lithographed copies, &c.

94. Lithographed or other copies of maps or plans purporting to be issued or published by the Dominion lands office ~~of~~ or the Topographical Survey Branch 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 *primâ facie* evidence of the originals, and of the contents thereof. ~~49 V., c. 27, s. 2, part.~~

SURVEYORS AND SURVEYS.

Qualifications required of Dominion surveyors.

99. No person shall act as surveyor of Dominion lands unless he was, before the fourteenth day of April, one thousand eight hundred and seventy-two, duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the provinces of Canada, or has become qualified under the provisions hereinafter set forth. ~~46 V., c. 17, s. 87, part.~~

Official style of surveyors.

100. Persons qualified under the provisions of this Act shall be styled "*Dominion Land Surveyors*," or "*Dominion Topographical Surveyors*," as the case may be. ~~46 V., c. 17, c. 87, part.~~

Board of Examiners.

Board to consist of Surveyor General and ~~eight~~ four colleagues.

101. There shall be a Board of Examiners for the examination of candidates for commissions as Dominion land surveyors, or as articled pupils, which shall consist of the Surveyor General and ~~eight~~ four other competent persons 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 February and August in each year, and at such other times as the Minister directs,—due notice thereof being given in the *Canada Gazette*; and the place of meeting shall be at the city of Ottawa, or such other place as is from time to time fixed by the Minister:

Meetings.

provided that the present members

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I understand that a separate act respecting roads and road allowances in the NW Territories is to be passed -

Appears necessary

To reduce expenditure

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Roads in N.W.T.

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of the Board may continue to hold office during pleasure -

Members to be sworn.

2. Every member of the Board shall take an oath of office, according to the form M, in the schedule to this Act, which shall be administered by a judge of any one of the Superior

~~person to whom the same was granted, to maintain actions or suits 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. 46 V., c. 17, s. 85.~~

~~**98.** The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary in schedule may be varied~~ Forms A to K

Clauses 102 to 124 inclusive — no change

The changes required are unimportant and the time at my disposal is too short to look into the matter carefully -

Standard of Measure.

Standard to be ~~English~~ measure of

125. The measure of length used in the surveys of Dominion lands shall be the Dominion

~~English~~ measure of length ; and every Dominion land surveyor shall be in possession of a ~~sub-sidiary standard thereof, which subsidiary standard,~~

length.

steel tape sixty six feet in length

tested

and stamped ~~as correct~~ by the ~~Department of Inland Revenue,~~ Board of Examiners, and such tape, together with a certificate of its length at a certain temperature and tension

The tests required for surveyors' standards of length are ~~not~~ altogether different from those applied by the Dept. of Inland Revenue to ordinary commercial measures and it seems proper that they be left to the Board of Examiners

Measuring instruments to be regula-

shall be furnished to him by the secretary of the board on payment of a fee of eight dollars therefor ; and all Dominion land surveyors shall, from time to time, regulate and verify, by such

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Standard to be ~~English~~ Dominion measure of length.

125. The measure of length used in the surveys of Dominion lands shall be the Dominion ~~English~~ measure of length; and every Dominion land surveyor shall be in possession of a ~~subsidiary standard thereof, which subsidiary standard,~~ steel tape sixty six feet in length and stamped ~~as correct~~ by the ~~Department of Inland Revenue,~~ tested Board of Examiners, and such tape, together with a certificate of its length at a certain temperature and tension

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Steel tape

ted thereby. Testing subsidiary standards.

~~standard~~, the length of their chains and other instruments for measuring; and the said ~~standards so~~ steel tape shall be returned to the secretary of the board as often as it requires to be tested again ~~any thing in the act respecting weights and measures~~ to the contrary notwithstanding.

Penalty for surveyor without standard.

~~2. Every surveyor who is found performing his duties without being in possession of the standards and measures which, by this clause he is required to have, shall be liable to be suspended for a period not exceeding twelve months. 49 V., c. 27,~~

2. The Board of Examiners may, in its discretion, suspend for a period not exceeding twelve months any surveyor who is found performing his duties as such without being in possession of the steel tape which by this clause, he is required to have. The procedure in such cases shall be the same as that prescribed by clause (120) of this act for the trial of Surveyors charged with gross negligence or corruption

As the sub clause stands now, nobody has authority to suspend the offender: the sub clause is therefore inoperative.

Clause 126 - no change

This clause contains a set of rules for the reestablishment of lost corners: its propriety is doubtful and it is a question whether the matter should not be left to the operation of the common law.

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Survey of Legal Subdivisions.

Method of proceeding in laying out a half or quarter-section or other legal subdivision :

127. When, in the survey of legal subdivisions, it is necessary for a Dominion land surveyor to establish the division line between two sections, he shall effect this by connecting, by a straight line, the opposite original section corners, if they exist, and if not, by similarly connecting the points established in renewal thereof, in accordance with the next preceding clause, giving, in either case, the quarter-sections involved an equal breadth :

Half or quarter-section ;

2. In laying out a half-section or a quarter-section he shall connect the opposite quarter-section posts by straight lines :

Other subdivisions.

3. In laying out other and minor legal subdivisions he shall give to every such subdivision its proportionate share of frontage and interior breadth, and connect the resulting terminal points by a straight line :

4- When in the original survey any of the corners of sections or quarter sections have not been marked by posts or monuments. the dividing lines between sections or their legal subdivisions shall be drawn according to the rules laid down in this clause after ascertaining the positions of the unmarked corners by the rules laid down in ~~clause~~ the next preceding clause for the renewal of lost and obliterated lines.

To replace the next following clause. The rule suggested seems more equitable than the existing one-

Lines drawn to be true limits.

54. 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 subdivision, whether the same correspond or do not correspond with the area expressed in the respective patents for such lands. 46 V.,

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Division Lines in Fractional Sections.

~~Dividing lines to be drawn from original corners.~~ ~~**128.** The dividing lines or limits between legal subdivisions, 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 :~~

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

~~Easterly and westerly lines.~~ ~~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. 46 V., c. 17, s. 112.~~

Replaced by sub-clause 4 of the next preceding clause

Original Boundary Lines.

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

129. All boundary lines of townships, sections or legal subdivisions, 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 subdivisions, blocks, gores, commons and lots or parcels of land under the authority of this Act or of the Governor in Council, shall, subject to the provisions hereinafter in this clause contained, be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, respectively, whether the same, upon admeasurement, are or are not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land :

Township survey may be cancelled.

~~2. Whenever the Minister of the Interior has reason to believe that any gross irregularity or error has been made in the survey of any township surveyed under the authority of this Act, the Governor in Council, upon the recommendation of the Minister of the Interior, may direct that such survey shall be cancelled and a new survey made, and the said new survey shall be made accordingly :~~

To be replaced by the proposed sub-clause 2

Boundary marks in such

~~3. In effecting any new survey as provided by the preceding sub-clause, all posts, mounds or other marks placed to mark~~

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~~the original survey which is to be corrected, may be removed, and the new posts, mounds or other marks placed to mark and define the new survey shall become the original marks of such survey:~~

~~4. The plan of any survey performed under the provisions of this Act, and of record in the Department of the Interior, or any tracing or lithographed copy of the same, may be altered and amended so as to show any and all alterations made by a new survey effected as provided by this Act. 52 V., c. 27, s. 7.~~ Amendment of plans.

2. Whenever any irregularity or error has been made in the survey of any lands surveyed under the authority of this Act or whenever the marks of any such survey have become obliterated, the irregularity or error may be corrected or a re-survey may be made and the survey as corrected or the re-survey so made shall become for all intents and purposes the original survey of the lands, provided that no change shall be made in the boundaries of any lands which are occupied or improved or the title to which has passed from the Crown without an Order of the Governor in Council

It is not a fact that the plan of any survey etc- may be altered and amended so as to show any and all alterations etc - It is most of the time impossible to do anything of the kind and if it were possible, it would not be desirable -

Can't see why a surveyor should wait for the order of the Governor in Council for correcting his mistake when nobody is interested.

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Clauses 130 to 137 inclusive - no change

138. Every person who, 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 the Governor in Council, is guilty of felony, and shall be liable to imprisonment for any term not exceeding seven years : Penalty for pulling down or destroying land marks placed by surveyor on original survey ;

2. Every person who, 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 subdivision, lot or parcel of land in Manitoba or the North-west Territories, is guilty of a misdemeanour, and liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court. ~~46 V., c. 17, s. 122, part.~~ And for pulling down or destroying other land marks so placed.

139. 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. ~~46 V., c. 17,~~ As to examining posts.

nor from destroying the marks of an irregular or erroneous survey in accordance with the provisions of clause (129) of this act.

This clause is inoperative : it appears to be nobody's business to prosecute the offenders —

Explains itself

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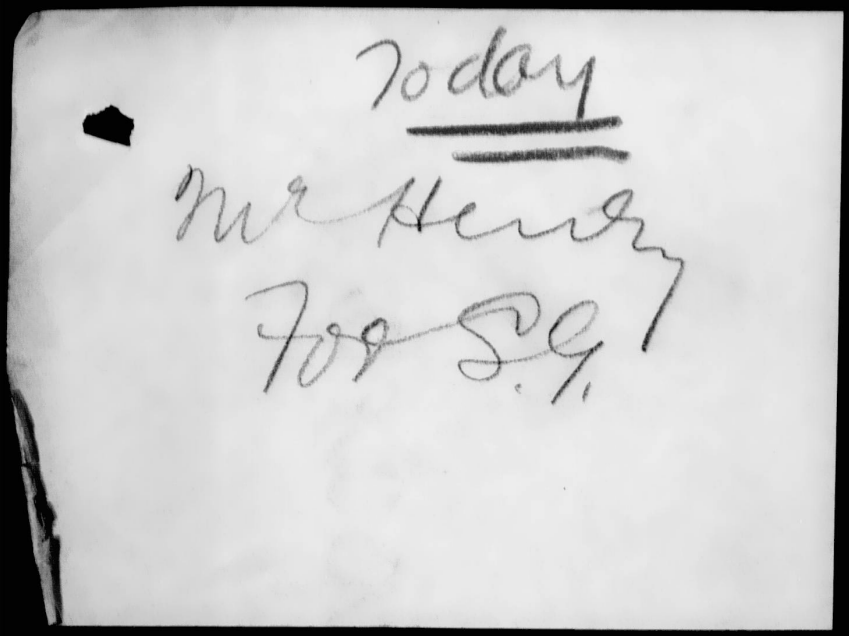

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Department of the Interior,
Ottawa, 9th May, 1894.

DEPT OF THE INTERIOR OTTAWA MAY 12 1894 TOPOGRAPHICAL SURVEY OF CANADA

Memorandum :- 285667 -

To the Deputy Minister,

Since I received your memorandum of the 25th ultimo and the files, relating to the proposed amendments of the Dominion Lands Act, which you sent to me with it, I have examined these as well as a number of other files having correspondence respecting the same subject, andthe only points I have to call attention to are the following :-

File 328349 covers correspondence relating to the necessity of amending form R (charge and acknowledgment) as by Clause 98 provision is only made for amendment of the forms, from A to K. Clause 92 of the Bill contains the necessary amendment on this point, but there is also another trouble, which the Commissioner deals with in his letter of the 4th instant, namely the necessity of providing a means for the registration of all "liens," which cannot now be registered or which have not previously been registered because of the want of an affidavit.

If the provision suggested by the Commissioner meets with your approval I suggest that the necessary clause should be inserted after Clause 30 of the accompanying Bill, and not in the Territories Real Property Act Bill.

Ref. 334431 relates to the necessity of amending Clause 42 of the Act, and this has been done

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done in Clause 27 of the Bill, but it appears to me that some qualifying words should follow after the words "nor shall any forfeiture accrue in respect thereof."

Ref. 353924 covers a recommendation from ~~Mr.~~ Richardson Grenfell to continue the two-mile radius homestead provision but I presume from other correspondence on file that it has been decided to drop that provision.

By a copy of a memorandum numbered Ref. 300962 I note that you then desired to provide for the recognition of claims of Half-breeds to School lands. I notice nothing in the Bill concerning the matter.

File 118239 covers correspondence relating to a military bounty warrant which a Mr. McLorg lost and which could not be duplicated because of the provisions of Clause 27 of the Act. These same provisions are those which are contained in Clause 42 of the Bill. Has it been decided to make no amendment ?

Commissioner Smith Considers some provision should be inserted that will make it possible to cancel an entry under the "hamlet system."

Files 264[illegible]348448 and 325163 cover correspondence relating to applications from women who desired to take up homesteads as "the head of a family" but who because the family consisted of an illegitimate child or children were refused that privilege.

With

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With regard to the correspondence between Governor Mackintosh and Mr. Haultain with the De - partment with regard to the necessity of amending Clause 6 of Chapter 15 of 55-56 Vic. so as to give power to Lieutenant Governor of the Territories act- ing under advice of the Executive Council of the Territories, if a council be created, or of the executive Committee if not, to close those roads which are referred to in the provisions in question under and in accordance therewith, I find that Clause 82 of the Bill corresponds with Clause 6 and must be amended if Mr. Haultain's wishes are to be ac - ceded to. When this is being done would it not be advisable to bring into the Dominion Lands Act Sections 107 and 108 of the North West Territories Act, and to repeal them in that Act ; or, if it is preferred to leave those two sections - 107 and 108 -- in the former Act should not Clause 82 of the Bill and any alteration thereof or addition thereto be made provisions of the proposed Act to further amend the North West Territories Act, in - stead of being included in the Dominion Lands Act. I have also to draw your attention to Mr. Newcombe's letter of the 7th instant upon the subject to which these remarks relate.

File 332329 covers correspondence relating to the question of homestead entry for a quarter - section traversed by rivers and streams, and the limitation of the entry to so much of the quarter section as is one bank only. A memorandum to Coun-

cil

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Council, dated the 4th December last, does not appear to have been signed or submitted by the Minister. Re. this see Clause 21, of the Act.

Although I have not been present this year during the discussions that took place when the amendments in this bill, or any other bill, were being ~~discussed~~ decided upon, it will not I presume be amiss for me to suggest further amendments in several of the clauses of the bill herewith.

✓ 1. Is it not advisable to repeal Chapter 4 of 56 Victoria, and make its provisions provisions of the Dominion Lands Act ?

✓ 2. Should not form R of the Act be changed to the form accompanying my letter to you of the 20th April, 1893, or to like effect, for the reasons stated in that letter ?

3. Clause 31 of the bill is incomplete as it now stands. The words "this Act" in the second line of the clause should be left out, and the words "the Act passed in the Session held in the fifty-first year of Her Majesty's reign and chaptered twenty-one" should be inserted.

Done

4. I find that Clause 84 of the bill is precisely the same as Clause 91 of the Act. If it has been decided that it is not advisable to amend this Clause and fix what Orders passed under any provision of the Act must be gazetted, should not the words "unless otherwise specially provided in this Act" be left out ?

Amended.

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3. Clause 31 of the bill is incomplete as it now stands. The words "this Act" in the second line of the clause should be left out, and the words "the Act passed in the Session held in the fifty-first year of Her Majesty's reign and chaptered twenty-one" should be inserted.

Done

4. I find that Clause 84 of the bill is precisely the same as Clause 91 of the Act. If it has been decided that it is not advisable to amend this Clause and fix what Orders passed under any provision of the Act must be gazetted, should not the words "unless otherwise specially provided in this Act" be left out ?

Amended.

REPEA
RÉPÉT

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I was under the impression that it is now settled that as Clause 91 stands no order or regulation passed under any provision of the Dominion Lands Act has any force or effect until gazetted, as thereby provided, and that all orders and regulations must be laid before both Houses. However I may be wrong in such impression, although I have never been able to see myself how any other interpretation can be given to the provisions in question.

Respectfully submitted.

T. G. Rothwell

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Ref.

Department of the Interior,

TOPOGRAPHICAL SURVEYS BRANCH,

Ottawa, 9th, May, 1894.

Dear Mr.Hall,

I have your note of this day stating that it is understood that I am looking after the amendments for the survey portion of the Dominion Lands Act and that Mr.Burgess asks you to enquire how I am getting on.

Mr.Burgess must be under a misapprehension: I am not looking after these amendments and I have not been requested to do so.

Yours very truly,

E Deville

John R.Hall,Esq.,
Secretary,
Department of the Interior.

DEPARTMENT OF THE INTERIOR
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DUPLICATE

Ottawa, 9th May, 1894.

Dear Mr. Deville,

It is understood that you are looking after the amendments for the survey portion of the Dominion Lands Act. Mr. Burgess asks me to enquire how you are getting on. We should have the balance of the Act in the Printer's hands.

Yours very truly,

E. Deville, Esq.,
Surveyor General,
Ottawa.

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DEPT. OF THE INTERIOR
RECEIVED
MAY
1894
OTTAWA

406/94.

Enclosure.

Ottawa, 7th May 1894

S i r;-

I have the honour to enclose file No.406 of this Department covering a letter from His Honour Lieutenant Governor Macintosh having reference to a proposal for the amendment of the Dominion Lands Amendment Act of 1892 so as to vest the power of closing roads in the Lieutenant Governor and Council instead of the Lieutenant Governor and the Assembly, and to validate any past action of this kind which has been taken by the Lieutenant Governor in Council. I shall be glad, if you desire it, to discuss the matter with you and to prepare any amendment which may be necessary to carry out the Lieutenant Governor's views.

I am,

S i r,

Your obedient servant,

Deputy Minister of Justice.

The Secretary,
Department of the Interior,
O t t a w a.

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DEPT. OF THE INTERIOR RECEIVED MAY 9 1894 OTTAWA

406/94.

Enclosure.

Ottawa, 7th May 1894

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Deputy Minister of Justice.

The Secretary,
Department of the Interior,
O t t a w a.

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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No. 406

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1894

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MAY 8 1894
OTTAWA.

Department of Justice.

~~ACCOUNT REGISTER.~~

From His Honor Lt Gov Macintosh

Address

Date Apl 26/30 1894

~~Account for~~ Suggested change in procedure of passing ordinances re road allowances

~~Amounting to $~~

ACTION:

DATE.	Cheque No.	PAYEE.	AMOUNT.		L. B.	PAGE.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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the consent of the Assembly, which meets but once in year - and I hold that all prior orders - in Council with reference to road allowances, if having been approved of by the Governor-in-Council - should be legalised, in order that no plot upon the title may hereafter arise. Would you thoroughly think of this, in case it has been overlooked, since I left Ottawa.

The weather is very fine and the people here looking for a good season.

Believe me
Ever faithfully
C.H. Macdonald

Government House
Regina

April 30/94.

DEPARTMENT OF JUSTICE APR 30 1894 CANADA

My dear Mr Newcombe

You may remember that I called your attention to the question of the Executive Committee passing ordinances with reference to Road allowances. (See Clause 6 58-56 Vict Dominion Lands).

I suggested a change by which the Lieut Governor (either alone or acting by and with the advice of the Executive, with the consent of the Governor in Council) could act. At the present time, it is impossible to legalise such, without

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GOVERNMENT HOUSE
REGINA

355882

DEPARTMENT OF JUSTICE
MAY 3
1894
CANADA

April 28th., 1894.

My dear Sir John:-

Many thanks for your letter. The prospective assistance towards North West affairs is giving great satisfaction.

(1) I really think, however, that the Assembly's life should be limited to three years.

(2) Also that the act should provide for thirty one members and the indemnity be fixed at $400, as I observe that full power to increase the indemnity and to limit the number to the present 25, would remain vested in the Assembly.

(3) I trust that the suggestions made by me and amendments forwarded, with reference to Magistrates will be incorporated in the Territorial act. I observe that Davin has a provision in a bill of his, as to Magistrates - but he omits providing for the oath being taken before a J.P.- my object being to save appointees the trouble and expense of going to a distance to take the oath. At all events changes of this character should come from the Government.

((4) I also gave Mr. Hall...)

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REPEAT/
RÉPÉTITION

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(4) I also gave Mr. Hall, for Mr. Newcombe, a memo with reference to road allowances, under the Dominion Lands act. This should be attended to - as the present system is illegal, in so far as titles are concerned - until the Assembly ratifies what the Governor in Council approves of.

With many regards

Ever faithfully

C.H. Macdonald

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REPEAT
RÉPÉTI

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No. 29525?

Reg. 58190

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 4th May, 1894. 18

- Do not write about more than one subject in the same letter.
- Write legibly your full name and address.
- Address your reply to the Commissioner of Dominion Lands, Winnipeg.

DEPT. OF THE INTERIOR RECEIVED MAY 8 1894 OTTAWA

Rejetés

23567

Dear Mr.Hall,

I have your letter of the 1st instant, and return herewith the copy which you send me of the galley of the proposed Dominion Lands Act.

Enclos:

It was arranged with the Minister at our last consultation in reference to the amendments to the Act which were then in contemplation, that in cases where it was desirable that power should be given myself or in my absence, a member of the Lands Board, to grant leave of absence, cancel entries, etc., the necessary words to effect this object would be inserted. I have indicated in the margin of the galley the several places where I think these words should be incorporated. Excepting for this, I have no further suggestions to make beyond saying that I agree generally in the recommendations of Mr.Ryley.

There is one further matter in which I think we should, if practicable, obtain legislation during this Session; that is, in regard to the registration of liens executed under the provisions of the Dominion Lands Act, 1883, and subsequent Acts. The Act of 1883 did not require the submission of accounts, statements of account and certificates of examination and verification which are now essential; nor did it require that there should be an affidavit

John R.Hall Esq.,
Secretary,
Department of the Interior,
Ottawa, Ont.

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affidavit by the persons who witnessed the execution of the lien.

It therefore happens that in a number of instances in which the homesteader has completed his duties and has applied for patent, we are unable to issue the usual certificate owing to his inability to discharge his indebtedness under the lien. The situation is extremely awkward for the lien holder, pending the issue of patent. Other creditors of the homesteaders appear to be able to secure writs which are recorded in the Registry Office and which, of course, take precedence of the lien itself, and consequently weaken the latter's security.

The amendment to the Registration law should provide for the registration of all liens and should enable the Registrar to issue a certificate of clear title.

I would suggest that provision be made for a reference to me of all liens not at present registered and which, for whatever reason, have not been made to conform in substance with the requirements of the present Act, and that upon issue of a certificate by me addressed to the District Registrar, setting forth the date when the lien was created and the amount now due under it by the homesteader, the Registrar shall accept and record it to rank among the instruments in his hands affecting the land according to the date which I may specify, and to stand as an encumbrance against the land in the amount to which I may certify.

The persons who observed the formalities prescribed by the Act of 1883, Mr.Scarth, for instance, also the late Sir Alexander Galt, find themselves now, through no fault of their own, cut out of their securities or compelled to take legal proceedings in order to remove

apparent

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apparent clouds upon their titles, and I think that we should extend any possible assistance in writing matters

Yours truly,

H. H. Smith

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M.

Department of the Interior,
Dominion Lands Office,
Ottawa, 2nd May, 1894 89

MEMO.

Mr. Hall.

Has this matter been attended to in the consolidation of the Act ?

A.M.B.
H.

I have noted it on the 4 may 94

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M.

Ottawa, 2nd May, 1894.

Dear Mr. Haultain,

I beg to acknowledge the receipt of your letter of the 26th ultimo with regard to the question of road allowances. The Lieutenant Governor also spoke to me in regard to this matter and what may be necessary will be done in the amending of the Dominion Lands Act.

Yours very truly,

(sd) A. M. Burgess

F.W.G.Haultain,Esq.,

M.L.A.,

Regina, N.W.T.

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Regina, 26th April, 1894.

Dear Mr. Burgess,

A question has been raised as to the legality of our procedure with regard to closing up road allowances and established trails, and this Session will be a good time to clear the whole matter up.

Under the Act of 1892 amending the Dominion Lands Act, power is given to "the Lieutenant Governor and the Legislative Assembly, with the consent of the Governor in Council" to close up any road &c.

In 1889 we passed an Expropriation Ordinance under which we have been working. The Garnett case was the first one dealt with, and our local Order-in-Council was approved by the Governor General in Council.

The opinion has been expressed that each of these cases must be dealt with by Ordinance and that the Assembly has no power to delegate its duties in this regard to anyone else. On the ground of convenience I would ask for some amendment allowing matters of this sort to be dealt with by the Lieutenant Governor acting on the advice of the

A.M.Burgess, Esqre,
Deputy Minister of the Interior,
Ottawa.

Executive

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A.M.B. (2)

Executive Council of the Territories (if an Executive Council is created) or of the Executive Committee, subject to the provisions of any Ordinance which may be passed on the subject.

The Lieutenant Governor spoke to Mr. J.R. Hall and Mr. Newcombe on this question and further suggested that the one or two cases already dealt with should be legalized, if necessary.

Yours faithfully,

W.G. Scantlebury

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Action.

Dear Rothwell

Please attach this
to the Land act file
now in your hands

[illegible] 1 may 94

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(G.P.)

DUPLICATE

Ottawa, 1st May, 1894.

My dear Commissioner,

I send you herewith a copy of the only galley of the proposed Dominion Lands Act which has been printed so far and is arranged in accordance with the understanding reached at the conference on the subject at which you were present, with explanatory marginal notes by myself.

Encl:

You will recollect that we only considered the existing Act as far as Section 62, leaving the subject of timber for further consideration. Since then we have had no conference about the timber clauses beyond a brief discussion at which Mr. Ryley pointed out that there are several conflicts between the law and the existing regulations, and he recommends that we drop any of the timber clauses which relate to matters dealt with in the regulations, as has been done ~~by~~ about grazing leases.

The timber sections Nos. 63 and 64 appear to be --

H. H. Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg,
Man.

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be unobjectionable, but 65 has never been acted on. We do not declare ~~xx~~ any particular district to be a timber district.

Clause 66 provides that the berths shall be reserved from sale and settlement, but clause 2 of the timber license under section 10 of the timber regulations provides that the licensee shall not be allowed to interfere with the settlement of any lands within the berth which may be desirable for settlement.

Clause 67 restricts us to public auction, but under the regulations we dispose of them by tender. Sub-clause 2 of section 67 says we may grant a lease without competition where there is only one applicant, but the regulations say that all licenses must be acquired by public ~~xxxxxx~~ competition.

Clause 70 contains a lot of detail which it would be better to leave to the regulations, as the existing regulations do not tally with some provisions of this clause.

Clause 71 might stand.

Clause 72 we have on the stocks ~~of this~~ proposed amendments to the regulations which would modify the term "all timber" in the 12th line of this clause to "of a diameter of 10 inches and upwards". The reason for this change

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change is that the licensees are not entitled to timber cut under 10 inches.

Clauses 73, 74, 75, 76 and 77, should I think be retained in the Act.

You will see by the galley that we have changed the position of clause 78, as the subject of Forest Parks should not intervene where it does in the existing Act.

Clauses 79 to 89, both inclusive, apparently must be retained. I have not studied these clauses to see whether they require fixing up, but presume they were gone over carefully when first drawn up.

The enclosed galley does not take in the survey clauses, but you are not interested in those provisions of the Act. If there are any further suggestions which you wish to make we will be glad to hear from you as soon as possible.

Yours faithfully,

H. Stewart

Secretary.

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Dominion Lands Commission,

WINNIPEG, 27th January, 1884.

My dear Hall,

After you have finally settled the draft of the proposed Land Act, might I ask you to let me have a copy, and await any suggestions I may wish to make before having it printed for presentation to the House, and oblige .

Yours truly

H St Smith

John R. Hall Esq.,
Ottawa.

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MEMORANDUM.

To Mr. Henry Department of the Interior.

Ottawa. 188

DEPT. OF THE INTERIOR RECEIVED MAY 1894 OTTAWA.

QUERY. ANSWER.

This corr. should go on file.

Ans. P.A.

4/5/94

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M.

Department of the Interior,
Dominion Lands Office,
Ottawa, 16th April 1894. *189*

DEPT OF THE INTERIOR RECEIVED MAY 5 1894 OTTAWA.

MEMO.

Mr. Nelson.

Please look in your letter-book and see if such a letter has been sent to the Commissioner.

A.M.B.
H.

Mr Hume
We have looked back to 28 Oct. last and can find no such letter. Any use to look further?
M.
17/4/94

e [illegible]
Done

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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M.

Ottawa, 13th April, 1894.

Memorandum :

Mr. Henry.

Please send me any statement from the Commissioner with regard to Amendment to the Dominion Lands Act. I want to see my letter to him asking for synopsis of proposed amendments.

A. M. B.
H.

No Statement appears in my books rec'd from the Comm'r this year and I do not remember seeing any — This is the D. L. Act amendment- file, and had I rec'd it would have put it on — Mr. Nelson's Books will show if your letter asking synopsis.

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E.C.

DEPT. OF THE INTERIOR RECEIVED MAY 1894 OTTAWA.

Ottawa, 8th March, 1894.

Dear Mr. Smith,

The Minister has handed me your letter of the 24th ultimo and asked me to send you proof copy of the proposed Consolidated Dominion Lands Act. Mr. Hall will take care that a copy is sent to you as soon as the whole Act has been gone over and returned from the printer.

Yours faithfully,

D.M.I.

H. H. Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg,
Man.

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Mr Kume.

See this & shew
Dm. A.C.

28/2/94

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Dominion Lands Commission,

WINNIPEG, 24 Feby 1891

My dear Minister

Will you kindly let me know if the proposed Consolidated Dom. Lands act is yet complete if it is I shall be glad to see it before it is finally printed as much have a few suggestions or alterations to make

Yours truly
H. A. Smith

The Hon:
T. McDaly
Ottawa

a.c.
Ask Mr Burgess to send Galley or proof to Mr Smith

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STÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385816

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Unofficial

Dominion Lands Commission,

WINNIPEG, 25th January, 189 4.

My dear Hall,

It occurs to me that in revising the Land Act we have made no provision for the cancellation of an entry under the Hamlet System . Will you please consider this, and make such provision as may be necessary in the premises .

Yours truly

A. A. Smith

John R. Hall Esq.,
Ottawa .

DEPARTMENT OF THE INTERIOR
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M. 235667.

Department of the Interior,
Dominion Lands Office,
Ottawa, 25th April, 1894. *189*

MEMO.

Mr. Rothwell:-

Please look at these papers and mark anything on the file in the nature of a suggestion that is not contained in the Bill so far.

A.M.B.
H.

DEPARTMENT OF THE INTERIOR
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M.

TELEGRAPH.

H.H.Smith, Esq.,

Winnipeg, Man.

Department of the Interior,

Ottawa, 25th April, 1894 1889

Please send synopsis of your suggestions regarding amendment Dominion Lands Act.

A.M.Burgess.

Chf. Interior.

A.M.B.

H.

Copy of Telegram.
Sent by
Date 25/4/94
Line
Time 12.40

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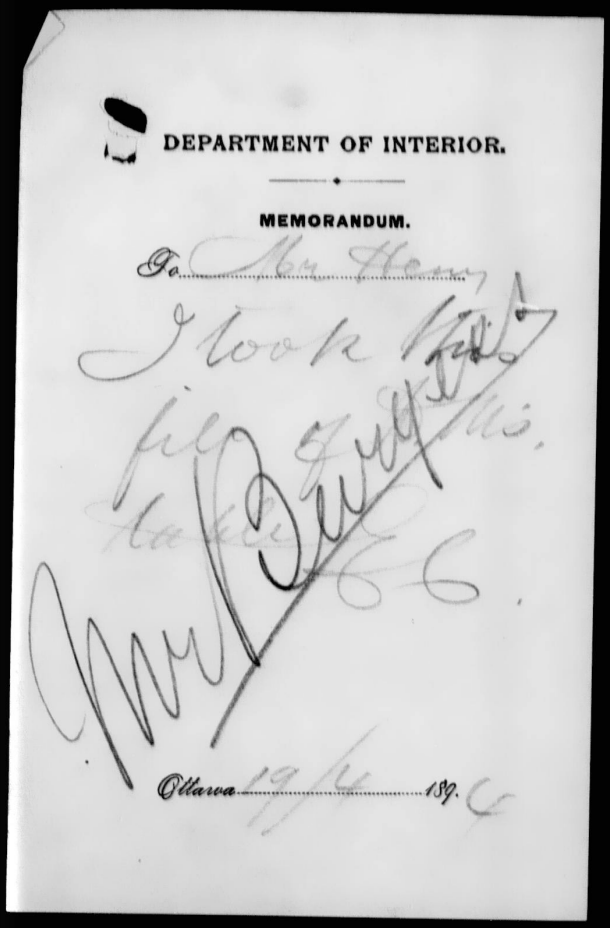

DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr Henry

I took this file of Mrs. Hall [illegible]

Mr Burgess

Ottawa 19/4 1894

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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M.

300962.

Important:

Ottawa, 13th April, 1894.

Memorandum:

Mr. Henry.

Please place on the Dominion Lands Bill file a reminder to take legislation to deal with the claims of Half-breeds on School Sections, File 300962.

A.M.B.

H.

Attach to 235667 - dom

235667

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385816

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M.

1894 5

235667.

Ottawa, 20th March, 1894.

Memorandum :

Mr. Rothwell.

In relation to the consolidation of the Dominion Lands Act I think the interpretation clause should be amended by defining the Local Agent as "the Agent of Dominion Lands employed as aforesaid" or in his absence the senior clerk performing his duties.

A.M.B.
H.

Mr Burgess 20/3/94

I would insert here the words 'in his office' in addition to the amendment above proposed. I was not before aware that this Act was being consolidated, altho' I understood you had the matter in contemplation.

T. Rothwell

DEPARTMENT OF THE INTERIOR
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M.

Department of the Interior,
Dominion Lands Office,
Ottawa, 9th April, '94 *189*

MEMO.

235667.

353924

DEPT OF THE INTERIOR RECEIVED APR 10 1894 OTTAWA.



Mr. Henry.

Please put this on the file relating to the amendment of the Dominion Lands Act and return to Mr. Burgess.

H.E.H.
M.

Mr Burgess

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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353924

Letter No.

File No.

M.

Department of the Interior,

DEPT. OF THE INTERIOR RECEIVED APR 10 1894 OTTAWA.

☞ Address your reply as follows: To the Secretary of the Department of the Interior, Ottawa.

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

☞ If you reply to this letter quote its reference number.

Ottawa, 9th April, 1894.

Sir,

I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 24th ultimo and in reply to say that after careful consideration Parliament two years ago abrogated the provision of the Homestead law known as the Two-Mile-Radius Clause, and that by virtue of this Act, as you are aware, the clause was repealed from and after the 1st of January last. The experience of the Department in regard to its working was very unfavourable but the Minister will give the subject his consideration in connection with the consolidation of the Act which is now almost ready for presentation to Parliament.

I have the honour to be,

Sir,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

R.P.Richardson, Esq.,

Grenfell, Assa.

DEPARTMENT OF THE INTERIOR
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353924

M.

Ottawa, 6th April, 1894.

My dear Minister,

I return enclosed the letter of Mr.

Encl: B.P.Richardson, of Grenfell. What Mr. Richardson urges in favour of the Two-Mile-Radius system is quite true, but at the same time you know that nine-tenths of all the difficulties we have had in the Department in connection with homesteads arose out of the Two-Mile-Radius clause. I think the answer should be that after careful consideration Parliament two years ago abrogated this provision of the law from and after the 1st January last; that it is now repealed by virtue of that Act; that the experience of the Department in regard to its working was very unfavourable, but that you will give the subject your consideration in connection with the consolidation of the Act which is now almost ready for presentation to Parliament.

Yours faithfully,

A. M. Burgess

The Hon. T. Mayne Daly,
Minister of the Interior,
Ottawa.

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353024

DEPARTMENT OF THE INTERIOR CANADA

DEPT. OF THE INTERIOR RECEIVED APR 10 1894 OTTAWA

A. M. Burgess, Esq.

Memo

The Minister asks me to shew you this

4-4-94 A.C.

5.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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B. P. Richardson,
Conveyancer, Notary Public,
Money to Loan,
INSURANCE, &c.

353924

Ans 2.4.94

Grenfell, N.W.T. March 24 1894

DEPT OF THE INTERIOR RECEIVED APR 10 1894 OTTAWA

Hon T. Mayne Daly
Minister of Interior
Ottawa

Dear Sir,

I see by the press that you purpose introducing a Bill to amend & consolidate the Dominion Lands act at this Session of Parliament.

Allow me to suggest that the two mile clause (Sub Clause 6. Sec 38) be again made a part of the act. No doubt it is thought by some that this clause allows speculators to get homesteads. Where one speculator is benefited twenty bona fide homesteaders are helped to obtain land.

For instance a farmer with two boys settles on a quarter section. By obtaining land under the 2 mile radius the boys take up additional quarter sections within that distance. Forty acres must be cultivated on each of these and with the cultivation on the original quarter section gives a good area under crop.

The same implements do the work, the keeping up of one household and the strength which such union in labor brings is theirs

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B. P. Richardson,
Conveyancer, Notary Public,
Money to Loan,
INSURANCE, &c.

2 353024

Grenfell, N.W.T. 189

By the time the residence duties are to be fulfilled the young men are ready to settle down.

Take the case of a man who has not means to begin farming on his own account. Under the two mile limits clause he may work for a neighboring farmer for wages who in turn performs the cultivation duties at so much per acre for the young man. At the end of the term the young man has saved enough to build a house and work his farm. Without this system we would have lost a great many of our best settlers who are now doing well on their farms. Also the young man gets the necessary experience which qualifies him to become successful.

I consider the two mile limit clause one of the very best we ever had.

There are still a number who are entitled to second homesteads. It was arranged that these could homestead their pre-emptions and continue to reside on their first homesteads. This is a wise provision and should be continued.

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353924

B. P. Richardson,
Conveyancer, Notary Public,
Money to Loan,
INSURANCE, &c.

Grenfell, N.W.T. 189

There are others although entitled to a second homestead have paid for their pre-emptions. Now some of these can get a second homestead within two miles of their first homestead. These should be permitted to either reside upon their first homestead as the others or they should be allowed to make entry under the two mile act which was recently repealed. Surely the man who has struggled and paid for his pre-emption is more entitled to some consideration than the one who has not made any effort to keep his obligation with the govt? A re-enactment of the 2 mile clause would cover a multitude of cases which are quietly being rectified but if it is not re-enacted I believe there will be more difficulties than ever to overcome. The pioneers of a new country have it hard enough without making their success more difficult. I have had a great many people appealing to me to write you upon this matter & I voice the sentiments of hundreds in this constituency. I trust that the amended act may be entirely satisfactory. I should be glad to receive a copy of the Bill. Believe me Dear Sir

Yours truly B. P. Richardson

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Memo. 30/3/94

Mr. Hall

Please see me at your earliest convenience about this whole subject.

A.M.B.
H.

1602

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Dom. Lands

Bill. file

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✓ 352930 No. 290764

Ref. 275840.

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 22nd. March, 1894.

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

25426 290764 23567.

DEPT. OF THE INTERIOR RECEIVED MAR 26 1894 OTTAWA

Sir,

I am directed by the Commissioner to enclose herewith sample of a form of Declaration of Abandonment, No 215a, which appears to have been recently issued by the Department, in which an omission of the figures "1893" occurs after the words "The Canada Evidence Act" and to request that all future issues of this form may have this omission corrected.

As some of the Agents have probably been supplied with these forms, the Commissioner has deemed it advisable to issue a circular letter to all Agents and Homestead Inspectors, instructing them to correct the forms now in their hands.

I enclose a Declaration on one of the forms referred to, which please return here.

I am, Sir,

Your obedient servant

Secretary.

The Secretary

Department of the Interior

Ottawa.

Ont

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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352930 7740

Declaration of Abandonment.

In the Matter of the S.W. quart of section 18 Township 3 4 Range 1 West of the 5th Meridian.

Homestead ..... Pre-emption .....

I, ... 298471

solemnly declare :—

THAT I made entry for the above mentioned lands, at the Dominion Lands Office at Calgary on the 13th day of December 1892 and I now ask to have said entry cancelled, and to be permitted to take up another homestead, for the following reasons, viz :— The place was not suitable for stock

14188

There are no improvements on the land, except the following A log house partly finished

THAT I have not either directly or indirectly received, nor have I been promised, nor do I expect to receive, any consideration of any kind for allowing said entry to be cancelled.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me,

at Gleichen . N.W.T.
this 10th day of March
A.D. 1894
* [signature] J. P.

Signature Henry Scott

Address Namaka

* J. P. ~~or Com.~~ in ~~B. R.~~ to sign here.

Form No. 215a.

OFFICE OF DOMINION LANDS CALGARY, N.W.T. RECEIVED MAR 14 1894

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Sample sent to H.O.
to be returned to
Commissioners' office
Wpg - A.B.
21/3/94

DEPT. OF THE INTERIOR
RECEIVED
MAR 27 1894
OTTAWA

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Department of the Interior,
Dominion Lands Office,
Ottawa, ... *189*

MEMO.

To hold till Mr. King returns.

ac.

6th March, 1894.

Return to D. M.

DEPARTMENT OF THE INTERIOR
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S 26985

Ref.

Department of Interior,

TOPOGRAPHICAL SURVEYS BRANCH,

DEPT. OF THE INTERIOR
RECEIVED
MAR 5 1894
OTTAWA

Ottawa, 5th, March, 1894.

Memorandum

In reply to your note of the 26th ultimo, stating that we might proceed with the printing of our revised Manual and get an Order in Council to authorize the issue for surveys for the coming season of instructions based upon it, I have to report that no revise of the Manual has been prepared since the edition of 1892 was printed.

Is a revise to be prepared, and if so what are the changes to be made in the last Manual?

Respectfully submitted,

E Deville

Surveyor-General.

The Deputy Minister

of the Interior

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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235665.

Ottawa, 28th Feb., 1894.

Dear Mr. Deville,

I vill fix an early day at which to see Mr. King and yourself regarding the amenament of the Act.

Yours very truly,

A.M.Burgess

H.

. Deville, sq.,

Surveyor General,

Ottawa.

DEPARTMENT OF THE INTERIOR
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Ref. 25667

Department of Interior,

TOPOGRAPHICAL SURVEYS BRANCH,

DEPT. OF THE INTERIOR RECEIVED FEB 27 1894 OTTAWA.

Ottawa, 27th, February, 1894.

Memorandum

In your memorandum of the 22nd instant, you say that you want to see Mr. King and myself together in regard to the amendments to the Dominion Lands Act. Will you please let us know when we are to call.

Respectfully submitted

E. Deville

Surveyor-General.

The Deputy Minister

of the Interior

DEPARTMENT OF THE INTERIOR
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M.

313300
268336

350693

DEPT OF THE INTERIOR RECEIVED FEB 27 1894 OTTAWA.

Ottawa, 26th February, 1894.

Dear Mr. Deville,

With regard to the question of amending the Manual of Survey,- as we are about to have it confirmed by legislation, I do not think an Order in Council is necessary. As you are aware I have always been of the opinion that in so far as the Manual of Survey is inconsistent with, or does not conform to, the provisions of the Dominion Lands Act, no Order in Council would put it right. On the other hand, legislation will. I think, in anticipation of this legislation, we might safely proceed with the printing of your revised Manual, and also get an Order in Council simply setting out that the Manual has been revised; that Parliament is being asked to confirm its provisions by legislation, and recommend that in the meantime the Surveyor General be authorized to base upon this revised Manual the instructions

E. Deville, Esq.,
Surveyor General,
Ottawa.

for

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E.D. 2: 350693

for surveys for the coming season. Please let me know as soon as you possibly can, whether you do not think that would be sufficient ?

Yours very truly,

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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International Boundary Commission.

No. 185.
Refer to No. 27 A.
in your reply.

Ottawa 24th. February, 1894.

Dear Capt. Deville /-

Your memorandum of the 9th. February on the proposed Amendments to the Dominion Lands Act having been referred to me by the Deputy Minister, I feel compelled to say that I think you over-rate the difficulty of obtaining the compliance of surveyors with the proposed provisions of the law.

I see nothing in the proposed Bill which is not already in the Manual of Surveys, and has been in the Manual of Surveys for years back. Surveyors have been compelled in the past to abide by the provisions of the Manual of Surveys, and I understand that before the account of a contract surveyor is paid it has been customary to require a certificate from the Chief Inspector of Surveys that the work has been done in accordance with the Manual of Surveys. Mr. Dennis has informed me that he never makes this certificate until he is satisfied that the law and the instructions have been complied with.

I think everyone is agreed that the Dominion Land Surveys should be made on a uniform system; and to insure this general instructions of some kind are necessary. It is impossible to make an Act of Parliament which will cover all cases, at any rate in such a technical matter as the surveys of lands; and it would be quite out of the question to give a surveyor,

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International Boundary Commission

Ottawa

No.
Refer to No.
in your reply. E. D. -2.

in his individual letter of instructions, full directions as to how his work is to be performed; how he is to take an azimuth observation, how he is to chain, what kind of mounds he is to build, what his field-notes are to contain, and so on.

The necessity of general instructions, then, being granted, the only question is shall these general instructions be embodied in an Act of Parliament, or shall they be issued by the Minister, or the Governor In Council. It seems advisable that the general features of the system should be set forth in the Act, especially as the part of the Act relating to the grant and sale of lands speaks of townships, sections, quarter-sections and so on, and it is necessary for the Act to define what these are.

The plan which appears to be the best one, and that most in conformity with the general rule as to administrative acts of Parliament, seems to be that the general principles, should be as set forth in the law, and the manner of applying these principles, should be left in the hands of the executive Government. This principle has been recognized throughout in the administration of the lands; ever since the surveys was started we have had a Manual of Surveys supplementary to the Act of Parliament. This principle, I think, is followed out in the amendment proposed. I do not think there is anything new in the amendments. They are only an amplification of the provisions of the present

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International Boundary Commission

Ottawa

E. D.-3.

Act. Those new clauses in which there seems to be the greatest departure from the principle of putting only general provisions in the Act; as for instance Sub-sections 2, 3 and 4 of Section 15 of the Amendment, are really only intended to legalize beyond doubt, certain departures from the letter of the law which have unavoidably occurred.

Doubt having been cast upon the legality of certain provisions of the Manual of 1892, and since I was largely concerned in the compilation of it, I would ~~say~~ recall that this Manual was compiled, under your directions and your personal supervision, for the purpose of consolidating and simplifying existing instructions to surveyors, and with a further object of removing everything which clashed with the law. At the time I stated to you, and I thought you concurred in my opinion, that there were a few clauses which might possibly require amendments to the law, but that I thought the bulk of the Manual could be rendered legal by Order in Council.

I do not pretend to be competent to decide on points of law, but since the legality of my work has been questioned to so serious an extent, I may, perhaps, be permitted in self defence to show the principles upon which I worked. This I will attempt to do by classifying the provisions of the Manual into eight classes, showing in each case the application of the principle I worked on to the objections stated in your memorandum

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International Boundary Commission

Ottawa

E. D. -4.

"

dated 15th. November, 1893.

See Manual, § 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 18, 24, 25, 26

1. Some clauses are merely statements of the law, conveyed either in the exact words of the Act or in equivalent words; that is, translated from technical legal expressions to technical surveying language. This, I think, is within the powers of the Governor in Council, under Sub-clause *h*, of Clause 90 of the D. L. Act.

§ 42 & 43
§ 35 to 41
§ 28 & 29
§ 27

2. Others are not contrary to the law, but are placed by the Act within the jurisdiction of the Governor-General in Council. Under this head come the clauses providing for the different widths of road allowances in different parts of the country &c.

§ 94
30, 31, 32, 34, also pages 17 to 66

3. Others consist merely of directions as to how the law is to be carried out and appear to be within the competence of the Surveyor-General. I think it is a general principle of law that the Crown owns the lands and the Queen can survey these lands in any way she pleases, except in so far as she has limited herself by assenting to an Act of Parliament. The Act of Parliament is not the source of authority but rather the limitation of it. Outside of the expressed limitations, the powers of the Queen, and the Minister of the Interior, representing her, remain as before. The Act gives the Minister of the Interior the survey and administration of Dominion Lands, and provides that there shall be a certain officer under him called

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International Boundary Commission

Ottawa

E. D. -4.

"

dated 15th. November, 1893.

See Manual, § 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 18, 24, 25, 26

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§ 42 & 43
§ 35 to 41
§ 28 & 29
§ 27

2. Others are not contrary to the law, but are placed by the Act within the jurisdiction of the Governor-General in Council. Under this head come the clauses providing for the different widths of road allowances in different parts of the country &c.

§ 94
30, 31, 32, 34, also pages 17 to 66

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REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
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International Boundary Commission
Ottawa

the Surveyor-General, and it is a fair inference, I think, from Clause 121, that the Surveyor-General may issue instructions; these instructions, of course, are the instructions of the Minister, since the Surveyor-General, under the Act, is his officer. There is, therefore, no force in the first objection stated in your memorandum of the 15th. November.

4. Others are contrary to the letter of the law, but are necessary results (a) from carrying out the law, or (b) from carrying out those directions of the Governor in Council for which the law provides. Under (a) will come the clauses relating to broken townships or ranges abutting on initial meridians; and under (b) would come fractional townships and ranges between different modifications of the system of survey in which a departure from the thirty-six sections required by law is rendered necessary as a mathematical consequence of changes in widths of road allowance made by the Governor General in Council under authority of the Act. I presume it is within the power of the Council to provide for difficulties of this kind, under Sub-section h of Section 90.

§ 92 & 93

5. Some are contrary to the regulations of the Council as they stand at present. This is the case with certain provisions relating to the survey of the Railway Belt in British Columbia and to the boundaries of that particular modification of the system. This difficulty would be set right by the approval by Council of the Manual.

§ 41. 27, 29, 30 (?)

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6. Some provisions are contrary to the letter of the law but not contrary to its spirit. This, I think, is only the case in what may fairly be considered trifling matters; for example
§ 50, 51 the provision of law that only one row of posts be planted, except on correction lines. It is necessary, and has been the custom always, to plant two rows of posts on the boundary between different modifications of the system. The Manual, in providing for this, no doubt clashes to some extent with the law, and an amendment has been put in the Act which will remove the difficulty.

7. Some clauses are in addition to the law in important matters. It seems that there is no authority in the law for the
§ 100 survey of water areas. Such survey, however, is not contrary to the law, but within the power of the Minister of the Interior, who may call for any information he requires. Similarly, there is no provision in the Act requiring surveyors to furnish annual reports. The Minister, however, surely has power to call for these reports.

8. There is no provision in the Act for the disposition
§ 99 of the errors of survey. It is however, I conceive, a principle of law that the law does not require impossibilities, also it is a principle of surveying that no survey is perfect; errors must occur, and they must be disposed of in some way. If it is not in the power of the Minister to direct how this shall

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be done I presume it is within the power of the Governor General in Council, under Sub-section H of Section 90. These errors have sometimes serious results; as in case of correction lines closing on initial meridian.- (See Clauses Nos. 92 and 93 of the Manual.) The difficulty here results in the fact that the sides of townships are required to be straight lines by the Act, and the Governor General in Council, under the authority of the Act, requires that a road allowance of one chain in width be left between the townships. The errors of survey make these two requirements incompatible. I think Sub-clause 5 of Section 18 of the Amendment will dispose of these difficulties as well as most of the others. This Sub-clause is, I consider, the most important provision of the proposed Amendment, and I would ask that the very fullest consideration be given to it before the Bill is presented to Parliament.

I wish also that when you are discussing these amendments with the Deputy Minister you would call his attention to Mr. Miall's letter of the 15th. January, in which he asks that in the Amendment relating to standard measure the words be introduced "anything in the Act relating to Weights and Measures to the contrary notwithstanding." Perhaps this could be put in in a sub-clause giving the Board of Examiners power to issue legal standards for land measures to Dominion Land Surveyors and others who require them.

Yours sincerely,

E. Deville, Esq.,
Surveyor General.

W. F. Kinsey

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Memorandum

Department of the Interior
Technical Branch

Ottawa 18

To

Please forward to Mr King as instructed in D.M. letter of the 22nd inst.

M Brady

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Ref. 23 5667

Department of Interior,

TOPOGRAPHICAL SURVEYS BRANCH,

DEPT. OF THE INTERIOR OTTAWA FEB 23 1894 TOPOGRAPHICAL SURVEY OF CANADA

Ottawa, 23rd, February, 1894.

Memorandum

Mr.Pearce entirely misses the gist of my remarks and answers objections which I do not make.

The Manual of Survey now contains my instructions to surveyors: I can and I do approve and confirm surveys even when they do not comply with all the requirements of the Manual, because I have as much authority to change my instructions as I have to issue them.

You now propose to embody in the law a number of the clauses of the Manual: the provisions of these clauses will then have to be complied with before a survey can be approved or an Act of Parliament will have to be passed to authorize the survey.

You further propose to confirm by Order in Council the remaining clauses of the Manual: these clauses will also have to be complied with before a survey can be approved or an Order in Council will have to be passed to authorize the survey.

Respectfully submitted

E Deville

Surveyor-General.

The Deputy Minister

of the Interior

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Department of the Interior,
Dominion Lands Office,
Ottawa, ... *189*

MEMO.

Mr Henry
For SG

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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M.

235667.

Ottawa, 22nd February, 1894.

Memorandum :

E. Deville, Esq.,

Surveyor General.

Please read over and make such notes upon Mr. Pearce's report hereunder as you may think necessary, and pass it on to Mr. King. I want to see Mr. King and yourself together in regard to this case. As soon as I get the Estimates off my hands I intend to devote myself to the amendment of the Act, and therefore there will be no time to spare.

A.M.B.
H.

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Ottawa, 16th February, 1894.

Dear Mr. Burgess,

With reference to the memorandum of the Surveyor General of the 9th instant underneath, I have attached to this file the original manuscript of Mr. Dennis. This was revised by Mr. King, and as the latter gentleman is available, I would suggest that you ask him to make a memorandum in the matter, as he has given the question very much more consideration than I have myself. I will only make a few comments.

It is to be presumed that surveyors will be provided both with the Act and the Manual. As I understand it, however, the Act will not be so much required as it is proposed to legalize the Manual to greater extent than it is at present, and the changes that have been made are intended to meet conditions which have arisen and for which no provision was previously made in the Act. I do not think that they are more complicated than they were before, at least such was the conclusion I came to in going over them with Mr. Dennis.

I would infer from the Surveyor'General's remarks that he thinks that it is impossible to make surveys without errors, and that under the new Manual, if surveyors do make errors "they will have to be employed the following year to correct them". In the first place I do not see that there is any more necessity for making mistakes than there is under the present Manual, nor if mistakes are made the persons who make them should have to correct

A.M. Burgess, Esq.,
Deputy Minister of the Interior,
Ottawa.

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correct them; nor do I see that contractors' work is more onerous under the proposed Act than under the present one. Thse observations, of course, may be erroneous, but I would like to have specifically pointed out in what particular course my deductions err. You will observe the Surveyor General does not point out definitely the particular clause wherein he thinks more onerous conditions are imposed by the proposed Act than under the present one. It might be well to ask him to do so.

As to the minimum area of lakes, I do not think it is material whether it is 20 acres or 16 acres. If the latter area were adopted, and assuming the lakes were approximately ci circular in shape and that two out of every three lakes would come on a quarter-section, ~~the probability is that one of them only would require to be marked.~~ I think this assumption is fair. However, as I have already stated, we might leave the Act as it is without injury as regards the water area of lakes.

Yours very truly,

Wm. Pearce
per ac.

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Ref. 235667

Department of Interior,

TOPOGRAPHICAL SURVEYS BRANCH,

DEPT. OF THE INTERIOR RECEIVED FEB 10 1894 OTTAWA

Ottawa, 9th. February, 1894.

Memorandum

In reply to your note of the 6th instant, I anticipate some difficulty in obtaining the compliance of surveyors' with the provisions of the draft bill. It must be remembered that they are sometimes working under trying conditions and with so many clauses to remember, both in the law and the Manual, some of them are apt to escape their memory. Surveyors under daily pay are not likely to take objection to the new law: they will rather like it as it will mean that when employed one year to make a survey, they will also have to be employed the following year to correct it, but I fear contractors will make very strong objections unless they receive substantial increases in rates.

The reason for changing the minimum area of lakes to be surveyed did not occur to me before: I thought that it depended from other considerations. I do not see why 10 °/o of a quarter section is adopted rather than 10 °/o of a section or 10 °/o of a legal subdivision. However, if the intention is that lakes shall be surveyed whenever they cause a deficiency of 16 acres or over in a quarter section, the intention is not fulfilled by the proposed bill

The Deputy Minister
of the Interior

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bill. A lake may cover 16 acres and not more than four acres be in any one quarter section; on the other hand, there may be on a quarter section several lakes each less than 16 acres although aggregating much more.

Respectfully submitted

E Deville

Surveyor-General.

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235 to 67

M. S.

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Ottawa, ~~1st~~ 2nd February, 1894.

Dear Mr. Deville,

Thanks for your memo upon the ~~amended survey of the~~ amendment of the survey provisions of the Dominion Lands Act. In ~~regard to the~~ that memo. ~~let me ask you, let~~ Do you think there ~~will~~ would be any difficulty in obtaining the compliance of surveyors with the provisions of the ~~new law~~ draft bill; if ~~no~~ any difficulty is experienced, do you think the provisions are of a kind to which surveyors can properly take objection, and if so, how do you think they ought to be modified in order to meet this objection? ~~2nd.~~ The reason, I understand, why the area of lakes to be surveyed has been changed from 20 acres to 16, is because 16 acres is 10 % of 160, and if you will look at clause 54 of the ~~extended act~~ existing law, you will see that claims for compensation for insufficiemcy of area within any quarter section, are limited to 10 % of its area. It seems logical therefore to make 16 acres the limit of the size of lakes to be surveyed. Please let me hear from you at your earliest convenience in regard to these matters.

Appd
Am. G.

Yours very truly,

(sd) Am Burgess
D.M.I.

E. Deville, Esq.,
Surveyor General
Ottawa.

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S 23706

Ref.

Department of Interior,

TOPOGRAPHICAL SURVEYS BRANCH,

Ottawa, 26th, January, 1894.

23566

348362

DEPT. OF THE INTERIOR RECEIVED JAN 26 1894 OTTAWA

Memorandum

As requested in your note of the 25th instant, I have read over very carefully the proof of the proposed amendments to the Dominion Lands Act: I have no changes to suggest. The amendments have been drawn to meet your former objections and it seems to me that this object has been accomplished. Perhaps they are somewhat complicated, but if it is necessary that a minute description of the survey operations be given in the Act, I can suggest no simpler way of doing it, and if you can obtain from surveyors compliance with the provisions of the new law, I believe that it will prove thoroughly effective.

I notice that the area of lakes to be surveyed has been changed from 20 to 16 acres. I assume there is some good reason for the change.

The proof is returned herewith.

Respectfully submitted

E Deville

Surveyor-General.

The Deputy Minister

of the Interior.

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M.

348363

Ottawa, 26th January, 1894.

Dear Mr. Deville,

I send back again for your perusal the proof of the proposed amendment to the Dominion Lands Act. I want you to read it over very carefully, and at your earliest possible convenience to report your views upon it, stating especially what further changes you think are necessary, if any.

Encl:

Yours very truly,

Sgd Alex Burgess

E. Deville, Esq.,
Surveyor General,
Ottawa.

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8. The Dominion Lands, [except in the cases hereinafter provided for,] shall be laid off in quadrilateral townships containing thirty-six sections, [each of six hundred and forty acres or one square mile, subject however, to the deficiency or surplus resulting from the convergence or divergence of meridians, and to the deficiency caused by any or all sections being made fractional by lakes, rivers, streams or other natural features, or broken by closings on initial meridians, Indian reserves, or other surveyed parcels of land, as hereafter mentioned, together with such road allowances between townships, sections, or other surveyed parcels of land and of such width as the Governor in Council may from time to time prescribe.

2. [The general system herein set forth of quadrilateral townships and sections shall be styled. "The Dominion Lands System of Survey," and such modifications of this general system as result from the exercise by the Governor in Council of the powers granted by this Act with reference to the widths and number of road allowances between sections, and the disposition or distribution of the excess, or defect due to convergence of meridians may be styled the "1st., 2nd., 3rd. and so on, modifications of the Dominion Lands System of Survey"].

3. The sections, [except in the cases hereinafter provided for], shall be bounded and numbered as shown by the following diagram:—

N

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

S

9. The lines bounding townships on the east and west sides shall be [true meridians], and those on the north and south sides, [except in cases hereinafter provided for], shall be chords of the parallels of latitude [passing through the corners of the townships.]

10. The townships shall be numbered, [except in cases hereinafter mentioned], in regular order, northerly from the International Boundary or forty-ninth parallel of latitude, and shall lie in ranges numbered east and west from a certain meridian line, run in the year one thousand eight hundred and sixty-nine, [in approximate longitude 97° 27' west of Greenwich], styled the principal meridian, and in ranges numbered [west] from such other initial meridians as the Minister, in his direction of the land surveys, orders to be established:

2. Such meridians shall be styled the second, the third, the fourth meridian, and soon, according to their order in number westward from the principal meridian:

3. [The fractional townships and ranges resulting from the survey of different portions of the country under different modifications of the Dominion Lands system shall be numbered and designated as follows]:—

[When the number of the township or range is the same as that of the adjoining one previously surveyed under a different modification of the system, as above mentioned, the township or range as the case may be shall be designated by that number followed by the letter A.]

11. Except as hereinafter provided, [the sections shall be laid out with a precise width of eighty chains, together with the road allowance], on the base lines hereinafter mentioned, and the meridians between the townships shall be drawn [from] such bases, northward or southward, to the depth to two townships therefrom, that is to say, to the correction line hereinafter mentioned. [The townships south of the base measure therefore, in an east and west direction more than four hundred and eighty chains together with the roads, while those north of the base measure less than that amount. The interval between a base line and the next one is equal to the depth of four townships.]

2. The meridians between those townships situated between the International Boundary or first base line [and the second base line] shall be surveyed to the south from the said [second base to the first correction line and thence south to the said first base line. The jog on the said correction line shall be

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2. Such meridians shall be styled the second, the third, fourth meridian, and soon, according to their order in number westward from the principal meridian :

3. [The fractional townships and ranges resulting from the survey of different portions of the country under different modifications of the Dominion Lands system shall be numbered and designated as follows] :—

[When the number of the township or range is the same as that of the adjoining one previously surveyed under a different modification of the system, as above mentioned, the township or range as the case may be shall be designated by that number followed by the letter A.]

11. Except as hereinafter provided, [the sections shall be laid out with a precise width of eighty chains, together with the road allowance], on the base lines hereinafter mentioned, and the meridians between the townships shall be drawn [from] such bases, northward or southward, to the depth to two townships therefrom, that is to say, to the correction line hereinafter mentioned. [The townships south of the base measure therefore, in an east and west direction more than four hundred and eighty chains together with the roads, while those north of the base measure less than that amount. The interval between a base line and the next one is equal to the depth of four townships.]

2. The meridians between those townships situated between the International Boundary or first base line [and the second base line] shall be surveyed to the south from the said [second base to the first correction line and thence south to the said first base line. The jog on the said correction line shall be made of theoretical length and the quarter-sections on such [illegible] first correction line shall be given section line intended as the [illegible]

(2.) [When in the original survey any of the sections or quarter-sections have not been marked by posts or monuments, the dividing lines or limits between sections or their legal subsections shall be drawn according to the rules laid down in the preceding clause, treating the mounds, posts or monuments that have not been placed in the original survey as having been placed and lost].

129. All boundary lines of townships, sections or legal subdivisions, 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 subdivisions, blocks, gores, commons and lots or parcels of land under the authority of this Act or of the Governor in Council, shall, subject to the provisions hereinafter in this clause contained, be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, respectively, whether the same, upon admeasurement, are or are not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land :

2. Whenever the Minister of the Interior has reason to believe that any gross irregularity or error has been made in the survey of any township surveyed under the authority of this Act, the Governor in Council, upon the recommendation of the Minister of the Interior, may direct that such survey shall be cancelled and a new survey made, and the said new survey shall be made accordingly :

3. In effecting any new survey as provided by the preceding sub-clause, all posts, mounds or other marks placed to mark the original survey which is to be corrected, may be removed, and the new posts, mounds or other marks placed to mark and define the new survey shall become the original marks of such survey :

4. [When, in an original survey any omission has been made in the survey of any boundary line, area or reservation, or any part thereof, under the provisions of this Act, the Minister may order such new survey of the lands affected thereby as may be necessary to rectify the omission.]

5. [The plan of any survey performed under the provisions of this Act, and of record in the Department of the Interior, or any tracing or lithographed copy of the same, may be altered and amended so as to show any and all alterations made by a new survey effected as provided by this Act, and all trail surveyed under the provisions of any Act affecting Manitoba or the North-west Territories, and any alterations in nomenclature which may be ordered by the Board of Geographical Nomenclature, hereinafter provided for.]

130. Every township, section or other legal subdivision, 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.

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meridians adjoining ... the theoretical depth of forty chains, and the deficiency or surplus, as the case may be, shall be allowed in the quarter-sections adjoining the said first base line or International Boundary]

12. 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 ond 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.

13. The correction lines are those upon which the " jog " resulting from the convergence of meridians, shall be allowed, [or, in other words, they are those township lines running east and west which are equidistant from the bases at a depth of two townships. The interval between the correction lines is equal to the depth of four townships.] The first correction line is between townships two and three ; the second between townships six and seven ; the third between townships ten and eleven, [and so on, northerly, in regular succession.

14. Each section shall be divided into quarter-sections of one hundred and sixty acres, [or one-half mile square,] more or less, subject to the provisions hereinafter made.

15. [Except as herein otherwise provided, in the survey of [any] township [outlines or the subdivision of any township, the deficiency or surplus, resulting from convergence of meridians, shall be allowed in the range of quater-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 ; but the Governor in Council may order such deficiency or surplus, and such north and south error, or either of them, to be equally distributed among all the quarter-sections involved.

(2.) [In the case of the fractionel range adjoining an initial meridian, when the meridian intersects the " jog " (that is when there is one more range south of the correction line than north), the last quarter-section on the meridian township outline surveyed from the south shall be made of the same depth as that on the next meridian township outline on the east.]

(3.) [When a correction line has to be deflected across the fractional range in order to close on an initial meridian the south or north side, as the case may be, of the road allowance shall be surveyed in such manner as to leave the full width for the road allowance along such line.]

(4.) [In the subdivision of any township when closing when with a meridian on the north or south boundary of a township, the last section post on such meridian shall be planted permanently and connected by a straight line with the section corner on outline of the towship.]

(5.) [In the survey of any township, such streams as the Minister may designate, and all lakes or ponds of more than sixteen acres in extent, together with all islands contained therein, shall be accurately traversed and the necessary deductions shall be made of the water areas so determined in the areas of the sections or quarter-sections rendered fractional thereby.]

16. The dimensions and area of irregular [or fractional] quarter-sections shall, in all cases, be returned by the surveyor at their actuel measurements and contents.

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account [illegible] of length; [illegible] shall be in possession of a [illegible] tape, [illegible] in] length, tested and stamped [by the Board of Examiners,] and [such tape together with a certificate of its length at a certain temperature and tension,] shall be furnished to him by the secretary of the Board on payment of a fee of eight dollars therefor; and all Dominion land surveyors shall, from time to time, regulate and verify, [by such steel tape] the length of their chains and other instruments for measuring; [and the said steel tape] shall be returned to the secretary of the Board as often as it requires to be re-tested:

2. [The Board may, in its discretion, suspend, for a period not exceeding twelve months, any surveyor who is found performing his duties as such, without being in possession of the steel tape, which, by this clause, he is required to have. The procedure in such cases shall be the same as that prescribed by clause 120 of this Act for the trial before the Board of Surveyors charged with gross negligence or corruption.]

of Surveyor [illegible]

Renewal of Lost Corners and Obliterated Lines.

126. Whenever a Dominion land surveyor is employed to run any dividing line or limit between sections or other legal subdivisions, and the mound, post or monument erected, marked or planted in the original survey, to define the corner of such section or other legal subdivision, cannot be found, he shall obtain the best evidence that the nature of the case admits of, respecting such corner mound, post or monument; but if the position of the same cannot be satisfactorily so ascertained, he shall proceed as follows:—

(*a.*) 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 shall instruct him how to proceed;

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18. 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; such 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 the 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:

(2.) The township, section or quarter-section corners on correction lines, [and on lines between portions of the country surveyed under different modifications of this survey,] shall, in all cases, be [indicated] by posts or monuments planted and marked independently for the townships on each side; [those for the townships north or east of the line,] in the north [or east limit] of the road allowance, and those for the townships south [or west,] in the south [or west limit.]

(3.) [When a township, whether fractional or otherwise, adjoins lands surveyed under a different system, all lines within such township shall terminate at the inner side of the road allowance dividing the two systems, and a corner post or monument shall be erected at the point of intersection, of such lines with said limit of such road allowance.]

(4.) [A road allowance of the same width as in the adjoining township shall be left on the boundaries of all Indian reserves, and the intersection of the section line with that side of such road allowance which adjoins the township are to be indicated by proper posts or monuments.]

(5.) [The minister may, from time to time, with the sanction of the Governor in Council, issue a manual of general instructions to surveyors not inconsistent with the provisions of this Act, regarding the manner in which the base and correction lines, outlines and interior lines of townships, shall be surveyed and marked, the preparation of plans, field-notes, returns and reports of survey, and, generally, concerning all matters connected with the prosecution of surveys under the system herein set forth, including rules prescribing the maximum permissible error of survey, and he may, in such instructions, make such modifications of the provisions of this Act, regarding dimensions, size and form of sections and townships, and directions of the boundary lines of the same, as may be necessary to provide for the closing between surveys made under different modifications of the system, closing on correction lines, closing on initial meridians, closing on Indian reserves, and the disposition and distribution of the errors arising from unavoidable imperfection of survey. The regulations and instructions contained in such manual shall be construed to be part of this Act, and shall be binding upon all surveyors engaged in the performance of surveys under this Act.]

19. The township subdivision surveys of 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 the Governor in Council, from time to time, directs:

2. In special cases, where circumstances render it advisable to effect otherwise the survey of a township or townships, the Governor in Council may order the same to be done.

20. To facilitate the description 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 subdivisions of a section, which shall be styled legal subdivisions:

N.

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

S.

2. The area of any legal subdivision 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 subdivision in the original survey.

21. Nothing in this Act shall be construed to prevent the

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18. 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; such 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 the 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:

(2.) The township, section or quarter-section corners on correction lines, [and on lines between portions of the country surveyed under different modifications of this survey,] shall, in all cases, be [indicated] by posts or monuments planted and marked independently for the townships on each side; [those for the townships north or east of the line,] in the north [or east limit] of the road allowance, and those for the townships south [or west,] in the south [or west limit.]

(3.) [When a township, whether fractional or otherwise, adjoins lands surveyed under a different system, all lines within such township shall terminate at the inner side of the road allowance dividing the two systems, and a corner post or monument shall be erected at the point of intersection, of such lines with said limit of such road allowance.]

(4.) [A road allowance of the same width as in the adjoining township shall be left on the boundaries of all Indian reserves, and the intersection of the section line with that side of such road allowance which adjoins the township are to be indicated by proper posts or monuments.]

(5.) [The minister may, from time to time, with the sanction of the Governor in Council, issue a manual of general instructions to surveyors not inconsistent with the provisions of this Act, regarding the manner in which the base and correction lines, outlines and interior lines of townships, shall be surveyed and marked, the preparation of plans, field-notes, returns and reports of survey, and, generally, concerning all matters connected with the prosecution of surveys under the system herein set forth, including rules prescribing the maximum permissible error of survey, and he may, in such instructions, make such modifications of the provisions of this Act, regarding dimensions, size and form of sections and townships, and directions of the boundary lines of the same, as may be necessary to provide for the closing between surveys made under different modifications of the system, closing on correction lines, closing on initial meridians, closing on Indian reserves, and the disposition and distribution of the errors arising from unavoidable imperfection of survey. The regulations and instructions contained in such manual shall be construed to be part of this Act, and shall be binding upon all surveyors engaged in the performance of surveys under this Act.]

19. The township subdivision surveys of 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 the Governor in Council, from time to time, directs:

2. In special cases, where circumstances render it advisable to effect otherwise the survey of a township or townships, the Governor in Council may order the same to be done.

20. To facilitate the description 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 subdivisions of a section, which shall be styled legal subdivisions:

N.

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

S.

2. The area of any legal subdivision 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 subdivision in the original survey.

21. Nothing in this Act shall be construed to prevent the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the *Act respecting certain Claims to Lands in the Province of Manitoba*, or to prevent fractional sections or lands bordering on any river, or lake, or other watercourse, or [illegible] road, from being laid out and divided into lots of [illegible] frontage or depth, in such manner as appears desi- [illegible] to prevent the subdivision of sections or other legal [illegible]ions into wood lots as hereinafter provided, or the [illegible] of the said lands upon the Red and Assiniboine [illegible]h subdivisions of fractional sections or lands [illegible] or other lots, or wood lots, for patent, by [illegible] plan of record, or by metes and bounds, [illegible]pedient, or to prevent any Dominion [illegible]ions of Manitoba, the North-west [illegible]umbia, where the ordinary mode [illegible]rom being laid out into townships, [illegible]al subdivisions by fixing the [illegible] quarter-sections, or legal [illegible]determined by astronomical [illegible]r other geodetic process, in [illegible]s, and the describing of such [illegible]s or legal subdivisions for [illegible]ting to a plan of record [illegible] the survey of Do- [illegible]chaining or [illegible]scharge [illegible]ent

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(*b.*) 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 subdivisions as the same contained in the original survey,—giving to each an equal breadth;

(*c.*) If, in re-establishing the east or west boundary of a township, one of the nearest undisputed corners is on a correction line, every quarter-section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the quarter-section adjoining the correction line;

(*d.*) If, in re-establishing the north or south boundary of a township surveyed under the first system of survey, one of the nearest undisputed corners in the western corner of the township, every quarter-section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the western quarter-section;

(*e.*) When the position of the township corner is also lost, it shall be re-established as aforesaid, previously to re-establishing the outline of the township;

(*f.*) When the lost corner 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 manner of sections or other legal subdivisions as the same contained in the original survey, giving to each an equal breadth;

(*g.*) If one of the nearest undisputed corners is on a correction line, 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:

(*h.*) 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;

(*i.*) 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;

(*j.*) If, in the townships surveyed under the first system of survey, the lost corner is in the western row of sections of a township, the first quarter-section shall be made exactly forty chains, and the deficiency or surplus, as the case may be, shall be left in the western quarter-section;

(*k.*) When the position of one of the corners of the meridians is also lost, such meridians shall be re-established previously to re-establishing the east and west line;

(*l.*) Whenever 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 subdivision.

Survey of Legal Subdivisions.

127. When, in the survey of legal subdivisions, it is necessary for a Dominion land surveyor to establish the division line between two sections, he shall effect this by connecting, by a straight line, the opposite original section corners, if they exist, and if not, by similarly connecting the points established in renewal thereof, in accordance with the next preceding clause, giving, in either case, the quarter-sections involved an equal breadth:

2. In laying out a half-section or a quarter-section he shall connect the opposite quarter-section posts by straight lines:

3. In laying out other and minor legal subdivisions he shall give to every such subdivision its proportionate share of frontage and interior breadth, and connect the resulting terminal points by a straight line:

4. 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 subdivision, whether the same correspond or do not correspond with the area expressed in the respective patents for such lands.

Division Lines in Fractional Sections.

128. The dividing lines or limits between legal subdivisions, fractional sections, shall be drawn from the original corners [illegible] points representi[illegible] as defined on the [illegible] Act), in the

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131. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal subdivision, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same contains on the ground, whether such quantity is more or less than that expressed in such patent, grant or instrument; [provided however that the patent for any section or other legal subdivision, block, gore, common, lot or parcel of land shall not be construed to be a grant of any stream, pond, lake or other water area, contained in the said section, legal subdivision, block, gore, common, lot or parcel of land, which was surveyed and the area thereof determined at the time of the original survey:

(1.) Provided further that the Minister shall have power to order additional or re-surveys of the water areas contained in any section or other legal subdivision, block, gore, common, lot, or parcel of land, the title to which remains in the Crown, when he has reason to believe that any error or omission was made in the original survey; and such re-survey shall be substituted for the original survey for the purposes of this clause.]

132. In every town and village in Manitoba or the North-west Territories, 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.

(1.) [The Governor in Council on the recommendation of the Minister of the Interior, may appoint a Board for the consideration and revision of the names of rivers, streams, lakes, mountains and all other geographical features shown upon maps or plans of record in the Department of the Interior, or issued by the said Department, or by any other Department of the Government of Canada, and may further prescribe rules under which the said Board shall transact its business. All maps and plans issued by any Department of the Government of Canada shall be submitted to the board for consideration and revision of nomenclature before publication, and the decisions of the board thereon shall be transmitted by the Secretary of the Board to the Departments interested and shall, in all cases, be final and binding upon said Departments.

The members of said Board shall be chosen from the staff of the Departments which issue geographical maps, and shall serve on the Board without additional remuneration.]

Board of Examiners.

101. There shall be a board of examiners for the examination of candidates for commission as Dominion land surveyors, or as articled pupils, which shall consist of the Surveyor General and eight other competent persons 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 February and August in each year, and at such other times as the Minister directs,—due notice thereof being given in the *Canada Gazette;* and the place of meeting shall be at the city of Ottawa, or such other place as is from time to time fixed by the Minister:

2. Every member of the board shall take an oath of office, according to the form M, in the schedule to this Act, which shall be administered by a judge of any one of the Superior Courts in any province of Canada, or a judge of the Supreme Court of Canada, and such judge is hereby authorized and required to administer such oath:

3. Three members of the board shall form a quorum:

4. The board shall, from time to time, appoint a fit and proper person to be secretary thereof, who shall keep a record of its proceedings, [and shall perform such other duties as may be assigned to him by resolution of the said board.]

5. The Minister may cause examinations of candidates for commissions as Dominion land surveyors, or as articled pupils, to be held at such times and places as he directs, by one of the members of the board; but such examinations shall be subject to the rules and regulations made by the board in that behalf, and shall have no effect unless they are conducted in accordance with such rules and regulations, and are subsequently approved by the board.

102. No person shall be admitted as an articled pupil with

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4. The board shall, from time to time, appoint a fit and proper person to be secretary thereof, who shall keep a record of its proceedings, [and shall perform such other duties as may be assigned to him by resolution of the said board.]

5. The Minister may cause examinations of candidates for commissions as Dominion land surveyors, or as articled pupils, to be held at such times and places as he directs, by one of the members of the board; but such examinations shall be subject to the rules and regulations made by the board in that behalf, and shall have no effect unless they are conducted in accordance with such rules and regulations, and are subsequently approved by the board.

102. No person shall be admitted as an articled 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, as to his penmanship and orthography, and also as to his knowledge of arithmetic, algebra, including quadratic equations, plane geometry, plane trigonometry, spherical trigonometry as far as the solution of triangles, the mensuration of superficies, and the use of logarithms, and has obtained a certificate of such examination, and of his proficiency from such board. 49 V., c. 27, s. 12, *part.*

103. Applicants for such examination, previously to being articled, shall give notice to the secretary of the board of their desire to present themselves for examination; whereupon that officer shall instruct them as to the manner in which they must proceed.

104. No pupil shall be entitled to be examined before the board, or before one of the members thereof, for admission as a Dominion land surveyor, unless he has previously served regularly and faithfully for and during the period of three years under articles in writing, in the form N, in the schedule to this Act, duly executed before two witnesses, as pupil of a Dominion land surveyor, and unless he produces an affidavit from such surveyor in the form O, in the schedule to this Act, together with his own affidavit in the form P, in the schedule to this Act, that he has so served, or, if for some good and valid reason such affidavits cannot be produced, unless he produces such evidence of the services as the board requires; and such three years' service shall include at least twelve months' actual practice in the field.

105. 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 the next preceding clause, a person of twenty-one years of age, the said form N 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 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.

106. 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; but such pupil shall not be entitled to examination unless he produces the affidavits of both surveyors in the form O, in the schedule to this Act, or, in default thereof, such evidence as is required by clause one hundred and four of this Act.

107. If any Dominion land surveyor dies, or leaves Canada, or is suspended or dismissed, his pupil may complete his term under articles, as aforesaid, with any other Dominion land surveyor.

108. Articled pupils shall 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 secretary shall acknowledge the receipt of such papers and shall carefully file and keep the same with the records of the board.

109. [Every person who, subsequently to the passing of this Act was or becomes duly qualified by certificate, diploma or commission to survey lands in any province of Canada, and who, in order to become so qualified, has served a term under articles to a surveyor similar to the term prescribed by this Act, shall be entitled to a commission as Dominion land surveyor on passing an examination in the subjects set forth in clauses one hundred and two and one hundred and thirteen of this Act. But it shall rest with the Board to determine whe-

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ther the service of such person is equivalent to that prescribed by this Act.]

110. Every person who shows, to the satisfaction of the board of examiners, that he has been duly admitted as a surveyor of lands in any part of Her Majesty's dominions other than Canada by [certificate, diploma or commission, that he has at least three years' practice as a surveyor (of which practice at least twelve months has been in the field),] shall be entitled to a commission on passing an examination in the subjects set forth in clauses one hundred and two and one hundred and thirteen of this Act, and on his producing an affidavit from a Dominion land surveyor in the form O, in the schedule to this Act, that such person has, in addition to the service aforesaid, served [under articles in writing] for one year with him, including at least six months' actual practice with him in the field, [and such articles shall be filed with the secretary of the board three months after execution of such articles.]

111. Every graduate in surveying of the Royal Military College of Canada, and every person who has 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 a complete course of theoretical and practical instruction in surveying is organized, and who has thereupon received from such college or university a diploma as civil engineer, shall be exempt from serving three years as aforesaid, and shall be entitled to examination after one year's service under articles with a Dominion land surveyor (at least six months of which service has been in the field), on producing the affidavit required by the next preceding clause as to such service; but it shall rest with the board to decide whether the course of instruction in such college or university is that required by this clause. 49 V., c. 27, s. 15, *part*.

112. Every person who desires to be examined before the board shall give due notice thereof in writing to the secretary at least one month previous to the meeting of the board, and shall, with such notice, transmit the fee hereinafter prescribed.

113. No person shall receive a commission from the board authorizing him to practice as a Dominion land surveyor, unless he has complied with the foregoing provisions of this Act, nor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the board or a member thereof as hereinbefore provided on the following subjects, that is to say: plane and solid geometry; spherical trigonometry, so far as it includes solution of triangles, the use of logarithms, measurement of areas, including their calculation by latitude and departure, and the dividing or laying off of land, elementary geology, elementary mineralogy so much as pertains to the economic minerals of Canada, elementary botany so much as as pertains to the economic woods of the forests of Canada, a knowledge of the elements of practical astronomy, and the solution of the following elementary problems:—

(*a*.) To ascertain the latitude of a place from the observation of a meridian altitude of the sun or of a star;

(*b*.) To obtain the local time and the azimuth from an observed altitude of the sun or a star;

(*c*). From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter.

He shall 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, in a style of draughtsmanship satisfactory to the board, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments; and shall 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, from time to time, for the guidance of Dominion land surveyors.

114. 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.

115. Every person who passes the examination prescribed by this Act, shall receive a commission from the board in accordance with form Q, in the schedule to 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 $2,000 to Her Majesty, her heirs and successors, for the faithful performance of the duties of his office, and shall take and subscribe before a judge of any court of

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(*a.*) To ascertain the latitude of a place from the observation of a meridian altitude of the sun or of a star ;

(*b.*) To obtain the local time and the azimuth from an observed altitude of the sun or a star ;

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He shall 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, in a style of draughtsmanship satisfactory to the board, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments ; and shall 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, from time to time, for the guidance of Dominion land surveyors.

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" 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 favour, affection or partiality. So help me God :"

2. Until the above formalities have been complied with 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 Canada, and shall be subject to the same provisions, and shall inure to the benefit of any person who sustains damage by breach of any condition thereof :

5. The commission shall be registered in the office of the Registrar General of Canada.

116. Every Dominion land surveyor who has previously given the notice prescribed in clause one hundred and twelve of this Act, may be examined as to his knowledge of the following subjects relating to the higher branches of 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 :—

(*a.*) Algebra ;

(*b.*) Plane and spherical trigonometry ;

(*c.*) The plane co-ordinate geometry of the point, straight line, circle and ellipse, and the transformation of co-ordinates ;

(*d.*) The geometrical theory of limits, and the determination of the form, magnitude and radius of curvature of any plane section of a spheroid of revolution ;

(*e.*) Differential calculus as far as Taylor's and McLaurin's theorems, with its practical application ;

(*f.*) Methods of trigonometrical 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, regard being had to the effect of the figure of the earth ;

(*g.*) The theory of the projections and developments used in the delineation of spherical surfaces ;

(*h.*) The portion of the theory of practical astronomy which relates to the determination of the geographic position of points on the earth's surface and the directions of lines on the same ;

(*i.*) The use of the method of least squares in combining direct and indirect observations, the solution of simple equations of condition and the determination of the probable and the mean error ;

(*j.*) The theory of the Dominion lands system of survey, the methods of surveying blocks and township outlines and of making track micrometer and exploratory surveys ;

(*k.*) The theory and use of the instruments used in connection with the foregoing, and also of the ordinary meteorological instruments ;

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(*l.*) 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 Canada ;

(*m.*) Methods of trigonometrical levelling, of measurement of heights by barometer or by the temperature of boiling water, and the use of the pendulum in determining the compression of the earth ;

(*n.*) The instruments and methods used in determining the magnetic declination, inclination and intensity. 49 V., c. 27, s. 18.

117. Persons who pass the above mentioned examination in the higher branches of surveying shall receive a certificate to that effect from the board, and shall be designated Dominion topographical surveyors. 46 V., c. 17, s. 103.

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

(*a.*) To the secretary of the board, by each pupil, on giving notice of his desire for examination preliminary to being articled, one dollar ;

(*b.*) To the secretary of the board, as the fee due on such examination, ten dollars, and a further sum of two dollars for the certificate ;

(*c.*) 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 ;

(*d.*) 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 ;

(*e.*) To the secretary of the board, by each applicant obtaining a commission, as his fee thereon, two dollars ;

(*f.*) To the secretary of the board, as an admission fee by any candidate receiving a commission, twenty dollars,—but such amount, as also the ten dollars required to be paid under sub-clause (*b*) of this clause, shall be paid to the Minister of Finance and Receiver General to the credit of Dominion lands ;

(*g.*) To the secretary of the board by each applicant who obtains a commission as Dominion topographical surveyor, as his fee thereon, two dollars ;

(*h.*) To the secretary of the board for testing a surveyor's standard of length two dollars.

119. Every member of the board who attends at the meetings therof, and the secretary and every member who holds an examination as provided by clause one hundred and one, 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 shall pay such sums ; but no member of the board, if he has to travel more than one hundred miles in order to be present at the meeting, shall receive any allowance for travelling expenses for attending such meeting, unless such member was previously specially notified to attend the same by the secretary.

120. The board may, in its discretion, suspend or dismiss from the practice of his profession, any Dominion land or topographical surveyor whom it finds 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 ; and if, after being summoned as aforesaid, the surveyor does not appear, the board may appoint a fit and proper person to present the evidence on behalf of the surveyor.

121. The Surveyor General shall require every Dominion land or topographical surveyor, in addition to the oath by this Act required to be administred 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

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119. Every member of the [illegible] ings therof, and the secretary and every member who holds an examination as provided by clause one hundred and one, 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 shall pay such sums; but no member of the board, if he has to travel more than one hundred miles in order to be present at the meeting, shall receive any allowance for travelling expenses for attending such meeting, unless such member was previously specially notified to attend the same by the secretary.

120. The board may, in its discretion, suspend or dismiss from the practice of his profession, any Dominion land or topographical surveyor whom it finds 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; and if, after being summoned as aforesaid, the surveyor does not appear, the board may appoint a fit and proper person to present the evidence on behalf of the surveyor.

121. The Surveyor General shall require every Dominion land or topographical surveyor, in addition to the oath by this Act required to be administred 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 Attorney General of Canada shall [illegible] the application of the [illegible] General, [illegible]ately [illegible] a suit upon the [illegible]rveyor; [illegible] such suit shall [illegible] on any regular journals and [illegible] notes of all his surveys of Dominion lands, and shall file them in the order of time in which the surveys have been performed, and he shall give copies thereof to all persons concerned, when required so to do; and for so doing he shall be paid the sum of one dollar for each copy, if the number of words therein does not exceed four hundred—but if the number of words therein exceeds four hundred, he shall be paid ten cents additional for every hundred words over and above four hundred words.

123. 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, shall be allowed five dollars for each day he so attends, it addition to his reasonable travelling and living expenses, to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such court.

Evidence before Surveyors.

133. Every Dominion land surveyor acting in that capacity may examine witnesses on oath, 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 subdivision, lot or tract of land, and may administer such oath or oaths to every person whom he examines in relation to such matters.

134. Whenever 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 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, and 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 subpœna *ad testificandum* or a *subpœna duces tecum*, as the case requires, accompanying such application by an affidavit or solemn declaration made before such justice of the peace, of the facts on which the application is founded; and such justice may issue a subpœna accordingly, commanding such person to appear before the surveyor at a time and place mentioned in the subpœna, and, if the case requires it, to bring with him any writing, plan or document mentioned or referred to therein:

2. Such subpœna shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some adult person of his family at his residence, exhibiting to him or such adult person the original:

3. If the person required in such subpœna to appear, after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the subpœna, or to produce the writing, plan or document, if any, therein mentioned or referred to, or to give such evidence and information as he possesses touching the boundary or limit in question, a warrant by the justice for the arrest of such person may be issued, and he shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding ninety days, or to both, in the discretion of such justice.

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135. All evidence taken by a Dominion land surveyor, as aforesaid, shall be reduced to writing and shall be read over to the person giving the same, and shall 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 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.

136. 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 and of person whomsoever, doing no actual damage to the property of such person.

Offences.

137. Every person who, in any part of the Dominion lands, interrupts, molest or hinders any Dominion land surveyor while in the discharge of his duty as a surveyor, is guilty of a misdemeanour, and liable to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding two months, or to both, in the discretion of the court.

138. Every person who, 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 the Governor in Council, is guilty of felony, and shall be liable to imprisonment for any term not exceeding seven years:

2. Every person who, 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 subdivision, lot or parcel of land in Manitoba or the North-west Territories, is guilty of a misdemeanour, and liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court.

139. 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.

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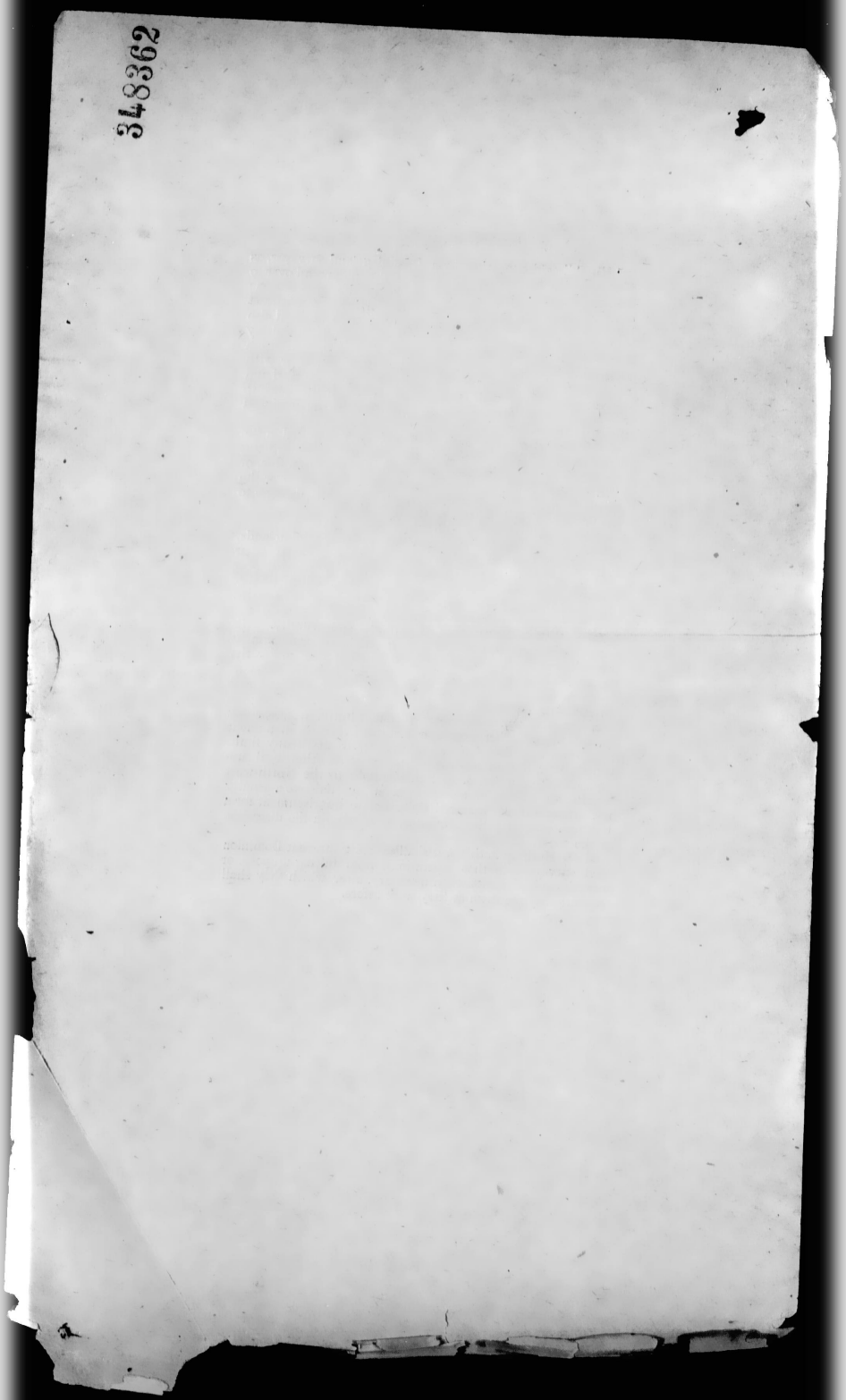

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Memo

I have attached the correspondence having reference to the Standard Measure to file 146813 - Perhaps it might be better on this file which refers to all Amendments to the D. L. Act.

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Department of the Int[illegible]

Dominion Lands Office,

Ottawa, ... *189*

MEMO.

Mr. Henry,

Please attach the annexed ~~me~~ to the Amendment File of the Dom. Lands Act.

J.A.C.

21st Nov., 1893.

23667

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M. 331388. Depart... Dominion La...

Ottawa, 21st Nov., '98. To...

MEMO.

Re proposed amendment to Dominion Lands Act (mortgages prior to recommendation for patent). Send for files 331388, 281920, 321321.

DEPARTMENT OF THE INTERIOR
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Letter No.....

Reference No.....

Department of the Interior,

☞ Address your reply as follows:
To the Secretary of the Department of the Interior, Ottawa.

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

Ottawa, ... 18

14th August, 1893.

Sir,

I am directed to acknowledge the receipt of the copy of the circular letter of the 25th ultimo, Ref. 65364, addressed to all Agents of Dominion Lands in regard to cancellation of ~~all~~ entries under Clause 3 of 55-56 Victoria, Chapter 15.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA.

Assistant Secretary.

H.

The Secretary

Dominion Lands Board,

Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
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14. 8. 93.

Mr Hatch.

Sec D.L.B.

[illegible]

25th [illegible] Ref. 65364 [illegible]

[illegible]

3 [illegible] 55-56 [illegible] chapter

15 x

J.P.

DEPARTMENT OF THE INTERIOR
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+ 335442

No. 268636
Ref. 85364

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 25th July 1898

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

3315-09

Copy for the information of H.O.

DEPARTMENT OF THE INTERIOR RECEIVED JUL 29 1898 OTTAWA

CIRCULAR.

Sir,

As clause 3-55-56 Vic. Cap. 15 does not contain the usual proviso that an entry granted thereunder shall be forfeited for non-fulfilment of the prescribed conditions of settlement , the following provision has been made by His Excellency the Governor General in Council:-

"The Commissioner of Dominion Lands shall be "and he is hereby empowered to cancel such entries "after the lapse of the proper time upon receipt of satis- "factory proof that the settlement conditions x x x "have not been complied with".

I am Sir,

Your obedient servant

R A Rutton

Assistant Secretary

To All Agents of Dominion Lands

G.

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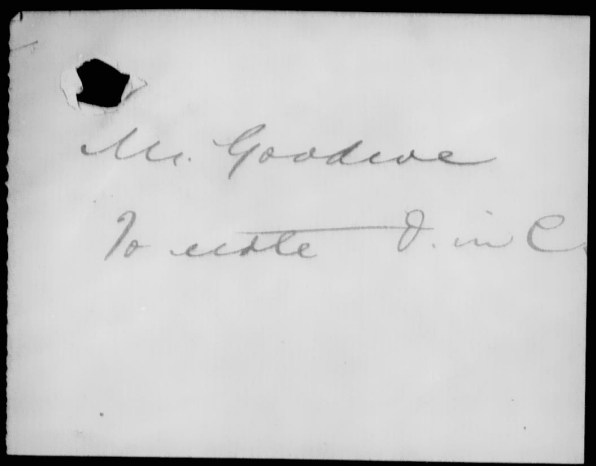

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L. C.

Type to Mr. Goodeve and Mr. Rothwell noted 10/7/93 to note ~~and~~ ~~Hall to~~ ~~Dec~~ O. in C.

L.P.

7 8

Noted ncl 187.93 [illegible]

File No. 235667.

Draft
[illegible]
3-7-93.
Approved.

L.P.
3/P.

end

Department of the Interior,
Ottawa 8th July 1893.

Sir,

I am directed to enclose herewith a copy of an Order in Council passed on the 12th ultimo relating to the cancellation for non-fulfilment of duties of second homestead entries in cases where the original preemption has subsequently been homesteaded.

I am to request that the matter may be brought to the attention of the Commissioner and that he be informed that it is left to his discretion as to whether he will notify ~~whether or not he notifies~~ the several Agents of Dominion Lands of the terms of the Order in Council in question.

I am, Sir,
Your obedient Servant,
LYNDWODE PEREIRA.
Assistant Secretary,

The Secretary,
Dominion Lands Board,
Winnipeg,
Man.

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1693.

PRIVY COUNCIL
CANADA

Copied for enclosure to Secy. Dom. Ld. 8/6/93

DEPT. OF THE INTERIOR RECEIVED JUN 24 1893 OTTAWA.

At the Government House, at Ottawa,

Monday the 12th. day of June, 1893.

Present :-

His Excellency, The Governor General,

In Council

Whereas Clause 3 of the Act 55-56, Victoria, (1892) Chapter 15, being " An Act further to amend the Dominion Lands Act", provides that where a settler has had a homestead and pre-emption entry, and has obtained a patent for his homestead in time to enable him to make a second homestead entry, he may be permitted to take his pre-emption as such second homestead upon certain conditions, but the Statute does not contain the usual proviso that such entry shall be forfeited for non-fulfilment of the prescribed conditions of settlement :-

His Excellency, under the authority conferred upon him by Sub-clause (H) of Clause 90 of " The Dominion Lands Act " and by and with the advice of the Queen's Privy Council for Canada, is pleased to Order

(continued next page)

The Honourable

The Minister of the Interior.

Noted F.R. 10.7.3

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(continued P.C. 12. June, 1893.)

that the Commissioner of Dominion Lands shall be and he is hereby empowered to cancel such entries after the lapse of the proper time upon receipt of satisfactory proof that the settlement conditions prescribed by the first above mentioned enactment have not been complied with.

John J. McGee

Clerk of the Privy Council.

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M.

333085

Department of the Interior,

Dominion Lands Office,

Ottawa, 19th June, 1893. *189*

DEPT OF THE INTERIOR RECEIVED JUN 19 1893 OTTAWA

MEMO.

Mr. Henry.

This memorandum was sent to me by Mr. Chisholm a few days ago not having been acted upon. Please place it on file.

A.M.B.

H.

~~320238~~ 235667

Place on amendment to D. Act file

file

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J.R.

333075

DEPT. OF THE INTERIOR RECEIVED JUN 18 1892 OTTAWA

Ottawa, 3rd March, 1892.

MEMORANDUM:

Up to 1883 the Dominion Lands Act made provision for only one homestead for any settler. In that year, when the Act was being revised and consolidated, it was represented by a large number of members from Ontario, speaking presumably on behalf of people from their constituencies who had settled in the North West, that it would be greatly in the interests of the development of the country if arrangements were made which would permit the earlier settlers to sell their homesteads, after having obtained patents for them, to newly arrived people from other countries with a little money, who it was thought would prefer to take up partially improved farms where they could at once commence work, rather than go further west and take advantage of the free homestead system. The opinion of those who pressed this idea was that the frontier settler, like the native of the soil, went further into the interior as civilization and population advanced, that in fact he would continue to be a pioneer to the end of the chapter, and that the country and the incoming settler would be equally benefitted by the provision. The record shows that the permanent officers of the Department were somewhat

The Hon.
T. Mowbray,
Minister of the Interior.

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somewhat doubtful of the success of this experiment, experience indicating that the incoming settler with capital was just as anxious as anyone to obtain a free homestead, and that the farming and farm buildings of the pioneer settler who could not stand contact with closer settlement were not of a character which would attract the new arrival.

To this the answer was made that if the pioneer settler were refused a second entry, he would likely go to the United States, and on the whole it was deemed wisest to give the experiment a trial. When the Hon. Mr. White, as Minister of the Interior, visited the North West in 1885, he had forcibly brought to his attention the injurious effect of the second homesteading provision. The people of Manitoba particularly complained in this relation, and Mr. White was convinced of the evil effects of the system, particularly in the Birtle country, where whole districts had been depopulated and the settlers had moved further west into the Territories, leaving their abandoned homesteads to decay and ruin.

At the next session of Parliament Mr. White introduced an amendment to the Act (49 Vic., Cap.27) the 8th clause of which is as follows:

"8. Clause 37 of the said Act is hereby repealed and the following substituted therefor:

"37

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"37. No person who has obtained a homestead "patent or a certificate countersigned by the Commission- "er of Dominion Lands, or a member of the Land Board, "as in the next preceding clause mentioned, shall be "entitled to obtain another homestead entry.

"But such repeal shall not take away the right "of any person who, before the passing of this Act, "had received such certificate or recommendation for "a patent."

In the following year (1887) the Act was further amended by extending the time to the 2nd June, 1887, and covering the cases of persons who might have failed to make application, although entitled to their patents at the time.

An examination of the books and records of the Department of the Interior shows that under the law as it stands there would be, assuming them to be all living, 13,622 persons who have already had a homestead entry and would be entitled to obtain another. The statute requires every settler, on obtaining a homestead entry, to make affidavit as to whether he has or has not already availed himself of this privilege; and assuming this affidavit to be made in good faith in every instance, the records of the local agencies would indicate how many of these 13,622 had obtained a second homestead. The Agents of Dominion Lands were accordingly required to furnish this information, and it would appear that up to the 1st July last the total number who had done so was 1751.

By the Act 49 Vic., Cap. 27, assented to on the

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the 2nd June, 1886, the right of obtaining a second homestead was terminated, and although by 50-51 Vic. Cap. 31, the time was extended to the 2nd June, 1887, I presume it will be admitted that anyone who obtained an entry subsequent to the 2nd June, 1886, would not, under any circumstances have a claim to obtain another homestead. On the other hand, every person who obtained an entry prior to the 2nd December, 1883, and complied with the homestead requirements of the Act, would be entitled to his patent on or before the 2nd June, 1887. Therefore it would appear that the people on whose behalf the right of second homesteading is now claimed are those who made entry between the 2nd December, 1883, and the 2nd June, 1886, and it is found that there are 5,031 valid homestead entries made between the dates mentioned. The holders of these entries may be presumed to be fulfilling the conditions of the law from the fact that the entries themselves have not been cancelled, and therefore there are 5,031 people upon whom it is now proposed to confer the right of second homesteading. The average number of homestead settlers who can be placed in a township is about 50, and if all the 5031 settlers mentioned were to avail themselves of the right to make another entry it would mean that they would occupy homesteads equal to the total number to be found in a tract of 100 townships or 60 miles square.

The second homesteading system is admittedly bad

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bad in principle, and its operations have been mischievous both in Manitoba and the North West Territories. It surely cannot be contended that something which is bad in itself and operates to the disadvantage of the country, should be continued or have its operation extended on the pretext that all should be treated alike.

It may be added that homesteads within reasonable distance of a railway are now becoming somewhat scarce, and if people already in the country are to be permitted to take them up as second homesteads, it means that immigration will be deterred and that settlement, already sparse enough, will be made so scattered that the establishment of schools, the construction of roads and bridges, and the successful application to the Northwest of the existing system of local self government will become difficult.

Respectfully submitted,

A. M. Burgess

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333085

DEPT. OF THE INTERIOR RECEIVED JUN 29 1892 OTTAWA.

Ottawa, 29th June, 1892.

My dear Minister,

On looking at your observations in introducing the Bill of last year amending the Dominion Lands Act, I find the following in regard to the two-mile radius clause :-

"Heretofore the settler was obliged to occupy "the homestead with his family six months in each "year and to build a habitable house in the last "year and occupy it three months, and that imme- "diately after his occupation he should apply for "his patent. In many cases parties have carried out "the provisions but have left their lands and have "not applied for their patent next prior to (evi- "dently meant for next after) the three months resi- "dence ; and the Dominion Lands Commissioner held "that the three months occupation had to be gone "over again. He is supported in that view by the "Department of Justice, and this is to correct that "inconvenience, for I consider it nothing more."

Then again, in moving the second reading of the Bill, you said :-

"Then there is an amendment to the provision requiring

The Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

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"requiring that application for a patent should be
"made after an occupation of three months. In some
"cases the application has not been made until a
"later date, and it has been held that the patent
"could not be issued unless the application was made
"immediately on the completion of the three months
"residence."

Yours faithfully,

H.

DEPARTMENT OF THE INTERIOR
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File 235667.

DUPLICATE

Ottawa, 5th June, 1893.

To His Excellency

The Governor General in Council.

The undersigned has the honour to report:--

That Clause 3 of the Act 55-56 Victoria (1892) Chapter 15, being " An Act further to amend the Dominion Lands Act", provides that where a settler has had a homestead and pre-emption entry and has obtained a patent for his homestead in time to enable him to make a second homestead entry, he may be permitted to take his pre-emption as such second homestead upon certain conditions, but the Statute does not contain the usual proviso that such entry shall be forfeited for non-fulfilment of the prescribed conditions of settlement.

The undersigned, therefore, begs to recommend that, under the authority conferred upon Your Excellency by Sub-clause "H" of Clause 90 of the Dominion Lands Act, an order be now made empowering the Commissioner of Dominion Lands to cancel such entries after the lapse of the proper time upon receipt of satisfactory proof that the settlement conditions prescribed by the above mentioned enactment have not been complied with.

Respectfully submitted,

A. T. Drayne Daly

Minister of the Interior.

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DUPLICATE.

235667.

Ottawa, 5th June, 1893.

Sir,

In reply to your letter of the 26th ultimo, No. 261735, Ref. 58190, with respect to entries granted under Section 3 of the Act 55-56 Vic., Cap. 15, I am directed to inform you that an Order in Council will be asked for which will confer upon the Commissioner of Dominion Lands power to cancel entries of the class mentioned for non-fulfilment of settlement duties.

I am, Sir,
Your obedient servant,

LYNDWODE PEREIRA.

Assistant Secretary.

R. A. Ruttan, Esq.,
Assistant Secretary,
Dominion Land Board,
Winnipeg,
Man.

H.

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No. 261733
Ref 58190

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

331509

Winnipeg, Man. 26th May, 1893. 18

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

235667

Mr Hall

209/10

Sir,

Will you be good enough to bring to the attention of the Minister the fact that there is no provision for the cancellation of an entry granted in pursuance of Section 3, Cap.15; 55 - 56, Vic. , in cases where settlement duties are not being performed. The Commissioner suggests, therefore, that the Governor-in-Council shall be asked , under the authority of Sub-section "h" of Section 90 Dominion Lands Act, to provide for the usual penalty being enforced in these cases.

I have the honour to be,

Sir,

Your obedient servant,

R. A. Rutan

Assistant Secretary

O. in C. passed 12 June 93

The Secretary,

Department of the Interior,

Ottawa, Ont.

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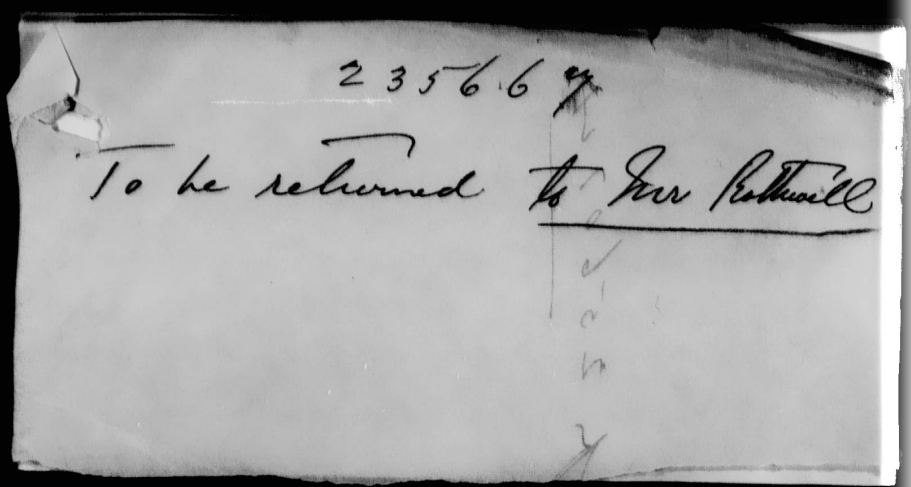

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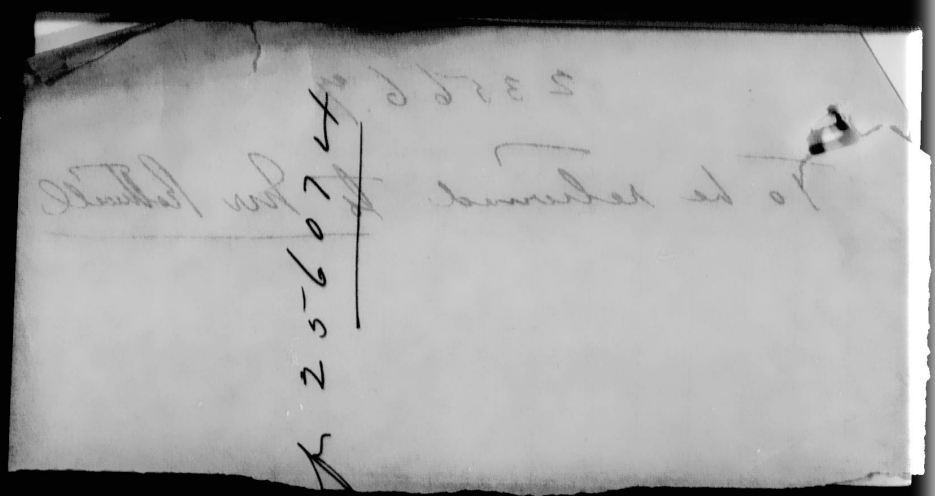

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for file 23567

Department of the Interior,

Ottawa, 20th April, 1893.

Copy

Memorandum :- 31718

To the Deputy Minister,

This file relates to an advance of $559.16 which was made to A.D.McClure by the Canada Settlers' Loan & Trust Company under the provisions of Clause 44 of the Dominion Lands Act.

When the papers were first received here it was discovered that although the amount, $559.16, in the statement, corresponded with the amount mentioned in affidavits made by the Company's Agent, and by Mr. McClure, respectively, a different amount, $600.00, was given in the acknowledgment for the advance which Mr. McClure signed, and which is in accordance with "Form R," of the "Dominion Lands Act."

The acknowledgment was, therefore, returned under cover of a letter requesting the alteratic of the amount therein from $600.00 to $559.16, that was the amount to be charged against McClu homestead.

The instrument was however sent back a copy of a letter from Messrs. Allan, Bridges the Company's Agents, in which they stated that was impossible to comply with the reque st of th Department, as the acknowledgment had been exe in triplicate, one of which being registered could not be changed. They also gave other reasons w they

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they considered it to be both impossible and unnecessary to make the desired change.

As the law stands I have to advise that the acknowledgment or lien ought to be accepted without alteration and be entered in our books, for $559.16 with interest as stipulated therein. The Company are not responsible for the difficulty, which so far as I can see cannot be avoided in any similar case until form "R" is amended.

By referring to the Act it will be seen that the person or Company proposing to make the advance may take at once from an intending settler an acknowledgment in the form "R" and that such acknowledgment is to operate as a charge on the settler's homestead for the amount afterwards certified as having been advanced and shewn by vouchers and other evidence to have been loaned.

An acknowledgment in the form "R" reads however as if the advance had been made at or before its execution, and as if the amount was then known. The object of providing for the taking of acknowledments in the form "R" is to permit of the obtaining of such an instrument by the person or company proposing to make the advance <u>at once</u>, that is clearly before the advance is made and in fact before the settler knows how much money he will require, or the person or company have decided the amount he or they are willing to loan.

It is therefore evident form "R" should be amended, and I think the amendment should be made at the earliest possible moment.

Clause

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Clause 98 of the Dominion Lands Act only provides, as you pointed out to me when I first brought this matter to your attention, for the amendment of forms A to K. The provisions of that Clause were first enacted by Clause 3 of 49 Vic. Chap 27, and the schedule to the Act then contained other forms, than those mentioned in such provisions. Form "R" cannot therefore be amended thereunder but must be amended by Act of Parliament, and although no action in that direction can be taken until next Session, I submit herewith a draft of an amended form.

I have placed a copy of this memorandum and a copy of draft form, on file 235667 relating to amendments of the Dominion Lands Act so that the matter may not be overlooked next Session.

Respectfully submitted.

T. G. Rothwell

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Form R.

Acknowledgment and Charge

I, the undersigned hereby acknowledge that I have agreed and I do hereby covenant and agree with who propose to advance to me or to incur in expenses for me in placing me upon a homestead in Manitoba or the North West Territories of Canada, under provisions in that behalf contained in the "Dominion Lands Act" and its amendments, a sum not to exceed six hundred dollars, for the purposes therein specified and set forth, to pay to the said representatives or assigns the amount at which a state - ment of the said expenses shall be proved and certified under and in accordance with the said provisions in years from the day of 18 , as follows :-

with interest on the said amount from the day of 18 , at the rate of per cent. per annum, payable yearly on the day of in each year, the first in- stalment whereof shall become due on the day of 18 , and as security for the pay- ment of the said amount with interest as aforesaid this acknowledgment shall operate as, and I do hereby create it a first mortgage and charge upon the homestead for which I shall obtain entry under the said Act, upon and subject to the condition however that I am to have the privilege

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privilege of paying off the said amount with interest as aforesaid at any time prior to the expiration of the said years.

In testimoney whereof I have hereunto set my hand and seal this day of 18 .

Signed, Sealed and Delivered,
In presence of.

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Statement of Expenses incurred for

by
for

For cost of passage.....$

do subsistence.....

do entry fee.....

do breaking land.....

do selecting land, placing settler thereon, and legal expenses.....

do material for building.cost.of.erection and insurance.....

do horses and cattle.....

do house and furniture.....

do farm implements.....

do seed grain.....

Interest on $, from

18 , to 18 .

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Certificate

(of Local Agent, homestead inspector or other agent, appointed by the Minister of the Interior.)

I

having examined the vouchers and other satisfactory evidence hereby certify that the sum of

dollars and

cents has been advanced to

by

which sum of

dollars and cents, with interest

thereon from

to at 8%

amounts to dollars and

cents, as shewn by the foregoing or annexed statement of expenses.

And I further certify that the said

has been actually placed upon the

quarter of Section , Township ,

Range , West of the Meridian, being the homestead for which he has obtained entry under the provisions in that behalf contained in the "Dominion LandsAct" and against which the within or annexed acknowledgment, executed by the said

on the day of 18, is to operate as a first mortgage and charge in favour of the said

for the amount of dollars and

cents as hereby certified by me, with interest as specified in the said acknowledgment.

Dated at this day of

18 .

Witness.

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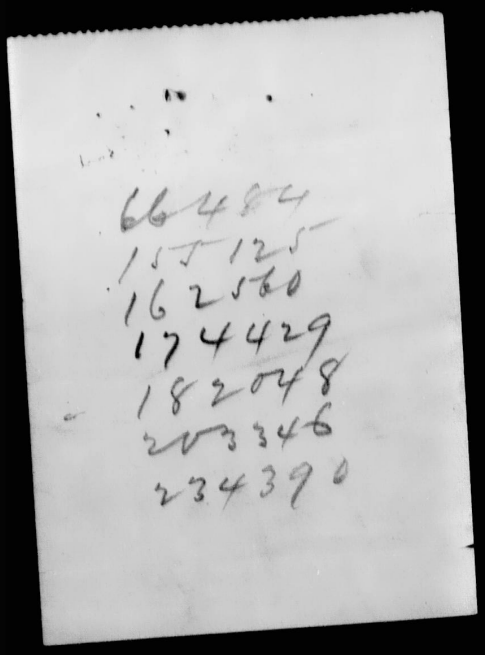

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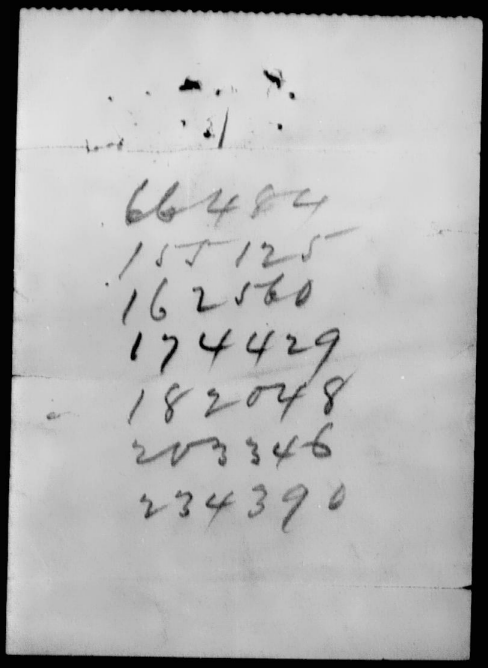
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Copy for Mr. L. M. Fortier for Book of Rulings. 19019

M.

DEPARTMENT OF THE INTERIOR CANADA

file

Ottawa, 12th January, 1893.

301590
24 5 4 53

Sir,

I am directed to inform you that the Amendment to the Dominion Lands Act passed at the last Session of Parliament, having reference to the payment of preemptions will apply to all uncancelled preemption entries. Taking the case which you mentioned to Mr. Burgess verbally as an example, where the man had received his homestead patent more than two years prior to the passage of the Act, the conclusion was that he would be equitably dealt with if he were allowed the two years extension provided for by the Act, counting from the date of his recommendation, interest to commence at the end of that period. Before putting this ruling finally into effect, however, it might be well to cause enquiry to be made into what the practice of the Agencies has been in this relation since the legislation of last Session.

I am, Sir,

Your obedient servant,

Secretary.

H. H. Smith, Esq.,
Commissioner of
Dominion Lands,
Winnipeg, Man.

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19019

For Mr. Hume.

MEB

Letter No.
Reference No. 301590

Department of the Interior,

☞ Address your reply as follows: To the Secretary of the Department of the Interior, Ottawa.

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

Ottawa, 11th January, 1893. 18

Sir,

In reply to your letter dated the 4th December but received here on the 9th instant, Ref. 175421, I am directed to inform you that it has been decided that for the purpose of obtaining a revenue the Department will exact a fee of $10 in all cases of entries for cancelled lands, whether such lands are purchased or homesteaded, or taken under Half-breed or Military Bounty Land Warrant.

Please advise the different Agents of Dominion Lands by circular of this decision.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA.

Assistant Secretary.

The Secretary,
Dominion Lands Board,
Winnipeg, Man.

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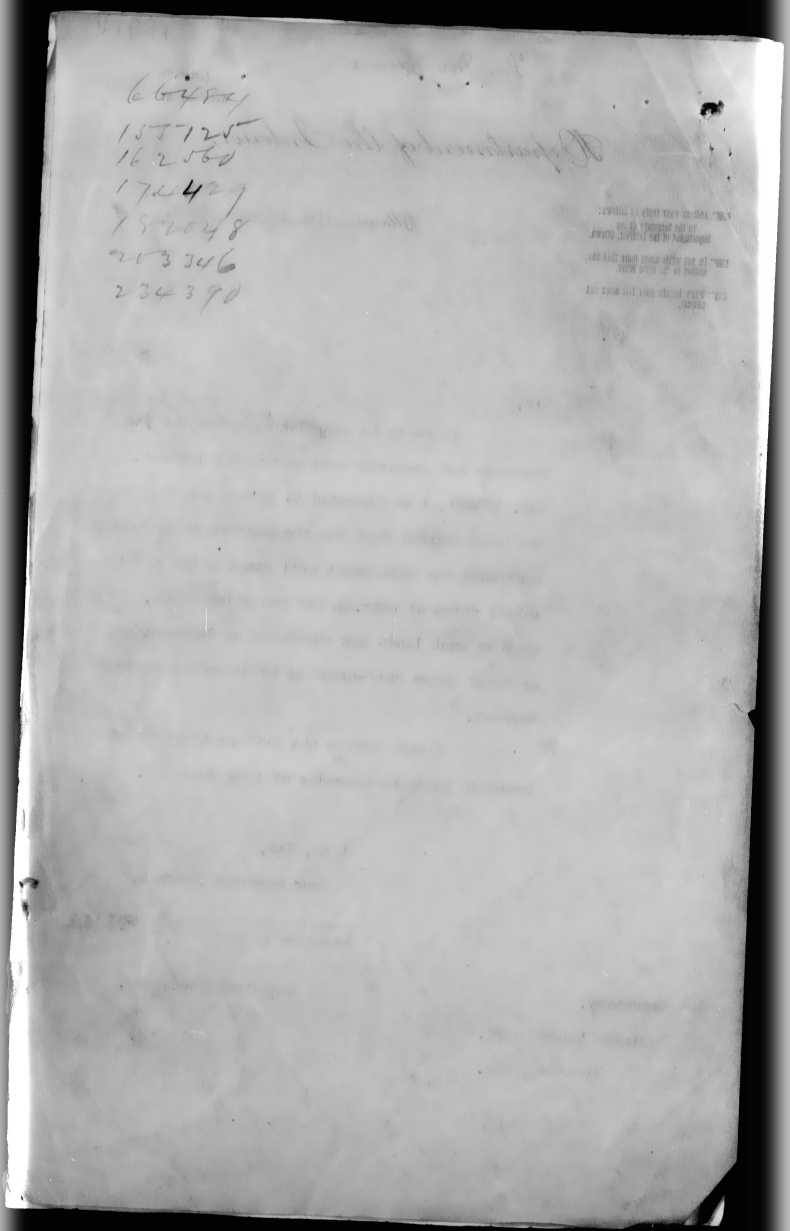

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Copy for file 235667 27/2/3 R File may go by. R

No. 109.] **BILL.** [1893.

An Act further to amend the Dominion Lands Act.

WHEREAS, by clause twenty-three of *The Dominion Lands Act*, sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion lands are set apart as an endowment for purposes of education and designated as school lands, and are withdrawn from the operation of the clauses of the said Act relating to the sale of Dominion lands and to homestead rights therein; and whereas it is expedient in the public interest that the claims of certain persons, hereinafter mentioned, who in good faith and in ignorance of the law settled prior to the first day of January, in the year one thousand eight hundred and eighty, upon certain school lands hereinafter described, should be recognized: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything contained in *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, or in the several amendments thereto, the Minister of the Interior, under the direction of the Governor in Council, may grant to the several persons hereinafter mentioned homestead entry for the lands set opposite their respective names, upon proof to the satisfaction of the said Minister that the said persons were in *bonâ fide* occupation of the said lands prior to the first day of January, in the year one thousand eight hundred and eighty, and that they have continued to occupy and cultivate them since that date, in accordance with the requirements of the provisions of the said Act relating to homestead entry, that is to say:

Alexander McMillan for the N. E. ¼ of section 11, township 13, range 1, East of the 1st principal meridian;

John Cathcart for the N. W. ¼ of section 11, township 13, range 1, East of the 1st principal meridian;

Henry Welsh for the S. E. of ¼ section 11, township 13, range 1, East of the 1st principal meridian;

George Williams for the N. E. ¼ of section 29, township 13, range 2, East of the 1st principal meridian;

J. W. Walker for the N. W. ¼ of section 29, township 13, range 2, East of the 1st principal meridian;

George Walker for the S. W. ¼ of section 29, township 13, range 2, East of the 1st principal meridian;

James Walker for the S. E. ¼ of section 29, township 13, range 2, East of the 1st principal meridian;

Andrew Hunter for the N. E. ¼ of section 29, township 14, range 2, East of the 1st principal meridian;

Robert Fisher for the S. W. ¼ of section 25, township 11, range 5, East of the 1st principal meridian;

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Archie McFee for the N. E. ¼ of section 11, township 13, range 5, East of the 1st principal meridian ;

Thomas Guthrie, for the N. E. ¼ of section 11, township 14, range 1, West of the 1st principal meridian ;

Angus Campbell for the N. W. ¼ of section 11, township 14, range 1, West of the 1st principal meridian ;

John Campbell for the S. W. ¼ of section 11, township 14, range 1, West of the 1st principal meridian ;

W. J. Lundy for the S. E. ¼ of section 29, township 2, range 3, East of the 1st principal meridian ;

James Simpson for the N. W. ¼ of section 29, township 5, range 5, West of the 1st principal meridian ;

2 The said Minister may cause to be selected in lieu of the school lands described in the next preceding section, for which homestead entries are to be granted, an equal area of vacant and unreserved Dominion lands within the province of Manitoba for the purposes of school endowment, and withdraw them from the operation of the clauses of *The Dominion Lands Act* relating to sale and homestead entry, and set them apart as school lands by a notice to that effect in the *Canada Gazette*.

No. 109.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL

An Act further to amend the Dominion Lands Act.

Received and read a first time Wednesday, 22nd March, 1893.
Second reading, Thursday, 23rd March, 1893.

Mr. DALY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

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Department of the Interior,

Ottawa, 21st February, 1893

Memorandum :-re.235667-

Mr. Henry.

As all papers re. Rivers and Streams in the North West Territories and re. Petroleum and Natural Gas have been detached from this file, and have been made into file No. and No. respectively, I return you this file -- 235667--which may be put away.

T.G.Rothwell,
B

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Ottawa, 21st February, 1893

Dear Dennis,

When you are over here please drop into my room. The Deputy Minister does not think that proposed amendment re. registration of plans can be passed as regards Manitoba. I do not think we are going to pass any amending Act to the Do - minion Lands Act this year..

Perhaps we can get the clause into the proposed new Territories Real Property Act.

Yours faithfully.

p. T.Y. Rolleston

J.S.Dennis, Esq.,
Inspector of Surveys,
Department of the Interior,

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321326

Department of the ~~Interior~~,
Office of the Commissioner of Dominion Lands.
Winnipeg, January 30th 1893.

H. 249282
Reg. 55190

Circular to all Agents.
Copy to H.O.

Sir,

Before issuing general instructions on the subject of the amendments to the Dominion Lands Act adopted at the last Session of Parliament affecting preemption payments the Minister desires information as to the practice of your office hitherto in treating cases where the certificate of recommendation for the homestead issued more than two years prior to the passage of the amendments referred to.

Have you, in enforcing existing regulations, collected interest in any cases? If you have done so, I presume that you have allowed the preempter the benefit of the full 2 years.

Please reply at your earliest convenience.

I have the honor to be,
Sir,
Your obedient Servant,

S. D. Bunbé
Secretary.

Agent of Dominion Lands,

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RECEIVED FEB 6 1899 OTTAWA

321826

Department of the Interior,

Office of the Commissioner of Dominion Lands.

Winnipeg, January 30th 1899.

Circular to all Agents.

Copy to H.O.

Sir,

Before issuing general instructions on the subject of the amendments to the Dominion Lands Act adopted at the last Session of Parliament affecting preemption payments, the Minister desires information as to the practice of your office hitherto in treating cases where the certificate of recommendation for the homestead issued more than two years prior to the passage of the amendments referred to.

Have you, in enforcing existing regulations, affected interest in any cases? If you have done so, I presume that you have allowed the preemptor the benefit of the full 2 years.

Please reply at your earliest convenience.

I have the honor to be,
Sir,
Your obedient Servant,

Agent of Dominion Lands. Secretary.

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235667..

Ottawa. 28th December, 1892.

235367

Memo :

Mr. Rothwell.

The Minister desires that an Amendment should be prepared to the Dominion Lands Act for submission to the House this Session. Please strike out of last year's Bill all that was passed last Session. You will find that the provisions relating to streams became law last year.

A. M. B.

Memo:
Mr. Burgess.

H.

Clauses 1, 2, 3, 4, 5, and 6 of last year's bill became law by clauses 1, 2, 3, 4, and 6, respectively of 55-56 V. C. 15, except certain differences (marked) in clause 3 as proposed & bill and clause 3 as passed. Clauses 7 to 10 of bill, both inclusive, re. petroleum, were made the subject of a separate bill but it was not passed. Clause 11 of bill is clause 8 of 55-56 V, C. 15.
The remaining clauses of the bill being 12 to 29, both inclusive, re. Streams, and 30 to 36, both inclusive, re. Squatters, did not become law, although the same clauses re. Streams were passed as Ordinance No. 21 of 1891-2 by the N.W. Leg. Council. That Ordinance was however disallowed by O. in C. of 31st Oct last.
I have added an amendment to Clause 61 of D. L. Act at suggestion of Mr. Dennis. T. G. Rothwell 13.1.93

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No.] **BILL.** [1892.

An Act to amend "The Dominion Lands Act" and amendments thereto.

WHEREAS it is expedient to amend the Dominion Lands Act, Chapter 54 of the Revised Statutes of Canada, and amendments thereto.

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows :—

1. Clause 17 of the said Act is hereby repealed.

2. Clause 21 of the said Act is hereby repealed and the following substituted therefor :—

21. Nothing in this Act shall be construed to prevent the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the "*Act respecting certain Claims to Lands in the Province of Manitoba*," or to prevent fractional sections or lands bordering on any river, or lake, or other watercourse, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the sub-division of sections or other legal sub-divisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such sub-divisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent the lands in the mountainous regions and where the ordinary mode of survey is impracticable to be laid out into townships, sections, quarter sections or legal sub-divisions by fixing the corners of such townships, sections, quarter sections, or legal sub-divisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister may direct, and to describe such townships, sections, quarter sections or legal sub-divisions for patent by metes and bounds according to a plan of record.

3. Sub-clause 5 of clause 38 of the said Act is hereby repealed and the following substituted therefor :—

5. 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 included 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 becomes entitled to claim a patent under his homestead entry, shall be forfeited ; and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior, on the following conditions only :—

(*a.*) Any person obtaining homestead entry for the land included in such forfeited pre-emption entry shall be required to perfect his entry by erecting a habitable house thereon, and commencing actual residence in the said house within six months of the date of such homestead entry, and shall be required to continue such residence for at least six months in each of the three years next succeeding.

(*b.*) Before an application for patent for such homestead shall be accepted as satisfactory by the local agent, or the senior clerk performing his duties, the applicant shall be required to prove to the satisfaction of the said local agent, or the senior clerk performing his duties, that he has made permanent improvements on the said land to the aggregate value of not less than one dollar and fifty cents per acre ; provided, however, that where a settler has had a homestead and pre-emption entry and has obtained a patent for his homestead in time to entitle him to the privilege of making a second homestead entry and has been permitted to make a second homestead entry for the quarter section which was previously his pre-emption, he shall be entitled to a patent under his second homestead entry upon proving :

(*a.*) That he has resided upon the quarter section which was the subject of his first homestead entry for not less than three years from the date of his second homestead entry.

(*b.*) That within the first year after the date of his second homestead entry he broke and prepared for crop not less than

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WHEREAS it is expedient to amend the Dominion Lands Act, Chapter 54 of the Revised Statutes of Canada, and amendments thereto.

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows :—

1. Clause 17 of the said Act is hereby repealed.

2. Clause 21 of the said Act is hereby repealed and the following substituted therefor :—

21. Nothing in this Act shall be construed to prevent the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the "*Act respecting certain Claims to Lands in the Province of Manitoba*," or to prevent fractional sections or lands bordering on any river, or lake, or other watercourse, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the sub-division of sections or other legal sub-divisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such sub-divisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent the lands in the mountainous regions and where the ordinary mode of survey is impracticable to be laid out into townships, sections, quarter sections or legal sub-divisions by fixing the corners of such townships, sections, quarter sections, or legal sub-divisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister may direct, and to describe such townships, sections, quarter sections or legal sub-divisions for patent by metes and bounds according to a plan of record.

3. Sub-clause 5 of clause 38 of the said Act is hereby repealed and the following substituted therefor :—

5. 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 included 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 becomes entitled to claim a patent under his homestead entry, shall be forfeited ; and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior, on the following conditions only :—

(*a.*) Any person obtaining homestead entry for the land included in such forfeited pre-emption entry shall be required to perfect his entry by erecting a habitable house thereon, and commencing actual residence in the said house within six months of the date of such homestead entry, and shall be required to continue such residence for at least six months in each of the three years next succeeding.

(*b.*) Before an application for patent for such homestead shall be accepted as satisfactory by the local agent, or the senior clerk performing his duties, the applicant shall be required to prove to the satisfaction of the said local agent, or the senior clerk performing his duties, that he has made permanent improvements on the said land to the aggregate value of not less than one dollar and fifty cents per acre ; provided, however, that where a settler has had a homestead and pre-emption entry and has obtained a patent for his homestead in time to entitle him to the privilege of making a second homestead entry and has been permitted to make a second homestead entry for the quarter section which was previously his pre-emption, he shall be entitled to a patent under his second homestead entry upon proving :

(*a.*) That he has resided upon the quarter section which was the subject of his first homestead entry for not less than three years from the date of his second homestead entry.

(*b.*) That within the first year after the date of his second homestead entry he broke and prepared for crop not less than twenty acres of his second homestead quarter section.

(*c.*) That within the second year after the date of his second homestead entry he cropped the said twenty acres, and broke and prepared for crop not less than twenty acres in addition on his second homestead quarter section, making not less than forty acres.

(*d.*) That within the third year after the date of his second homestead entry he cropped the said forty acres, and broke and prepared for crop not less than twenty acres in addition, making in all not less than forty acres of the said second homestead broken and prepared for crop within three years of the date of his second 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.

4. Clause 43 of the said Act is hereby repealed and the following substituted therefor :—

43. No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause (*) mentioned, shall be entitled to obtain another homestead entry : Provided, however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained a homestead patent, or a certificate of recommendation for a patent countersigned by the Commissioner of Dominion Lands, or who had complied with the homestead provisions of the Acts then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the "*Dominion Lands Act*, 1883," to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-nine, shall be permitted to make a second homestead entry.

5. The Governor in Council may grant to individuals or companies, upon such terms and conditions as may appear just, and subject to such regulations as may from time to time be made in regard thereto, the right to construct through Dominion lands conduit pipes or canals for irrigation purposes, together with all water powers and privileges necessary therefor.

6. The Lieutenant Governor of the North-West Territories may, with the consent of the Governor in Council, close up any road which has been transferred to the Territories, or vary its direction ; and may, subject to any ordinances which may be made in respect thereof, open and establish any new highway in substitution therefor or otherwise ; and the land in any road allowance, public travelled road or trail so closed may be dealt with as the Governor in Council sees fit.

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Secs. 7 & 10, both incl. of Bill, refer to Petroleum & Natural Gas — See Separate Bill Ref

11. Clause 12 of Chapter 24 of the Act 54-55 Victoria, entitled "An Act further to amend the Dominion Lands Act" is hereby repealed.

Secs 17 to 29, both inclusive, of Bill concern Booming of logs &c on Rivers & Streams Nwts. See Separate Bill Ref:—

30. No person shall settle, reside or hunt upon, occupy or use any school lands, or lands reserved by and for the Hudson's Bay Company, or for any other purpose, or any other lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road, without the license of the Minister, which may at any time be revoked by the Minister; and if any person, without a license, settles, resides or hunts upon, occupies, or uses any school lands, or lands reserved by and for the Hudson's Bay Company or for any other purpose, or any lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road; or causes or permits any cattle or other animals owned by him, or in his charge to trespass therein; or hunts on or over or fishes in any lake, marsh, river, stream or creek running through or across the same, he shall be deemed a trespasser, and the Minister or such officer or person as he thereunto deputes and authorizes, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant, signed and sealed, directed to any literate person willing to act in the premises, commanding him forthwith:—

(*a.*) To remove from the said lands, marsh, public trail, road or allowance for road, every trespasser, so settled thereon, or who is residing or hunting upon, or occupying, or is illegally in possession of the same; or

(*b.*) To remove such cattle or other animals therefrom; or

(*c.*) To cause the trespasser to cease hunting or over, on or fishing in any lake, marsh, river, stream or creek, as aforesaid; or

(*d.*) To notify the trespasser to cease using, as aforesaid, the said lands, lake, river, stream, creek or marsh, public trail, road or allowance for road.

31. And the officer or other literate person shall accordingly remove or notify every such trespasser to remove, or to remove his cattle or other animals, as the case may be, or cause him to cease hunting or fishing as aforesaid; and for that purpose shall have the same powers as in the execution of criminal process; and the expenses incurred in any removal or notification shall be borne by the trespasser so removed or notified, or who owns the cattle or other animals removed, or who has them in charge, or who has been hunting or fishing, and may be recovered from him as the costs in any ordinary action or suit.

32. If any trespasser after he has been so removed or notified as aforesaid, or after any cattle or other animals owned by him or in his charge have been removed as aforesaid, returns to, settles, resides, or hunts upon any school lands, or lands reserved by and for the Hudson's Bay Company, or for any other purpose, or any lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road, or causes or permits any cattle or other animals owned by him or in his charge to return thereto; or returns to any marsh, lake, river, stream or creek for the purpose of hunting thereon or thereover, or fishing therein, the Minister or any officer or literate person deputed and authorized, as aforesaid, upon view, or upon proof on oath made before him, or to his satisfaction, that the said trespasser has returned to, settled, resided or hunted upon or occupied or used as aforesaid, any of the said lands or any public trail, road or allowance for road, or has caused or permitted any cattle or other animals owned by him, or in his charge, to return to any of the said lands, or has returned to any lake, marsh, river, stream or creek, for the purpose of hunting on or over the same or of fishing therein, shall direct and send his warrant, signed and sealed, to the sheriff of the proper district, or to any literate person therein, commanding him forthwith to arrest the trespasser, and bring him before any stipendiary magistrate, or justice of the peace, who may, on conviction, commit him to the common gaol in the said district; or if there is no gaol in the said district, then to the gaol nearest thereto, there to remain for the time ordered in

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Secs. 7 to 10, both incl. of Bill, refer to Petroleum & Natural Gas — See Separate Bill Ref

11. Clause 12 of Chapter 24 of the Act 54-55 Victoria, entitled "An Act further to amend the Dominion Lands Act" is hereby repealed.

Done by Sec. 6 55-56 V. c. 15

Secs 17 to 24, both inclusive, of Bill concern floating of logs &c on Rivers & Streams NWTs. See Separate Bill Ref:—

30. No person shall settle, reside or hunt upon, occupy or use any school lands, or lands reserved by and for the Hudson's Bay Company, or for any other purpose, or any other lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road, without the license of the Minister, which may at any time be revoked by the Minister; and if any person, without a license, settles, resides or hunts upon, occupies, or uses any school lands, or lands reserved by and for the Hudson's Bay Company or for any other purpose, or any lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road; or causes or permits any cattle or other animals owned by him, or in his charge to trespass therein; or hunts on or over or fishes in any lake, marsh, river, stream or creek running through or across the same, he shall be deemed a trespasser, and the Minister or such officer or person as he thereunto deputes and authorizes, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant, signed and sealed, directed to any literate person willing to act in the premises, commanding him forthwith:—

(*a.*) To remove from the said lands, marsh, public trail, road or allowance for road, every trespasser, so settled thereon, or who is residing or hunting upon, or occupying, or is illegally in possession of the same; or

(*b.*) To remove such cattle or other animals therefrom; or

(*c.*) To cause the trespasser to cease hunting or over, on or fishing in any lake, marsh, river, stream or creek, as aforesaid; or

(*d.*) To notify the trespasser to cease using, as aforesaid, the said lands, lake, river, stream, creek or marsh, public trail, road or allowance for road.

24 **31.** And the officer or other literate person shall accordingly remove or notify every such trespasser to remove, or to remove his cattle or other animals, as the case may be, or cause him to cease hunting or fishing as aforesaid; and for that purpose shall have the same powers as in the execution of criminal process; and the expenses incurred in any removal or notification shall be borne by the trespasser so removed or notified, or who owns the cattle or other animals removed, or who has them in charge, or who has been hunting or fishing, and may be recovered from him as the costs in any ordinary action or suit.

25 **32.** If any trespasser after he has been so removed or notified as aforesaid, or after any cattle or other animals owned by him or in his charge have been removed as aforesaid, returns to, settles, resides, or hunts upon any school lands, or lands reserved by and for the Hudson's Bay Company, or for any other purpose, or any lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road, or causes or permits any cattle or other animals owned by him or in his charge to return thereto; or returns to any marsh, lake, river, stream or creek for the purpose of hunting thereon or thereover, or fishing therein, the Minister or any officer or literate person deputed and authorized, as aforesaid, upon view, or upon proof on oath made before him, or to his satisfaction, that the said trespasser has returned to, settled, resided or hunted upon or occupied or used as aforesaid, any of the said lands or any public trail, road or allowance for road, or has caused or permitted any cattle or other animals owned by him, or in his charge, to return to any of the said lands, or has returned to any lake, marsh, river, stream or creek, for the purpose of hunting on or over the same or of fishing therein, shall direct and send his warrant, signed and sealed, to the sheriff of the proper district, or to any literate person therein, commanding him forthwith to arrest the trespasser, and bring him before any stipendiary magistrate, or justice of the peace, who may, on conviction, commit him to the common gaol in the said district; or if there is no gaol in the said district, then to the gaol nearest thereto, there to remain for the time ordered in

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lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road, without the license of the Minister, which may at any time be revoked by the Minister; and if any person, without a license, settles, resides or hunts upon, occupies, or uses any school lands, or lands reserved by and for the Hudson's Bay Company or for any other purpose, or any lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road; or causes or permits any cattle or other animals owned by him, or in his charge to trespass therein; or hunts on or over or fishes in any lake, marsh, river, stream or creek running through or across the same, he shall be deemed a trespasser, and the Minister or such officer or person as he thereunto deputes and authorizes, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant, signed and sealed, directed to any literate person willing to act in the premises, commanding him forthwith:—

(*a.*) To remove from the said lands, marsh, public trail, road or allowance for road, every trespasser, so settled thereon, or who is residing or hunting upon, or occupying, or is illegally in possession of the same; or

(*b.*) To remove such cattle or other animals therefrom; or

(*c.*) To cause the trespasser to cease hunting or over, on or fishing in any lake, marsh, river, stream or creek, as aforesaid; or

(*d.*) To notify the trespasser to cease using, as aforesaid, the said lands, lake, river, stream, creek or marsh, public trail, road or allowance for road.

24 **31.** And the officer or other literate person shall accordingly remove or notify every such trespasser to remove, or to remove his cattle or other animals, as the case may be, or cause him to cease hunting or fishing as aforesaid; and for that purpose shall have the same powers as in the execution of criminal process; and the expenses incurred in any removal or notification shall be borne by the trespasser so removed or notified, or who owns the cattle or other animals removed, or who has them in charge, or who has been hunting or fishing, and may be recovered from him as the costs in any ordinary action or suit.

25 **32.** If any trespasser after he has been so removed or notified as aforesaid, or after any cattle or other animals owned by him or in his charge have been removed as aforesaid, returns to, settles, resides, or hunts upon any school lands, or lands reserved by and for the Hudson's Bay Company, or for any other purpose, or any lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road, or causes or permits any cattle or other animals owned by him or in his charge to return thereto; or returns to any marsh, lake, river, stream or creek for the purpose of hunting thereon or thereover, or fishing therein, the Minister or any officer or literate person deputed and authorized, as aforesaid, upon view, or upon proof on oath made before him, or to his satisfaction, that the said trespasser has returned to, settled, resided or hunted upon or occupied or used as aforesaid, any of the said lands or any public trail, road or allowance for road, or has caused or permitted any cattle or other animals owned by him, or in his charge, to return to any of the said lands, or has returned to any lake, marsh, river, stream or creek, for the purpose of hunting on or over the same or of fishing therein, shall direct and send his warrant, signed and sealed, to the sheriff of the proper district, or to any literate person therein, commanding him forthwith to arrest the trespasser, and bring him before any stipendiary magistrate, or justice of the peace, who may, on conviction, commit him to the common gaol in the said district; or if there is no gaol in the said district, then to the gaol nearest thereto, there to remain for the time ordered in the warrant, but which shall not exceed thirty days for the first offence, and thirty days additional for each subsequent offence.

26 **33.** Such sheriff or literate person shall accordingly arrest the said trespasser, and deliver him to the gaoler of the proper district, who shall receive him and imprison him in the said gaol for the term aforesaid.

27 **34.** The Minister, or any officer or literate person, by him deputed as aforesaid, shall cause the judgment, or order against the offender to be drawn up and filed in his office; and the judgment shall not be appealed from or removed by *certiorari* or otherwise, but shall be final.

28 **35.** In all orders, writs, warrants, summonses and proceedings whatsoever made, issued or taken by the Minister or any officer or literate person, by him deputed as aforesaid, or by any stipendiary magistrate or justice of the peace, it shall not be necessary to insert or express the name of the trespasser so summoned, arrested, imprisoned or otherwise proceeded against therein, except when the name of the trespasser is truly given or known by the Minister, officer, or literate person, or stipendiary magistrate, or justice of the peace; and if the name is not truly given or known by the Minister, officer, or literate person, he may name or describe tha trespasser by any part of the name of the trespasser given to or known by him; and if no part of the name is given to or known by him, he may describe the trespasser to be proceeded against in any manner by which he may be identified; and all such proceedings, containing or purporting to give the name or description of any trespasser as aforesaid shall *prima facie* be sufficient.

29 **36.** All sheriffs, gaolers or peace officers, to whom any process is directed by the Minister or by any officer or literate person by him deputed as aforesaid, or by any stipendiary magistrate or justice of the peace, and all other persons to whom the process is directed with their consent, shall obey the same; and all other officers, upon reasonable requisition so to do shall assist in the execution thereof.

30 Clause 61 of the said Act is hereby amended by adding the following words thereto:-

and also a certified copy of the plan of now or hereafter
map or each and every survey, made by under or
by direction of the said Minister, of any travelled
road or public highway, or of the shore of any
lake, river, bay, pond or stream, or of any railway
or other right of way, in such County, district or
division aforesaid, or of any other plan or map which
may ~~exist~~ be required by such registrar in accurately
fixing the boundary or boundaries of any lands in such County, district or division aforesaid.

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No.] **BILL.** [1892.

An Act to amend "The Dominion Lands Act" and amendments thereto.

WHEREAS it is expedient to amend the Dominion Lands Act, Chapter 54 of the Revised Statutes of Canada, and amendments thereto.

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows :—

1. Clause 17 of the said Act is hereby repealed.

2. Clause 21 of the said Act is hereby repealed and the following substituted therefor :—

21. Nothing in this Act shall be construed to prevent the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the "*Act respecting certain Claims to Lands in the Province of Manitoba*," or to prevent fractional sections or lands bordering on any river, or lake, or other watercourse, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the sub-division of sections or other legal sub-divisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such sub-divisions of fractional sections or lands bordering as above, or other lots, or wood lots, ~~for patent~~, by numbers according to a plan of record, ~~or~~ by metes and bounds, or by both, as seems expedient, or to prevent the lands in the mountainous regions and where the ordinary mode of survey is impracticable to be laid out into townships, sections, quarter sections or legal sub-divisions by fixing the corners of such townships, sections, quarter sections, or legal sub-divisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister may direct, and to describe such townships, sections, quarter sections or legal sub-divisions for patent by metes and bounds according to a plan of record.

3. Sub-clause 5 of clause 38 of the said Act is hereby repealed and the following substituted therefor :—

5. 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 included 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 becomes entitled to claim a patent under his homestead entry, shall be forfeited ; and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior, on the following conditions only :—

(*a.*) Any person obtaining homestead entry for the land included in such forfeited pre-emption entry shall be required to perfect his entry by erecting a habitable house thereon, and commencing actual residence in the said house within six months of the date of such homestead entry, and shall be required to continue such residence for at least six months in each of the three years next succeeding.

(*b.*) Before an application for patent for such homestead shall be accepted as satisfactory by the local agent, or the senior clerk performing his duties, the applicant shall be required to prove to the satisfaction of the said local agent, or the senior clerk performing his duties, that he has made permanent improvements on the said land to the aggregate value of not less than one dollar and fifty cents per acre ; provided, however, that where a settler has had a homestead and pre-emption entry and has obtained a patent for his homestead in time to entitle him to the privilege of making a second homestead entry and has been permitted to make a second homestead entry for the quarter section which was previously his pre-emption, he shall be entitled to a patent under his second homestead entry upon proving :—

(*a.*) That he has resided upon the quarter section which was the subject of his first homestead entry for not less than three years from the date of his second homestead entry.

(*b.*) That within the first year after the date of his second homestead entry he broke and prepared for crop not less than twenty acres of his second homestead quarter section.

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entitled to a patent for the land included 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 becomes entitled to claim a patent under his homestead entry, shall be forfeited; and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior, on the following conditions only:—

(*a.*) Any person obtaining homestead entry for the land included in such forfeited pre-emption entry shall be required to perfect his entry by erecting a habitable house thereon, and commencing actual residence in the said house within six months of the date of such homestead entry, and shall be required to continue such residence for at least six months in each of the three years next succeeding.

(*b.*) Before an application for patent for such homestead shall be accepted as satisfactory by the local agent, or the senior clerk performing his duties, the applicant shall be required to prove to the satisfaction of the said local agent, or the senior clerk performing his duties, that he has made permanent improvements on the said land to the aggregate value of not less than one dollar and fifty cents per acre; provided, however, that where a settler has had a homestead and pre-emption entry and has obtained a patent for his homestead in time to entitle him to the privilege of making a second homestead entry and has been permitted to make a second homestead entry for the quarter section which was previously his pre-emption, he shall be entitled to a patent under his second homestead entry upon proving:—

(*a.*) That he has resided upon the quarter section which was the subject of his first homestead entry for not less than three years from the date of his second homestead entry.

(*b.*) That within the first year after the date of his second homestead entry he broke and prepared for crop not less than twenty acres of his second homestead quarter section.

(*c.*) That within the second year after the date of his second homestead entry he cropped the said twenty acres, and broke and prepared for crop not less than twenty acres in addition on his second homestead quarter section, making not less than forty acres.

(*d.*) That within the third year after the date of his second homestead entry he cropped the said forty acres, and broke and prepared for crop not less than twenty acres in addition, making in all not less than forty acres of the said second homestead broken and prepared for crop within three years of the date of his second 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.

4. Clause 43 of the said Act is hereby repealed and the following substituted therefor:—

43. No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause (*) mentioned, shall be entitled to obtain another homestead entry: Provided, however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained a homestead patent, or a certificate of recommendation for a patent countersigned by the Commissioner of Dominion Lands, or who had complied with the homestead provisions of the Acts then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the "*Dominion Lands Act*, 1883," to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-nine, shall be permitted to make a second homestead entry.

5. The Governor in Council may grant to individuals or companies, upon such terms and conditions as may appear just, and subject to such regulations as may from time to time be made in regard thereto, the right to construct through Dominion lands conduit pipes or canals for irrigation purposes, together with all water powers and privileges necessary therefor.

6. The Lieutenant Governor of the North-West Territories may, with the consent of the Governor in Council, close up any road which has been transferred to the Territories, or vary its direction; and may, subject to any ordinances which may be made in respect thereof, open and establish any new highway in substitution therefor or otherwise; and the land in any road allowance, public travelled road or trail so closed may be dealt with as the Governor in Council sees fit.

7. The Governor in Council may, by way of encouragement and in aid of works undertaken with the view of developing the petroleum and natural gas resources of the North-West Territories, and subject to such regulations as the Governor in Council may adopt, make to the promoters of such works grants of Dominion lands in the area known as the Mackenzie Basin, between the 53rd and 59th parallel of latitude and the 110th and 118th meridians of longitude.

8. Such grants shall not exceed six thousand acres of land for each petroleum or gas-well drilled within the territory above described, or thousand acres per mile for each mile of pipe line constructed with the approval of the Governor in Council.

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9. Every such grant as aforesaid in respect of any pipe line shall be subject to such conditions as the Governor in Council determines for securing to all producers of oil or natural gas reasonable facilities for transportation and equal and reasonable tariff rates.

10. Subject to any regulations to be made hereunder and to such conditions as may be imposed under the next preceding section every grant of lands under this Act shall be a free grant; provided that the grantees shall in all cases be required before the issue of patent to pay in cash at the rate of ten cents per acre of the land granted to them to cover the cost of survey and incidental expenses.

11. Clause 12 of Chapter 24 of the Act 54-55 Victoria, entitled "An Act further to amend the Dominion Lands Act" is hereby repealed.

12. The following clauses of this Act, from No. 13 to No. 29 inclusive, shall apply to the North-West Territories only.

13. All persons shall, subject to the provisions in this Act contained, have, during the spring, summer and autumn freshets, the right to, and may float and transmit saw-logs and all other timber of every kind, and all rafts and crafts, down all rivers, creeks and streams; and no person shall, by felling trees or placing any other obstruction in or across any such river, creek or stream, prevent the passage thereof; and in case it may be necessary to remove any obstruction from such river, creek or stream, or construct any apron, dam, slide, gate-lock, boom or other work therein or thereon necessary to facilitate the floating and transmitting such saw-logs and other timber, rafts or crafts, down the same, then it shall be lawful for the person requiring so to float and transmit such saw-logs and other timber, rafts and crafts, to construct such apron, dam, slide, gate-lock, boom or other structure necessary for the purposes aforesaid, doing no unnecessary damage to the said river, creek or stream, or to the banks thereof.

14. In case there is a convenient apron, slide, gate-lock or opening in any such dam or other such structure made for the passage of saw-logs and other timber, rafts and crafts authorized to be floated down such stream as aforesaid, no person using any such stream in manner and for the purposes aforesaid, shall alter, injure or destroy any such dam or other useful erection or structure in or upon the bed of or across the stream, or do any unnecessary damage thereto or on the banks thereof.

15. Except in the case of round or squared timber, or of masts, staves, deals, boards or other sawed or manufactured lumber or saw-logs, prepared for transportation to a market, every person and every employer of such person who cuts and fells any trees into the rivers, creeks and streams of the North-West Territories, or upon such parts of the banks thereof as are usually overflowed in the autumn or spring of the year by the rising of the waters of the said rivers, creeks or streams, and who does not lop off the branches of such trees and cut up the trunks thereof into lengths suitable for saw-logs, before they are allowed to be floated or cast into the said rivers, creeks or streams, shall for every such offence forfeit and pay a penalty not exceeding ten dollars.

16. All fines, penalties, forfeitures and damages under this Act when not together exceeding twenty dollars may respectively, upon the oath of one credible witness, be recovered with costs, in a summary way before any one or more Justices of the Peace, and unless a conviction is appealed from, if the fine or penalty and damages (as the case may be), together with the costs, are not paid at the time stated in the conviction, the convicting Justice or Justices or one of them, when more than one, shall issue his or their warrant of distress to levy the same out of the goods and chattels of the offender, and in case there are not sufficient goods and chattels found to satisfy the same, and in case the offender does not otherwise satisfy the same within three days of the conviction, then such Justice or Justices, as the case may be, shall by warrant under hand and seal commit the offender to a common jail, or if there be no such jail in the Judicial District to the nearest lock-up of the North-West Mounted Police force, for the term not exceeding ninety days, unless the fine, penalty, or damages (as the case may be) and costs are not sooner paid.

17. Of pecuniary penalties levied under this Act one-third shall go to the person laying the information and the other two-thirds shall be paid to the Consolidated Revenue Fund of Canada or shall be applied to such purpose as the Governor in Council may determine.

18. In the case of damage to private property arising out of a violation of this Act such damages may, at the request of the party or parties aggrieved, be assessed by the convicting Justice or Justices, and included in the conviction, when such damages together with the fine or penalty imposed do not together exceed twenty dollars, and in case damages are assessed the same shall be paid to the party or parties aggrieved.

19. In case any person shall construct in or upon such river, creek or stream, any apron, dam, slide, gate-lock, boom, or other structure necessary to facilitate the floating or transmission of saw-logs or other timber, rafts or crafts down such

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the trunks thereof into lengths suitable for saw-logs, before they are allowed to be floated or cast into the said rivers, creeks or streams, shall for every such offence forfeit and pay a penalty not exceeding ten dollars.

16. All fines, penalties, forfeitures and damages under this Act when not together exceeding twenty dollars may respectively, upon the oath of one credible witness, be recovered with costs, in a summary way before any one or more Justices of the Peace, and unless a conviction is appealed from, if the fine or penalty and damages (as the case may be), together with the costs, are not paid at the time stated in the conviction, the convicting Justice or Justices or one of them, when more than one, shall issue his or their warrant of distress to levy the same out of the goods and chattels of the offender, and in case there are not sufficient goods and chattels found to satisfy the same, and in case the offender does not otherwise satisfy the same within three days of the conviction, then such Justice or Justices, as the case may be, shall by warrant under hand and seal commit the offender to a common jail, or if there be no such jail in the Judicial District to the nearest lock-up of the North-West Mounted Police force, for the term not exceeding ninety days, unless the fine, penalty, or damages (as the case may be) and costs are not sooner paid.

17. Of pecuniary penalties levied under this Act one-third shall go to the person laying the information and the other two-thirds shall be paid to the Consolidated Revenue Fund of Canada or shall be applied to such purpose as the Governor in Council may determine.

18. In the case of damage to private property arising out of a violation of this Act such damages may, at the request of the party or parties aggrieved, be assessed by the convicting Justice or Justices, and included in the conviction, when such damages together with the fine or penalty imposed do not together exceed twenty dollars, and in case damages are assessed the same shall be paid to the party or parties aggrieved.

19. In case any person shall construct in or upon such river, creek or stream, any apron, dam, slide, gate-lock, boom, or other structure necessary to facilitate the floating or transmission of saw-logs or other timber, rafts or crafts down such river, creek or stream, which was not navigable or was imperfectly navigable or floatable before the improvements were made, or are calculated to assist the more rapid transmit of such saw-logs or other timber, rafts or crafts, or shall blast rocks or remove shoals or other impediments or otherwise improve the floatability of the river, creek or stream, such person shall not have the exclusive right to the use of the river, creek or stream, or to the constructions and improvements, but all persons shall have during the spring, summer and autumn freshets the right to float and transmit saw-logs and other timber, rafts and crafts, down such rivers, creeks or streams and through and over the constructions and improvements, doing no unnecessary damage to the constructions and improvements or to the banks of the said rivers, creeks or streams, subject to the payment to the person who has made the constructions and improvements of reasonable tolls.

20. Sections 18 and 19 of this Act, and all rights therein given, and all provisions therein contained and made, shall apply to all rivers, creeks and streams in the North-West Territories, and to all constructions and improvements made therein and thereon, whether the bed of the river, creek or stream, or the land through which the same runs, has been granted by the Crown or not, and if granted by the Crown shall be binding on the grantees, their heirs, executors, administrators or assigns.

21. The judge of the judicial district in which the constructions and improvements are situated, shall, upon the application of the owner thereof, or of any person who may desire to use the same, fix the amounts which any person entitled to tolls under this Act shall be at liberty to charge, and may, from time to time, vary the amounts; and the judge in fixing the tolls shall have regard to and take into consideration the original cost of the constructions and improvements the amount required to maintain the same and the original cost, as well as such other matters as under all the circumstances may seem just and equitable.

22. The judge shall have the same and like powers as to compelling the attendance and examination of witnesses, the production of documents and otherwise, as are possessed by him in any cause, action, matter or other proceeding carried on or pending in the Supreme Court of the North-West Territories.

23. In case any person is dissatisfied with the order or judgment of the judge, he may within fifteen days from the date thereof appeal from the order or judgment to the Supreme Court at its next session at Regina.

24. If the appeal is not set down to be heard within the time limited for that purpose by the foregoing section of this Act, the appeal shall be deemed to have been abandoned.

27

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25. The costs of the appeal shall be in the discretion of the Court to which the appeal is had, and the practice and proceedings upon the appeal shall, except so far as may be by the Court to which the appeal is made otherwise provided, be similar to the practice and proceedings upon appeals from Courts of the Judicial Districts of the North-West Territories.

26. The foregoing provisions of this Act, from clause 13 to 25 inclusive, shall apply to all such constructions and improvements as may hitherto have been made, as well as to those which may be in course of construction, or shall hereafter be constructed.

27. Every person entitled to tolls shall have a lien upon the sawlogs or other timber passing through or over such constructions or improvements for the amount of the tolls, such lien to rank next after the lien (if any) which the Crown has for dues in respect to such logs or timber, and if the tolls are not paid, any Justice of the Peace shall, upon the oath of the owner of the constructions or improvements, or of his agent, that the just tolls have not been paid, issue a warrant for the seizure of such logs or timber, or so much thereof as will be sufficient to satisfy the tolls, which warrant shall be directed to any constable or any person sworn in as a special constable for that purpose, at the discretion of the magistrate, and shall authorise the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof, to sell, subject to the lien of the Crown (if any) for dues, the said logs or timber, and out of the proceeds to pay such tolls, together with the cost of the warrant and sale, rendering the surplus on demand to the owner: Provided always that the authority to issue such warrant by said Justice of the Peace shall not exist after the expiration of one month from the time of the passage of the logs or timber through or over any of such constructions or improvements.

28. All persons driving sawlogs or other timber, rafts or crafts, down any such river, creek or stream, shall have the right to go along the banks of such river, creek or stream, and to assist the passage of the timber over the same by all means usual amongst lumbermen, doing no unnecessary damage to the banks of the river, creek or stream.

29. Every person entitled to tolls under this Act may make rules and regulations for the purpose of regulating the safe and orderly transmission of sawlogs, timber, rafts and crafts, over or through such constructions or improvements; but no such rules or regulations shall have any force or effect until approved of by the Governor in Council, and the Governor in Council may revoke and cancel such rules and regulations so made and approved, and, from time to time, approve of new rules and regulations which the persons so entitled to tolls as aforesaid shall have the power to make.

Jas. Burgess
This does not seem clear

30. No person shall settle, reside ~~or hunt~~ upon, occupy or use any school lands, or lands reserved by and for the Hudson's Bay Company, or for any other purpose, or any other lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road, without the license of the Minister, which may at any time be revoked by the Minister; and if any person, without a license, settles, resides ~~or hunts~~ upon, occupies, or uses any school lands, or lands reserved by and for the Hudson's Bay Company or for any other purpose, or any lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road, or causes or permits any cattle or other animals owned by him, or in his charge to trespass therein ~~or hunts on or over or fishes in any lake, marsh, river, stream or creek running through or across the same,~~ he shall be deemed a trespasser, and the Minister or such officer or person as he thereunto deputes and authorizes, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant, signed and sealed, directed to any literate person willing to act in the premises, commanding him forthwith:—

(*a.*) To remove from the said lands, marsh, public trail, road or allowance for road, every trespasser so settled thereon, or who is residing ~~or hunting~~ upon, or occupying, or is illegally in possession of the same; or

(*b.*) To remove such cattle or other animals therefrom; or

~~(*c.*) To cause the trespasser to cease hunting or over, on or fishing in any lake, marsh, river, stream or creek, as aforesaid; or~~

~~(*d.*) To notify the trespasser to cease using, as aforesaid, the said lands, lake, river, stream, creek or marsh, public trail, road or allowance for road.~~

31. And the officer or other literate person shall accordingly remove or notify every such trespasser to remove, or to remove his cattle or other animals, as the case may be, ~~or cause him to cease hunting or fishing as aforesaid~~; and for that purpose shall have the same powers as in the execution of criminal process; and the expenses incurred in any removal or notification shall be borne by the trespasser so removed or notified, or who owns the cattle or other animals removed, or who has them in charge, ~~or who has been hunting or fishing,~~ and may be recovered from him as the costs in any ordinary action or suit.

32. If any trespasser after he has been so removed or noti-

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provisions herein contained, or any public trail, road or allowance for road, without the license of the Minister, which may at any time be revoked by the Minister; and if any person, without a license, settles, resides ~~or hunts~~ upon, occupies, or uses any school lands, or lands reserved by and for the Hudson's Bay Company or for any other purpose, or any lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road or causes or permits any cattle or other animals owned by him, or in his charge to trespass therein ~~or hunts on or over or fishes in any lake, marsh, river, stream or creek running through or across the same,~~ he shall be deemed a trespasser, and the Minister or such officer or person as he thereunto deputes and authorizes, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant, signed and sealed, directed to any literate person willing to act in the premises, commanding him forthwith:—

(*a.*) To remove from the said lands, marsh, public trail, road or allowance for road, every trespasser so settled thereon, or who is residing ~~or hunting~~ upon, or occupying, or is illegally in possession of the same; or

(*b.*) To remove such cattle or other animals therefrom; or

~~(*c.*) To cause the trespasser to cease hunting or over, on or fishing in any lake, marsh, river, stream or creek, as aforesaid; or~~

~~(*d.*) To notify the trespasser to cease using, as aforesaid, the said lands, lake, river, stream, creek or marsh, public trail, road or allowance for road.~~

31. And the officer or other literate person shall accordingly remove or notify every such trespasser to remove, or to remove his cattle or other animals, as the case may be, ~~or cause him to cease hunting or fishing as aforesaid~~; and for that purpose shall have the same powers as in the execution of criminal process; and the expenses incurred in any removal or notification shall be borne by the trespasser so removed or notified, or who owns the cattle or other animals removed, or who has them in charge, ~~or who has been hunting or fishing~~, and may be recovered from him as the costs in any ordinary action or suit.

32. If any trespasser after he has been so removed or notified as aforesaid, or after any cattle or other animals owned by him or in his charge have been removed as aforesaid, returns to, settles, resides, ~~or hunts~~ upon any school lands, or lands reserved by and for the Hudson's Bay Company, or for any other purpose, or any lands for which he has not obtained entry or purchased under the provisions herein contained, or any public trail, road or allowance for road, or causes or permits any cattle or other animals owned by him or in his charge to return thereto ~~or returns to any marsh, lake, river, stream or creek for the purpose of hunting thereon or thereover, or fishing therein~~, the Minister or any officer or literate person deputed and authorized, as aforesaid, upon view, or upon proof on oath made before him, or to his satisfaction, that the said trespasser has returned to, settled, resided ~~or hunted~~ upon or occupied or used as aforesaid any of the said lands or any public trail, road or allowance for road, or has caused or permitted any cattle or other animals owned by him, or in his charge, to return to any of the said lands, ~~or has returned to any lake, marsh, river, stream or creek, for the purpose of hunting on or over the same or of fishing therein,~~ shall direct and send his warrant, signed and sealed, to the sheriff of the proper district, or to any literate person therein, commanding him forthwith to arrest the trespasser, and bring him before any stipendiary magistrate, or justice of the peace, who may, on conviction, commit him to the common gaol in the said district; or if there is no gaol in the said district, then to the gaol nearest thereto, there to remain for the time ordered in the warrant, but which shall not exceed thirty days for the first offence, and thirty days additional for each subsequent offence.

33. Such sheriff or literate person shall accordingly arrest the said trespasser, and deliver him to the gaoler of the proper district, who shall receive him and imprison him in the said gaol for the term aforesaid.

34. The Minister, or any officer or literate person by him deputed as aforesaid, shall cause the judgment or order against the offender to be drawn up and filed in his office; and the judgment shall not be appealed from or removed by *certiorari* or otherwise, but shall be final.

35. In all orders, writs, warrants, summonses and proceedings whatsoever made, issued or taken by the Minister or any officer or literate person by him deputed as aforesaid, or by any stipendiary magistrate or justice of the peace, it shall not be necessary to insert or express the name of the trespasser so summoned, arrested, imprisoned or otherwise proceeded against therein, except when the name of the trespasser is truly given or known by the Minister, officer, or literate person, or stipendiary magistrate, or justice of the peace; and if the name is not truly given or known by the Minister, officer, or literate person, he may name or describe the trespasser by any part of the name of the trespasser given to or known by him; and if no part of the name is given to or known by him, he may describe the trespasser to be proceeded against in any manner by which he may be identified; and all such proceedings, containing or purporting to give the name or description of any trespasser as aforesaid shall *prima facie* be sufficient.

36. All sheriffs, gaolers or peace officers, to whom any process is directed by the Minister or by any officer or literate person by him deputed as aforesaid, or by any stipendiary magistrate or justice of the peace, and all other persons to whom the process is directed with their consent, shall obey the same; and all other officers, upon reasonable requisition so to do shall assist in the execution thereof.

2 OF/I

001099

L.C.

(Copy)

Department of the Interior,
Ottawa, 19th August, 1892.

Dear Mr. Smith,

I beg to advise you that the Minister has issued instructions that cancelled preemptions, except as otherwise provided in the amendment to the Dominion Lands Act of last Session, are in future to be dealt with in the same way as cancelled homesteads and be opened to new entry on the conditions of actual residence and cultivation only. I enclose herewith copy of a circular letter which has been addressed to our Dominion Lands Agents in Manitoba and the North West Territories instructing them in accordance with the tenor of the above mentioned decision.

ENCL.

Yours sincerely,
(Sgd) A.M. Burgess.

H.H. Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg,
Man.

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Copy

Ref. 205,280

Department of the Interior,
Ottawa, 22nd August, 1892.

Sir,

I am directed to inform you that the Minister of the Interior has approved of the following regulations governing the disposal of cancelled preëmptions, namely:-

Except as otherwise provided by clause 3 of the amendment to the Dominion Lands Act of last Session, (copy of which is herewith enclosed for your future guidance) whenever an entry is granted for

Encl.

To

The Agent of
Dominion Lands,
[illegible]
Winnipeg

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a cancelled preëmption to any other person than the homesteader who takes his preëmption as a second homestead, as provided by the amendment above quoted, the entry will be subject to the conditions of actual residence and cultivation, and will be granted under no other conditions, being in this respect subject to the same regulations as cancelled homesteads.

I am, Sir,

your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

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No. 233307
Ref 68190

Department of the Interior.

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 30th July 1892 18

DEPT. OF THE INTERIOR RECEIVED AUG 5 1892 OTTAWA

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

COPY
FOR THE INFORMATION OF THE H. O.

Sir,

Doubts having arisen at this Office as to whether the special conditions set forth in sub clause 5 of clause 38 of the Dominion Lands Act as it stood before the passing of the Act at the last session have not been wholly abolished by the amending Act, this is to inform you that the point will be discussed with the Department at an early date by the Commissioner and that the result of such dis-cussion will be communicated to you in due course.

I have the honor to be,
Sir,
Your obedient Servant,

J. R. Brupé
Secretary.

To the Agents of Dominion Lands,

DEPARTMENT OF THE INTERIOR
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DUPLICATE

TELEGRAPH. 301591

P.

T. R. Burpe,
Secretary, Dom. Lands Board,
Winnipeg, Man.

Department of the Interior,
Ottawa, 188
19--7--92

THE INTERIOR RECEIVED JUL 20 OTTAWA

Amendments mailed yesterday. Pre-emptions may be taken as second homesteads. Second entry time extended to second June eighty nine.

John R. Hall
P.

Charge Interior.

J. R. H.

P.

Copy of Telegram.
Sent by
Date
Time
Time 4.00 pm

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DEPARTMENT OF THE INTERIOR
CANADA

Commissioners Office

Winnipeg July 18 1892

My Dear Hall.

Will you kindly advise us as early as possible regarding the amendments which I understand were sanctioned by Parliament last Session. And a few copies of the amended act if printed would be useful

DEPT OF THE INTERIOR RECEIVED JUL 20 1892 OTTAWA.

301591

J. Hall Esq

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No Hall

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301402

THE SENATE CANADA

DEPT. OF THE INTERIOR RECEIVED JUL 16 1892 OTTAWA

Ottawa
14th July 1892

Sir Put on file
M.H.
16 July 92

As requested by your letter of the 12th instant, I have the honour to transmit herewith a copy of the Act, passed at the recent Session, amending the Dominion Lands act, duly certified.

I have the honour to be
Sir
Your obedient servant
Edmund J. Langevin
Ct.

John Hall Esq
Secretary
Dept. of the Interior.

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301402

Ottawa
14th July 1892

Sir

As requested by your letter of the 12th instant, I have the honour to transmit herewith a copy of the Act, passed at the recent Session, amending the Dominion Lands Act, duly certified.

I have the honour to be
Sir
Your obedient servant
Edmond J. Langevin
Clk

John Hall Esq
Secretary
Dept of the Interior.

REPEAT
RÉPÉTIT

DEPARTMENT OF THE INTERIOR
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301402

DEPT. OF THE INTERIOR RECEIVED JUL 18 1892

Office of the Clerk of the Parliaments.

I, Edouard Joseph Langevin, Clerk of the Parliaments, Custodian of the Original Acts of the Legislatures of the late Provinces of Upper and Lower Canada, of the late Province of Canada and of the Parliament of Canada, certify the subjoined to be a true copy of the original Act passed by the Parliament of Canada in the Session thereof, held in the 55th & 56th years of Her Majesty's Reign, and assented to in Her Majesty's name by the Governor General, on the Ninth day of July one thousand eight hundred and ninety two remaining of record in my office.

Given under my Hand and Seal, at the City of Ottawa, Canada, on the 18th day of July, one thousand eight hundred and ninety two

Edouard Langevin

Clerk of the Parliaments.

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Chap

An Act further to amend the Dominion Lands Act.

assented to 9th July 1892

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

1. Clause seventeen of *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, is hereby repealed. R.S.C., c. 54, clause 17 repealed.

2. Clause twenty-one of the said Act is hereby repealed and the following substituted therefor :— Clause 21 repealed.

"**21.** Nothing in this Act shall be construed to prevent the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the *Act respecting certain Claims to Lands in the Province of Manitoba*, or to prevent fractional sections or lands bordering on any river, or lake, or other watercourse, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the sub-division of sections or other legal sub-divisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such sub-divisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent any Dominion lands in the mountainous regions of Manitoba, the North-West Territories and British Columbia, where the ordinary mode of survey is impracticable, from being laid out into townships, sections, quarter sections or legal sub-divisions by fixing the corners of such townships, sections, quarter sections, or legal sub-divisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister directs, and the describing of such townships, sections, quarter sections or legal sub-divisions for patent by metes and bounds according to a plan of record." As to laying out and describing certain lands. R.S.C., c. 48.

3. The sub-clause substituted by section three of chapter thirty-one of the Statutes of 1887, for sub-clause five of clause thirty-eight of the said Act is hereby repealed and the following substituted therefor :— Clause 38 amended.

"5. If, in connection with the homestead entry, the settler has obtained 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 included 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 exer- Right of settler who has obtained pre-emption entry and pays the price.

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Forfeiture in default.

cised and payment made within two years after the settler becomes entitled to claim a patent under his homestead entry, shall be forfeited, and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior: Provided, however, that where a settler has had a homestead and preemption entry, and has obtained a patent for his homestead in time to entitle him to make a second homestead entry, and has been permitted to make a second homestead entry for the quarter section which was previously his pre-emption, he shall be entitled to a patent under such second homestead entry upon proving—

Proviso as to second homestead entry.

Residence.

"(1.) That he has resided upon the quarter section which was the subject of his first homestead entry for not less than six months in each of three years from and after the date of his second homestead entry;

Breaking land.

"(2.) That within the first year after the date of his second homestead entry he broke and prepared for crop not less than fifteen acres of his second homestead quarter section;

second year.

"(3.) That within the second year after the date of his second homestead entry he cropped the said fifteen acres, and broke and prepared for crop not less than fifteen acres in addition on his second homestead quarter section, making not less than thirty acres;

Third year.

"(4.) That within the third year after the date of his second homestead entry he cropped the said thirty acres, and broke and prepared for crop not less than ten acres in addition, making in all not less than forty acres of the said second homestead broken and prepared for crop within three years of the date of his second homestead entry;

Residence explained.

"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.

Clause 43 repealed.

4. The clause substituted by section five of chapter thirty-one of the Statutes of 1887, for clause forty-three of the said Act is hereby repealed and the following substituted therefor:—

No second homestead entry.

"**43.** No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause mentioned, shall be entitled to obtain another homestead entry: Provided, however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained a homestead patent, or a certificate of recommendation for a patent countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, or who had complied with the homestead provisions of the Acts then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the *Dominion Lands Act*, 1883, to create a charge upon his homestead, and had completed his homestead duties on the

Exception.

Chap. 17 of 1883.

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said second day of June, one thousand eight hundred and eighty-nine, shall be permitted to make a second homestead entry."

5. Clause forty-seven of the said Act is hereby repealed, and the following substituted therefor :— Clause 47 repealed.

"**47.** Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor General in Council may, from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing or other disposal thereof: Provided, however, that no disposition of mines or mining interests in the said Park shall be for a longer period than twenty years, renewable, in the discretion of the Governor in Council, from time to time, for further periods of twenty years each, and not exceeding in all sixty years." Mineral and coal lands.

6. The Lieutenant Governor and Assembly of the North-West Territories may, with the consent of the Governor in Council, close up any road which has been transferred to the Territories, or vary its direction; and may, subject to any ordinances made in respect thereof, open and establish any new highway in the stead of such road; and the land in any road allowance, public travelled road, or trail so closed may be dealt with as the Governor in Council sees fit. Roads in N.-W. T.

7. The Governor in Council may grant to individuals or companies, upon such terms and conditions as appear just, and subject to such regulations as are from time to time made in that behalf, the right to construct through Dominion lands conduit pipes or canals for irrigation purposes, together with all water powers and privileges necessary therefor. Irrigation companies, &c.

8. Section twelve of chapter twenty-four of the Statutes of 1891, intituled *An Act further to amend the Dominion Lands Act*, is hereby repealed. Section 12 of c. 24 of 1891 repealed.

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P.

DUPLICATE 301120



Ottawa, 12th July, 1892.

Sir,

I am directed to request that you will furnish this Department with a certified copy of the Amendment to the Dominion Lands Act passed during the recent Session of Parliament.

I have the honour to be,

Sir,

Your obedient servant,

JOHN R. HALL.

Secretary.

The Clerk of the Parliaments,

The Senate,

Ottawa.

DEPARTMENT OF THE INTERIOR
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Department of the Interior,
Dominion Lands Office,
Ottawa, 188

MEMO.

Mr Caprent
Let me know when
Mr Ogilvy
Mr Ogilvy
Mr Ogilvy

00113

Ref. 30384

Department of the Interior,

TOPOGRAPHICAL SURVEYS BRANCH,

DEPT. OF THE INTERIOR
RECEIVED
APR 14 1892
OTTAWA.

Ottawa, 14th. April, 1892.

Memorandum

Herewith is a draft of amendments required to the Dominion Lands Act.

Clause 17 should be repealed:it is impossible to comply with it in all cases,and it is not in accordance with the practice prescribed by the Manual of Survey.

Clause 21 has for object to permit the use of the topographical survey for disposing of lands ~~en legal~~ *in* subdivisions described by metes and bounds.

The last clause concerning roads has been prepared in accordance with you instructions. I do not know where to locate it in the Dominion Lands Act.

Respectfully submitted

E Deville

Surveyor-General.

The Deputy Minister

of the Interior

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00111

Proposed amendments to the Dominion Lands Act.

	Explanations.
Clause 17 To be repealed.	It is sometimes very inconvenient to adhere strictly to the mode of procedure prescribed by this clause: it is a mere detail of survey and should be left to the discretion of the Surveyor-General.
Clause 21 To be amended by adding the following words:- a or to prevent the lands in mountainous regions and where the ordinary mode of survey is impractiable to be laid out into townships, sections, quarter sections or legal subdivisions by fixing the corners of such townships, sections, quarter sections, or legal subdivisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister may direct, and to describe such townships, sections, quarter sections or legal subdivisions, for patent, by metes and bounds according to a plan of record. b	The object of this amendment is to permit the disposal and survey of isolated parcels of land in the mountains where the survey, if made in the usual manner, would be extremely expensive and in many cases impossible. It is proposed to establish over the mountains by rapid and inexpensive methods, a number of reference points from which the boundaries of any piece of land may be established by a short survey and to make this last survey only when the land has been disposed of instead of in advance of settlement.
Clause The Lieutenant Governor in Council of the North-West Territories, may, with the consent of the Governor in Council, close up any road which has been transferred to the Territories or vary its direction and sell or otherwise alienate any part of the land occupied by it.	Under sections 107 and 108 of the North-West Territories Act, the control of roads is transferred to the Territories and it is provided that no such highway shall be closed up or its direction varied nor shall any part of the land occupied by it be sold or otherwise alienated without the consent of the Governor in Council, but there is no provision in any statute under which a road can be closed or altered. There are circumstances when it is desirable that this power should be exercised and this amendment provides a way of doing it.

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Proposed amendments to the Dominion Lands Act.

	Explanations.
Clause 17 To be repealed.	It is sometimes very inconvenient to adhere strictly to the mode of procedure prescribed by this clause: it is a mere detail of survey and should be left to the discretion of the Surveyor-General.
Clause 21 To be amended by adding the following words:- a or to prevent the lands in mountainous regions and where the ordinary mode of survey is impractiable to be laid out into townships, sections, quarter sections or legal subdivisions by fixing the corners of such townships, sections, quarter sections, or legal subdivisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister may direct, and to describe such townships, sections, quarter sections or legal subdivisions, for patent, by metes and bounds according to a plan of record. b	The object of this amendment is to permit the disposal and survey of isolated parcels of land in the mountains where the survey, if made in the usual manner, would be extremely expensive and in many cases impossible. It is proposed to establish over the mountains by rapid and inexpensive methods, a number of reference points from which the boundaries of any piece of land may be established by a short survey and to make this last survey only when the land has been disposed of instead of in advance of settlement.
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The Lieutenant Governor in Council of the North-West Territories, with the consent of the Commissioner of Dominion Lands, may, from time to time, make such regulations as may be deemed necessary for the better carrying out of the provisions of this Act, and of any Ordinance hereafter passed by the Council of the said Territories, and for the due working of the system of registration of titles hereby established, and for the fees to be charged thereunder, and for the duties to be performed by the Registrar, and for the forms to be used in connection therewith, and generally for the purpose of giving effect to the provisions of this Act, and of any such Ordinance.

Such regulations shall be published in the Canada Gazette, and shall thereupon have the force of law, and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof.

Any person who wilfully makes any false statement in any application, affidavit, or other document required by or for the purposes of this Act, or of any Ordinance hereafter passed by the Council of the said Territories, shall be liable, on conviction thereof before any Court of competent jurisdiction, to imprisonment with or without hard labour for any term not exceeding two years, and not less than six months, or to a fine not exceeding five hundred dollars and not less than one hundred dollars, or to both imprisonment and fine, in the discretion of the Court before which the conviction is had.

Any person who forges any seal required by or for the purposes of this Act, or of any Ordinance hereafter passed by the Council of the said Territories, or who tenders in evidence any forged document, knowing the same to be forged, shall be liable to imprisonment with or without hard labour, in the discretion of the Court before which the trial is had, for any term not exceeding seven years.

Any person who counterfeits the impression of any seal required by or for the purposes of this Act, or of any Ordinance hereafter passed by the Council of the said Territories, or who tenders in evidence any document sealed with a counterfeit seal, knowing the same to be counterfeit, shall be liable to imprisonment with or without hard labour, in the discretion of the Court before which the trial is had, for any term not exceeding seven years.

Any person who fraudulently certifies any document to be a true copy of any instrument, matter or thing, or any part thereof, which is entered, registered or filed in the Land Titles Office, when the same is not entered, registered or filed, or is not a true copy thereof, shall be liable to imprisonment with or without hard labour, in the discretion of the Court before which the trial is had, for any term not exceeding seven years.

Any person who forges the name or official seal of the Registrar, or of any Deputy Registrar, or who demands or receives any fee or reward under pretence that it is required or will be applied for any purpose connected with the Land Titles Office, when it is not so required or will not be so applied, shall be liable to imprisonment with or without hard labour, in the discretion of the Court before which the trial is had, for any term not exceeding seven years.

Any person who, by any false pretence, or by any fraudulent means, procures himself or any other person to be registered as the owner of any land, or of any lease, mortgage, charge or encumbrance affecting land, or procures any transfer, lease, mortgage, charge or encumbrance affecting land to be made to himself or any other person, or procures any entry to be made in the Register, or any certificate to be granted, shall be liable to imprisonment with or without hard labour, in the discretion of the Court before which the trial is had, for any term not exceeding seven years.

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Second homestead

Clause re irrigation in Dept of Justice

ditto Coal Oil

Surveys otherwise than rectangular — that refers to the Mountains

Roads and Road allowances in Territories

To discuss with Sedgewick whether the act gives power to the Minister to delegate to the Land Board his authority to cancel entries. Remind him of the view reported to be entertained by Justice Richardson in this matter.

Consider effect of certificate of Local Agent, countersigned by Commissioner, and its effect relative to Territories Real Property Act.

Consider amendment to paragraph "A" of sub clause 5 of clause 38 with a view to dispensing with residence by homesteader who takes his pre-emption as second homestead — say actual residence of for further three years from date of entry for pre-emption as second homestead, and cultivation of how much — is provision in clause sufficient or would it not be better to make it cultivation instead of permanent improvements. Should we not give him alternative of cultivating 20 acres per year or residence & other conditions as at present

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Clause forty three of the said act is hereby repealed & the following substituted therefor:—

43. No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause(*) mentioned, shall be entitled to obtain another homestead entry: Provided, however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-[illegible] had obtained a homestead patent, or a certificate of recommendation for a patent, countersigned by the Commissioner of Dominion Lands, or who had complied with the homestead provisions of the Acts

No second homestead entry.

Exception in cases specified.

46 V., c. 17.

54—2

then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the "*Dominion Lands Act*, 1883," to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-seven, shall be permitted to make a second homestead entry. 50–51 V., c. 31, s. 5.

* *N.B.—The clause herein referred to is 42 of this Act, and not 42a.*

Sub clause five of clause thirty Eight of the Dominion Lands act is hereby repealed & the following substituted therefor:—

5. 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 included 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 becomes entitled to claim a patent under his homestead entry, shall be forfeited; and the land included in such pre-emption entry [illegible] be opened for homestead entry by the Minister of the Interior, subject to the following conditions:—

Shall

Conditions on which such pre-emption may be opened for homestead entry.

(*a.*) The person obtaining homestead entry for the land included in such forfeited pre-emption entry shall be required to perfect his entry by erecting a habitable house thereon, and commencing actual residence in the said house within six months of the date of such homestead entry, and shall be required to continue such residence for at least six months in each of the three years next succeeding;

(*b.*) Before an application for patent for such homestead shall be accepted as satisfactory by the local agent, or the senior clerk performing his duties, the applicant shall be required to prove to the satisfaction of the said local agent, or the senior clerk performing his duties, that he has made permanent improvements upon the said land to the aggregate value of not less than one dollar and fifty cents per acre. 50-51 V., c. 31, s. 3.

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Clause forty three of the said act is hereby repealed & the following substituted therefor:—

43. No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause(*) mentioned, shall be entitled to obtain another homestead entry: Provided, however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-[illegible] had obtained a homestead patent, or a certificate of recommendation for a patent, countersigned by the Commissioner of Dominion Lands, or who had complied with the homestead provisions of the Acts

No second homestead entry.

Exception in cases specified.

46 V., c. 17.

54—2

then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the "*Dominion Lands Act*, 1883," to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-seven, shall be permitted to make a second homestead entry. 50–51 V., c. 31, s. 5.

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nine 9

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5. 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 included 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 becomes entitled to claim a patent under his homestead entry, shall be forfeited; and the land included in such pre-emption entry shall be opened for homestead entry by the Minister of the Interior, [illegible] the following conditions [illegible]

Forfeiture in default.

Conditions on which such pre-emption may be opened for homestead entry.

(*a.*) The person obtaining homestead entry for the land included in such forfeited pre-emption entry shall be required to perfect his entry by erecting a habitable house thereon, and commencing actual residence in the said house within six months after the date of such homestead entry, and shall be required to continue such residence for at least six months in each of the three years next succeeding;

(*b.*) Before an application for patent for such homestead shall be accepted as satisfactory by the local agent, or the senior clerk performing his duties, the applicant shall be required to prove to the satisfaction of the said local agent, or the senior clerk performing his duties, that he has made permanent improvements on the said land to the aggregate value of not less than one dollar and fifty cents per acre. 50–51 V., c. 31, s. 3.

shall

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RÉPÉTIT

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Department of the Interior,

Dominion Lands Office,

Ottawa, ... 188

MEMO.

The Bill has been amended in Committee.

27.6.92.

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Enc :

Ottawa, 11th June, 1892.

My dear Minister,

When the Dominion Lands Bill comes up again in Committee, I suggest that the amendments hereunder be made.

The first, regarding preemptions, would seem to meet the understanding which appeared to have been arrived at in the course of the discussion ; but I think the present law is more favourable to the settler and altogether better in the public interest that this would be. When good cause is shown, the settler is given the right of buying the land as if it were an ordinary purchase, on condition that he pays the accumulated interest, and the time has always been made to suit his convenience.

The second amendment is merely verbal, and is inserted to make the provision harmonize with the preceding clauses of the Act.

Yours faithfully,

The Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

H.

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Ottawa, 11th June, 1892.

Amendments to be made to the Bill to amend the Dominion Lands Act, when next it comes up in Committee.

1. Page 2, line 3, ~~xxx~~ after the words "shall be forfeited", include the following :

Provided, however, that the Minister of the Interior may, in his discretion, extend the time within which such preemption may be paid for , for a further period not exceeding one year.

2. Page 3, line 7, after the words "Commissioner of Dominion Lands" insert the following :

"or a member of the Land Board."

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No. 89.] **BILL.** [1892.

An Act further to amend the Dominion Lands Act.

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

1. Clause seventeen of *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, is hereby repealed. R.S.C., c. 54, clause 17 repealed.

2. Clause twenty-one of the said Act is hereby repealed and the following substituted therefor :— Clause 21 repealed.

"**21.** Nothing in this Act shall be construed to prevent the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the *Act respecting certain Claims to Lands in the Province of Manitoba*, or to prevent fractional sections or lands bordering on any river, or lake, or other watercourse, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the sub-division of sections or other legal sub-divisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such sub-divisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent the lands in the mountainous regions, and where the ordinary mode of survey is impracticable, from being laid out into townships, sections, quarter sections or legal sub-divisions by fixing the corners of such townships, sections, quarter sections, or legal sub-divisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister directs, and the describing of such townships, sections, quarter sections or legal sub-divisions for patent by metes and bounds according to a plan of record." As to laying out and describing certain lands.

3. The sub-clause substituted by section three of chapter thirty-one of the Statutes of 1887, for sub-clause five of clause thirty-eight of the said Act is hereby repealed and the following substituted therefor :— Clause 38 amended.

"5. If, in connection with the homestead entry, the settler has obtained 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 included 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 exer- Right of settler who has obtained pre-emption entry and pays the price.

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Forfeiture in default.

cised and payment made within six months after the settler becomes entitled to claim a patent under his homestead entry, shall be forfeited; and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior, on the following conditions only:—

Conditions on which such pre-emption may be opened for homestead entry.

"(*a.*) Any person obtaining homestead entry for the land included in such forfeited pre-emption entry shall be required to perfect his entry by erecting a habitable house thereon, and commencing actual residence in the said house within six months of the date of such homestead entry, and shall be required to continue such residence for at least six months in each of the three years next succeeding.

Improvements.

"(*b.*) Before an application for patent for such homestead is accepted as satisfactory by the local agent, or the senior clerk performing his duties, the applicant shall be required to prove to the satisfaction of the said local agent, or the senior clerk performing his duties, that he has made permanent improvements on the said land to the aggregate value of not less than one dollar and fifty cents per acre: Provided, however, that where a settler has had a homestead and pre-emption entry, and has obtained a patent for his homestead in time to entitle him to make a second homestead entry, and has been permitted to make a second homestead entry for the quarter section which was previously his pre-emption, he shall be entitled to a patent under such second homestead entry upon proving—

Proviso as to second homestead entry.

Residence.

"(1.) That he has resided upon the quarter section which was the subject of his first homestead entry for not less than six months in each of three years from and after the date of his second homestead entry;

Breaking land.

"(2.) That within the first year after the date of his second homestead entry he broke and prepared for crop not less than fifteen acres of his second homestead quarter section;

Second year.

"(3.) That within the second year after the date of his second homestead entry he cropped the said fifteen acres, and broke and prepared for crop not less than fifteen acres in addition on his second homestead quarter section, making not less than thirty acres;

Third year.

"(4.) That within the third year after the date of his second homestead entry he cropped the said thirty acres, and broke and prepared for crop not less than ten acres in addition, making in all not less than forty acres of the said second homestead broken and prepared for crop within three years of the date of his second homestead entry.

Residence explained.

"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.

Clause 43 repealed.

4. The clause substituted by section five of chapter thirty-one of the Statutes of 1887, for clause forty-three of the said Act is hereby repealed and the following substituted therefor:—

No second homestead entry.

"**43.** No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in

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the next preceding clause mentioned, shall be entitled to obtain another homestead entry: Provided, however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained a homestead patent, or a certificate of recommendation for a patent countersigned by the Commissioner of Dominion Lands, or who had complied with the homestead provisions of the Acts then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the *Dominion Lands Act*, 1883, to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-nine, shall be permitted to make a second homestead entry." Exception. Chap. 17 of 1883.

5. Clause forty-seven of the said Act is hereby repealed, and the following substituted therefor:— Clause 47 repealed.

"**47.** Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor General in Council may, from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing or other disposal thereof: Provided, however, that no disposition of mines or mining interests in the said Park shall be for a longer period than twenty years, renewable in the discretion of the Governor in Council for a further period of years." Mineral and coal lands

6. The Lieutenant Governor of the North-West Territories may, with the consent of the Governor in Council, close up any road which has been transferred to the Territories, or vary its direction; and may, subject to any ordinances made in respect thereof, open and establish any new highway in the stead of such road; and the land in any road allowance, public travelled road, or trail so closed may be dealt with as the Governor in Council sees fit. Roads in N.-W. T.

7. The Governor in Council may grant to individuals or companies, upon such terms and conditions as appear just, and subject to such regulations as are from time to time made in that behalf, the right to construct through Dominion lands conduit pipes or canals for irrigation purposes, together with all water powers and privileges necessary therefor. Irrigation companies, &c.

8. Section twelve of chapter twenty-four of the Statutes of 1891, intituled *An Act further to amend the Dominion Lands Act*, is hereby repealed. Section 12 of c. 24 of 1891 repealed.

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No. 89.

2nd Session, 7th Parliament, 55 Victoria, 1892

BILL.

An Act further to amend "The Dominion Lands Act."

Received and read a first time, Friday, 27th May, 1892.

Second reading, Monday, 30th May, 1892.

Mr. DEWDNEY.

OTTAWA:
Printed by S. E. DAWSON,
Printer to the Queen's Most Excellent Majesty.
1892.

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Department of the Interior.

OFFICE OF THE COMMISSIONER OF DOMINION LANDS.

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Winnipeg, Man., 6th June 1892 18

- Do not write about more than one subject in the same letter.
- Write legibly your full name and address.
- Address your reply to the Commissioner of Dominion Lands, Winnipeg.

Mr Burgess

Done amdt

Dear Mr Burgess,

With reference to Sec 43 of the Bill now before Parliament on the 7th line on page 3 of the draft Bill as printed the words " or a member of the Dominion Lands Board " should follow the designation of the Commissioner in reference to signing the cert-ificate of recommendation .

Will you kindly see that the necessary addition is made?

Yours truly,

H H Smith

A. M. Burgess, Esq
Department of the Interior,
Ottawa.

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DEPT OF THE INTERIOR
MAY 12 1892
OTTAWA

No. 224224
Ref 185714

Department of the Interior.

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 9th May, 1892. 18

- Do not write about more than one subject in the same letter.
- Write legibly your full name and address.
- Address your reply to the Commissioner of Dominion Lands, Winnipeg.

Dear Mr. Burgess,

I doubt if the provisions of clause 86 of the Dominion Lands Act, as consolidated for office purposes, are sufficiently broad to cover an investigation by one of the persons named therein into charges of irregularity against an official. If not the necessary provision for that purpose should, I think, be inserted when the Amendments to our Act are brought down.

My reason for calling attention to this matter just now is that a case has arisen in which charges are made against the Immigration officer at Port Arthur, and in which it will probably be found advisable to summon and examine persons on oath, and I understand the proposed Amendments will come before the House very shortly, so that it becomes necessary to act promptly if there is really anything to be done in the way of legislation in the direction indicated. I will in a day or two write you more fully in regard to the particular case I allude to.

Yours truly,

A.H. Smith

A.M. Burgess Esq.,
Department of the Interior,
Ottawa, Ont.

T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

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00112

28870

293831

DEPT OF THE INTERIOR
MAY 12 1892
OTTAWA

No. 224224
Ref. 85714

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 9th May, 1892. 18

☞ Do not write about more than one subject in the same letter.
☞ Write legibly your full name and address.
☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

Dear Mr. Burgess,

I doubt if the provisions of clause 86 of the Dominion Lands Act, as consolidated for office purposes, are sufficiently broad to cover an investigation by one of the persons named therein into charges of irregularity against an official. If not the necessary provision for that purpose should, I think, be inserted when the Amendments to our Act are brought down.

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Yours truly,

A. M. Burgess Esq.,
Department of the Interior,
Ottawa, Ont.

T.

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
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Department of the Interior,
Dominion Lands Office,
Ottawa, ... 188

MEMO.

Mr. Henry :

Please attach to file re amdts. to D.L.Act.

and send to Mr. Rothwell to note.

Noted T.R. 4/5/97

Return file to me please T.R.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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001130

226135. Ottawa, 7th April, 1892.

Dear Mr. Sedgewick,

The Minister has approved of the clause regarding irrigation which we drafted a few days ago. Please give me an early opportunity of discussing with you and Mr. Smith this and other changes to be made in the Act.

Enc :

Yours sincerely,

R. Sedgewick, Esq.,
Deputy Minister of Justice,
Ottawa.

P.S. I enclose a copy of the clause so that you may have it beside you.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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3

Enc :

Ottawa, 2nd April, 1892.

My dear Minister,

Mr. Sedgewick and I have discussed the question of obtaining legislation on the subject of irrigation, and we both think that there is not enough information in the possession of the Government at the present time to enable us to frame a bill which would provide what is desired by individuals or companies projecting irrigation schemes and at the same time protect the public interest. The subject is a very difficult one to understand in all its bearings, but in order that theGovernment may be able to deal with it when occasion arises, a clause like the one submitted herewith might be inserted in any amendment which it may be proposed to make to the Dominion Lands Act during the present session.

Yours faithfully,

The Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

H.

2

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The Governor in Council may grant to individuals or Companies, upon such terms a d conditions as may appear just, the right to construct through Dominion Lands conduit pipes or canals for irrigation purposes, together with all water powers and privileges necessary therefor.

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Department of the Interior,

Dominion Lands Office,

Ottawa, ... 188

MEMO.

Clause re Irrigation should be on this file.

A.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385816

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Archives nationales du Canada

Department of the Interior,

Dominion Lands Office,

Ottawa, ... 188

MEMO.

Mr Henry Please
send me today all the
suggestions on file re amending
the Dom. Lands act.

A. M. P.
H.

8 April, 92.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
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290165

DEPT. OF THE INTERIOR RECEIVED APR 2 1892 OTTAWA.

Ottawa, 1st April, 1892.

My dear Mr. Sedgewick,

1 enc:

I enclose a draft of a Bill to amend the Dominion Lands Act, which contains the substance of the Bill which we discussed the other day, for the development of the petroleum and natural gas resources of the North-West Territories.

Please return when you have read it over and I will bring it to the Minister's attention in connection with the proposal to amend the Dominion Lands Act in respect of "irrigation", and in respect also of some of the provisions which were put in the Act last year.

Yours sincerely,

Jas. A. M. Burgess.

Robt. Sedgewick, Esq., Q.C.,
Deputy Minister of Justice,
Ottawa.

ac.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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001136

290165

BILL. t

DEPT. OF THE INTERIOR RECEIVED APR 2 1892 OTTAWA

An Act to further amend the Dominion Lands.

Whereas it is expedient to amend the Dominion Lands therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The Governor in Council may grant to any company incorporated for the purposes of constructing pipe lines and the sinking of wells for the development of the petroleum and natural gas resources of the North-West Territories, and subject to such regulations as the Governor in Council may adopt, Dominion lands in the area known as "The Mackenzie Basin," in the North-West Territories, within the fifty-third and fifty-ninth parallels of latitude and the one hundred and tenth and one hundred and eighteen ~~degrees~~ meridians of longitude, not exceeding thousand acres per mile for each mile of pipe line constructed with the approval of the Governor in Council.

2. The Governor in Council may grant to any company incorporated under this Act, subject to such regulations as aforesaid, Dominion Lands not exceeding six thousand acres for each petroleum or natural gas well drilled within the territory above mentioned.

3. The granting of such lands to any company incorporated for the purpose of constructing such pipe line shall be subject to such conditions as the Governor in Council determines, for securing to all producers of oil or natural gas reasonable facilities for transportation and equal tariff rates.

4. Such grants shall, except as to such conditions as may be provided for in that behalf by the Governor General in Council, be free grants subject only to the payment by the grantees respectively of the cost of the survey of the lands and incidental expenses at the rate of ten cents per acre in cash on the issue of the patent therefor.

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290165

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REPEAT/
RÉPÉTITIO

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ac.

Ref. 235667.

Ottawa, 24th Feb., 1892.

274467 18/3/92

By

Dear Mr. Smith,

Please look at Mr. Pereira's letter to the Secretary of the Dominion Lands Board, dated the 26th ultimo, inreply to your letter of the 11th December, No. 211202 on Ref. 58190. On reflection, and on consulting the Minister and the Prime Minister, I have decided that we will have to try and enforce this provision, since it is on the Statute books. If it is impracticable we will have to go back to Parliament again. Will you please draw up an amendment to the form of affidavit to be made in support of an application for entry and send it to me, when I will have the change authorized by Order in Council.

Yours sincerely,

sgd A. M. Burgess

H.H. Smith, Esq.,

Commissioner of Dominion Lands,

Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 385816

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ac.

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Yours sincerely,

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H.H. Smith, Esq.,

Commissioner of Dominion Lands,

Winnipeg, Man.

REPEAT/
RÉPÉTITIO

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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ac.

Ref. 23803.

Ottawa, 24th Feb., 1892.

Dear Mr. Smith,

I duly received your letter of the 11th instant, No. 216168 on Ref. 58190, and beg to say that the Minister thinks it would ~~be~~ not be advisable to ask for any legislation amending the Dominion Lands Act, during the coming Session.

Yours sincerely,

H.H. Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg, Man.

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Department of the Interior,

Dominion Lands Office,

Ottawa.....188

MEMO.

52
53

Better still take off the reference numbers and attach 286062 - Instead doing that on Reference of files.

Please return today.

H.

Mr Henry

234967 belong to 286062 + not to 735667.

Does not

H.E.H.

Mr Henry

DEPARTMENT OF THE INTERIOR
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285870

Department of the Interior.

OFFICE OF THE COMMISSIONER OF DOMINION LANDS.

No. 216168
Ref. 58190

Do not write about more than one subject in the same letter.
Write legibly your full name and address.
Address your reply to the Commissioner of Dominion Lands, Winnipeg.

DEPT. OF THE INTERIOR FEB 15 1892 OTTAWA

Winnipeg, Man 11th February 1892 18

Dear Mr Burgess:

My attention was drawn the other day by Mr Gordon to the fact that the first paragraph of Clause 38 of the Dominion Lands Act requires amendment by striking out the words " the Land Board " in the 9th line and substituting therefor the words " in his absence by a member of the Dominion Lands Board " in order to make this paragraph con--sistent with that part of Clause 42 which specifies the persons by whom the certificate in Form "K" is to be signed and that sub-clau--ses 4 and 7 of Clause 38 should be similarly altered . Would you please see that this is done when an opportunity offers, although I am not sure that it is a matter of any very great importance .

Yours truly,

A M Burgess Esq
Department of the Interior.
Ottawa.

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235469

DUPLICATE

Ottawa, 8th Feb., 1892.

Dear Mr. Barker,

It is in contemplation to revise and perhaps to consolidate the Territories Real Property Act this session, and to Mr. Sedgewick and myself the work of doing so has been entrusted. We shall want your assistance here, at what date exactly I am not just now prepared to say. Please hold yourself in readiness to come when called by telegraph.

Yours sincerely,

(sd) A.M. Burgess

P. M. Barker, Esq.,
Inspector of Land Titles Offices,
Regina,
N.W.T.

H.

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001145

Ref. 235667. Ottawa, 8th Feb., 1892.

Sir,

In reply to your letter of the 5th instant, regarding proposed legislation, I beg to say that I have already sent you privately the draft of one Bill which it is proposed to bring before Parliament, besides which it is the Minister's intention to submit Bills relating to the boundary of Keewatin, the Ordnance Land property at Toronto, and the Territories Real Property Act.

I have the honour to be,

Sir,

Your obedient servant,

A. M. Burgess

D. Sedgewick, Esq., Q.C.,

Deputy Minister of Justice,

Ottawa.

DEPARTMENT OF THE INTERIOR
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001146

285969

DEPT. OF THE INTERIOR
RECEIVED
FEB 5 1892

Reference No. 189
Letter Book No.
Page

Ottawa, 5th Feby 1892

Sir,

Sir John Thompson is very anxious that any legislation to be introduced into the House of Commons should be ready at the opening of the House, as well as to know immediately what legislation each Department intends introducing. Would you kindly, therefore, let me know at your earliest possible convenience whether it is the intention to amend any of the Acts relating to or administered by your Department, and, if so, the nature of the proposed amendments.

Might I ask you to give this matter your immediate and personal attention.

I am, Sir,

Your obedient Servant,

Deputy Minister of Justice.

A. M. Burgess, Esq.
Dy. Minister of the Interior
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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285969

DEPT. OF THE INTERIOR
RECEIVED
FEB
5
1892

Ottawa, 5th Feby 1892

Reference
No. 189
Letter Book
No.
Page

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Your obedient Servant,

Deputy Minister of Justice.

A. M. Burgess, Esq.
Dy. Minister of the Interior
Ottawa.

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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P.

DUPLICATE

Letter No. 281711
Reference No. 235667

Department of the Interior,

☞ Address your reply as follows:
To the Secretary of the Department of the Interior, Ottawa.

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

Ottawa, 26th January, 1912. 18

Sir,

In reply to your letter of the 11th ultimo, No. 211202, Ref. 58190, asking whether applicants for homestead entry should be required to make a statement under section 14 of the Act of last Session, I am now directed to inform you that it is not considered advisable to enforce any such requirement.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA.

Assistant Secretary.

The Secretary,
Dominion Lands Board,
Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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P. "DUPLICATE

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Assistant Secretary.

The Secretary,
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Winnipeg, Man.

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Department of the Interior,
Dominion Lands Office,
Ottawa, ... 188

MEMO.

Referred to Mr Hall for action

A. M. B.
H.

26/1/92

DEPARTMENT OF THE INTERIOR
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RG 15, D-II-1, vol. 722
File/dossier 385816

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00115

Ref. 281711
on 235667.

Ottawa, 25th Jan., 1892.

My dear Minister,

I submit for your consideration a letter from the Commissioner of Dominion Lands, dated the 11th ultimo, suggesting that applicants for homestead entry be required to make a statement as to whether the land for which they are applying contains, or borders upon, any coulee or ravine which has been utilized or could be utilized for the purpose of forming a reservoir for the storage of water. Please favour me with your decision on this point.

Yours faithfully,

The Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

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00115

Ref. 235667. Ottawa, 25th Jan., 1892.

Dear Mr. Smith,

I have read your letter of the 5th December, No. 210640,. At the worst this method of evading the law would only be resorted to in a comparatively small number of cases, and the proposal which you make would undoubtedly be a serious inconvenience and perhaps actual annoyance to persons availing themselves of this mode of obtaining an entry. Under the circumstances do you not think that the inconvenience which would result would more than counterbalance the benefits to be derived?

Yours sincerely,

per A. M. Burgess

H.H. Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg, Man.

Two hrs

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

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Archives nationales du Canada

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Ottawa, 25th Jan., 1892.

Ref. 235667.

Dear Mr. Smith,

With reference to that part of your letter of the 16th October last which has reference to clause 13 of the Act of last Session amending the Dominion Lands Act, I think it would be sufficient to ascertain that no assignment has been registered at the Head Office. As to the request contained in you letter of the 30th November, on the same reference, that the Minister's ruling may be such as can be applied to all time sales which it may be desired to cancel, I am desired by the Minister to state that he prefers that all time sales should be dealt with from this office.

Yours faithfully,

(sd) A. M. Burgess

H. H. Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg, Man.

DEPARTMENT OF THE INTERIOR
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Archives nationales du Canada

Department of the Interior,
Dominion Lands Office,
Ottawa, ... 188

MEMO.

Mr Bell

Was a note
made as requested.

Yes G.B.

7.1.91.

A.M.B.
4.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Department of the Interior,

Dominion Lands Office

Ottawa 28224 2 188

DEPT. OF THE INTERIOR DEC 24 1891 OTTAWA

MEMO.

Mr Henry Please file and put a note on the usual annual file, about amdts. to the Act, to refer to this letter when drafting a bill

23.12.91. A.M.B.H.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 385816

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See 282242 when
amendments to D. L. Act
are being discussed
File 244464

00115

235667.

Ottawa, 16th Dec., 1891.

Dear Mr. Smith,

I submitted to Sir John Thompson Mr. Burpe's letter of the 5th instant, No. 210627, Ref. 58190., and he asked me to obtain from you a statement of the case upon which doubt has arisen as to the meaning of this provision. My own impression is that you did not make this reference in relation to any particular case. So far as I am concerned, the only conclusion at which I have arrived is that the amendment in question simply means nothing.

Yours sincerely,

(sd) A. Burgess

H. H. Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg,
Man.

DEPARTMENT OF THE INTERIOR
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Dominion Lands Office,
Ottawa, ... 188

MEMO.

261957
258813

Mr Henry Please send me file re last year's Amdts to D.L. Act

H.E.H.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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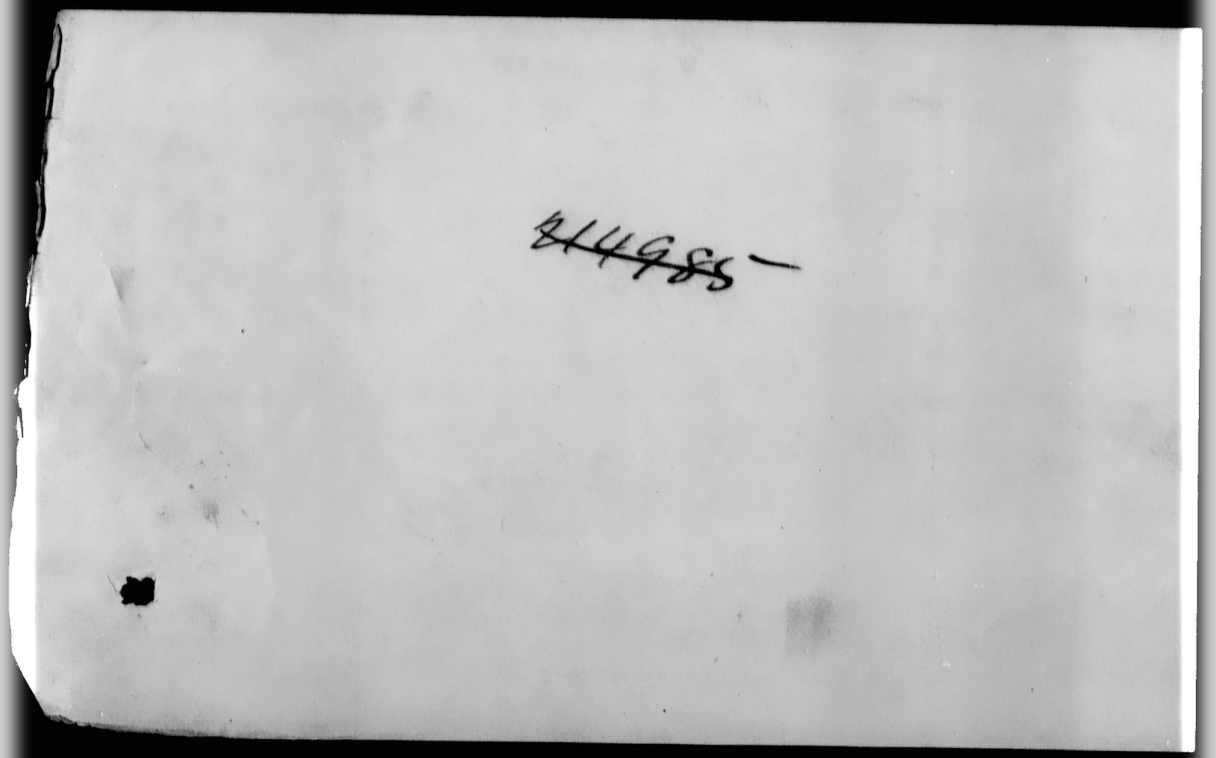

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S 19927

Ref. 25 5667

Department of the Interior,

TOPOGRAPHICAL SURVEYS BRANCH,

DEPT OF THE INTERIOR
DEC 14 1891
OTTAWA

Ottawa, 14th, December, 1891.

Memorandum

There are now ready eight maps of the topographical survey, which will probably be printed before the end of this month.

In order that they may be used for dealing with the lands, it is respectfully recommended that steps be taken to amend clause 21 of the Dominion Lands Act at the next session in the manner suggested by Mr. King in his memorandum of the 17th March 1891 on this file.

Respectfully submitted

E Deville

Surveyor-General.

7

A.M. Burgess, Esq.,

Acting Deputy Minister

of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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280881

No. 21062 7.
Ref. 58190

Department of the Interior.

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 5th December 1891 18

☞ Do not write about more than one subject in the same letter.
☞ Write legibly your full name and address.
☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

276851

DEPT OF THE INTERIOR
DEC 10 1891
OTTAWA

Sir,

Referring to a letter from this Office, dated the 16th of October last. respecting the recent amendments to the Dominion Lands Act, I am directed to ask a reply to the second paragraph thereof, having regard to the object of clause 12:- which reads as follows :-

" Notwithstanding anything in the " Dominion Lands Act or in this Act " a settler may homestead any cancell " ed quarter section or cancelled pre " emption while residing within two " miles of the said homestead."

Enquiry is being made by one of the local agent as to the meaning of this section and the Commissioner would be glad to hear from you befo sending a reply.

I have the honor to be
Sir,
Your obedient servant,

Secretary

The Secretary,
Dept of the Interior,
OTTAWA

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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No. 210627.
Ref. 58190

Department of the Interior.

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 5th December 1891

☞ Do not write about more than one subject in the same letter.
☞ Write legibly your full name and address.
☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

276851

DEPT OF THE INTERIOR DEC 10 1891 OTTAWA

Sir,

Referring to a letter from this Office, dated the 16th of October last, respecting the recent amendments to the Dominion Lands Act, I am directed to ask a reply to the second paragraph thereof, having regard to the object of clause 12:- which reads as follows :-

" Notwithstanding anything in the " Dominion Lands Act or in this Act " a settler may homestead any cancell " ed quarter section or cancelled pre " emption while residing within two " miles of the said homestead."

Enquiry is being made by one of the local agent as to the meaning of this section and the Commissioner would be glad to hear from you befo sending a reply.

I have the honor to be
Sir,
Your obedient servant,

Secretary

The Secretary,
Dept of the Interior,
OTTAWA

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
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281711

No. 21202
Ref 58190

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 11th December 1891

- Do not write about more than one subject in the same letter.
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- Address your reply to the Commissioner of Dominion Lands, Winnipeg.

DEPT. OF THE INTERIOR RECEIVED DEC 17 1891 OTTAWA.

P. M.

Sir:

The Commissioner directs me to inquire what steps if any the Minister thinks should be taken to carry out the provisions of Clause 14 of the Act of the last Session of Parliament amending the Dominion Lands Act.

As a rule the Local Agents have no means of knowing whether lands applied for as homesteads contain or border upon a coulee or ravine which has been utilized for the purpose of forming a reservoir for the storage of water or which is capable of being so utilized and it might perhaps be well to require the applicant to make a statement as to this.

I have the honor to be,

Sir,

Your obedient servant.

Secretary.

Secretary.

Department of the Interior

Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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No. 210640
Ref.

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man. 5th December 1891 18

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

Address your reply to the Commissioner of Dominion Lands, Winnipeg.

DEPT OF THE INTER. DEC 10 1891 OTTAWA

Mr Hall

see 272594

Sir,

I am directed by the Commissioner to submit for the consideration of the Minister the matter of homestead entries effected by agents under the authority of subsection 3, section 34 Dominion Lands Act.

An instance occurred recently in which a letter of authority was about to issue on the usual formal application for the appointment of an agent when for some reason or another - apart from the usual practice - our index was looked up for the name of the intending entrant : he was found to be a settler who had already received a certificate of recommendation for patent and who according to the statement upon his file was not entitled a second entry. ~~In the~~ The inference may fairly be drawn that he was well aware of

The Secretary,

Department of the Interior,

OTTAWA.

DEPARTMENT OF THE INTERIOR
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No. 210640
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Department of the Interior.

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man. 5th December 1891 18

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☞ Write legibly your full name and address.
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DEPT. OF THE INTERIOR DEC 10 1891 OTTAWA

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The Secretary,
Department of the Interior,
OTTAWA.

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
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fact, and that in asking for the appointment of an agent to make entry for him he hoped to secure a second homestead, leaving any onus of the consequent perjury to fall upon his agent. Of course the letter of authority was not sent to him and the reason was explained.

The Commissioner is in doubt whether an effort to evade the provisions of the law is not frequently made in much the same manner as in the instance now reported. He would like the Minister to consider whether it is desirabl that the form of requisition for the appoint ment of an agent to be signed by the intending entrant should be made under affidavit or as a statutory declarati on, containing a statement to the effect that the applicant is entitled to the entry asked for.

I have the honor to be,

Sir,

Your obedient servant,

Secretayy

DEPARTMENT OF THE INTERIOR
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No. 270

Ref. 58190

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 30th November 1891

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

Address your reply to the Commissioner of Dominion Lands, Winnipeg.

276851

DEPT. OF THE INTERIOR RECEIVED DEC 5 1891 OTTAWA

Sir:

The Commissioner desires me to call attention to my letter of the 16th of October last with reference to the new amendments to the Dominion Lands Act to which no reply has as yet been received. I am to ask attention particularly to those parts of the letter referring to the transfer of liens and the cancellation of preemption entries for nonpayment And with regard to the last mentioned subject I am to ask that the Minister's ruling may be such as can be applied to all time sales which it may be desired to cancel.

I have the honor to be,

Sir,

Your obedient Servant,

[signature]

Secretary.

Secretary.

Department of the Interior,

Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Department of the Interior.

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 16th October 1891 18

- Do not write about more than one subject in the same letter.
- Write legibly your full name and address.
- Address your reply to the Commissioner of Dominion Lands, Winnipeg.

Sir,

Referring to the provision in the amended Act that any settler who has created a charge upon his homestead may obtain entry for another homestead in lieu thereof, with the consent of the Minister and lien holder and upon the settler executing a transfer of the charge to the new homestead (clause 11) the Commissioner directs me to suggest that the Department of Justice be asked to prepare a form of transfer (of lien) for use in such cases, and that the same should be printed and a supply sent to this office.

The Commissioner does not understand the object of clause 12, and he desires me to ask to what provision of the law as it stood it alludes. and what it is intended to accomplish.

In view of clause 13 it would appear to [illegible] necessary to take steps to ascertain whether the [illegible] has made any assignment of his right before taking proceedings to cancel a preemption entry for nonpay[illegible]

A good many applications for inspection of o[illegible] due preemptions, with a view to cancellation, and re-entry by the applicants as homesteads, are being received.

It

The Secretary

Department of the Interior

Ottawa Ont

DEPARTMENT OF THE INTERIOR
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Ref. 58190

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 16th October 1891 18

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

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Done
See file 199054
T.G.R.
9.11.91

The Commissioner does not understand the object of clause 12, and he desires me to ask to what provision of the law as it stood it alludes. and what it is intended to accomplish.

I don't either I
MH

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It

The Secretary

Department of the Interior

Ottawa Ont

REPEAT/
RÉPÉTITIO

DEPARTMENT OF THE INTERIOR
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276851

It is usual in these cases to notify the original entrant to shew cause, but no steps have heretofore been taken to ascertain whether there has been an assignment The question is what steps will the Minister deem adequate? will it be sufficient to ascertain that no assignment has been registered at the Head Office? The Commissioner understands that all assignments of unpatented lands are required to be registered there.

Where there has been an assignment, and the land is still unpaid for, it will of course be necessary to notify the assignee of the cancellation proceedings.

The Commissioner regrets that it was not deemed advisable to give him the discretionary power he asked for in dealing with patent applications, in cases where the requirements of the law have been substantially but not exactly fulfilled. A number of such applications have been held over at this office in hopes that his suggestion might be acted on, and they must now be refused.

I have the honour to be,

Sir,

Your obedient servant,

Secretary

DEPARTMENT OF THE INTERIOR
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235667.

Ottawa, 29th Sept., 1891.

Dear Mr. Smith,

The Bill to amend the Dominion Lands Act passed its final reading yesterday. I will have a copy sent to you as soon as it reaches me.

Yours very truly,

H. H. Smith, Esq.,
Commissioner of Dominion Lands,
Winnipeg,
Man.

JOHN R. HALL.
Acting D.M.I.

DEPARTMENT OF THE INTERIOR
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Ah

Department of the Interior.

Ottawa, 16 Sept 18

MEMO.

Mr Hall

Mr ~~Had~~ Bell

Ofc for DM

This had better go to Mr Hall who will submit matter to minister

A Chisholm

Mr Hall, 17/9/91

My ~~memo.~~ remark in memo. of 1st ~~Sept~~ inst re inadvisability of further delaying Dr Lands Bill also comes in with regard to Mr Gordon's new recommendation

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J. G. GORDON,
BARRISTER, NOTARY PUBLIC, ETC.

MOOSE JAW, N. W. T., 11th Sept 189

Dear Sir:

Regarding the change you some time ago wrote to me it was proposed to make in Chap. 54 Sec. 38 subsec. 6 a number of settlers here — particularly those on Second homestead have requested me to suggest to you the advisability of dispensing with the residence on doing increased cultivation duties, say double of what are at present required or rather having eighty acres under cultivation before they would be entitled to their patents. The building of a house on the land is in their case incurring a needless expense; the residence on the land seems to them a needless inconvenience and discomfort. They would willingly cultivate an

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J. G. GORDON,
BARRISTER, NOTARY PUBLIC, ETC.

27437

MOOSE JAW, N. W. T., 189

additional forty acres in lieu of the erection of the house and the residence therein. Either would they think equally evidence the fact of their being bona fide settlers and from the one they would get a return while there would be none from the other. A number here — all Second homesteaders — all desirous of having such a change made in this Sub-Sec. as would enable them by increased cultivation to dispense with the erection of the house and the residence therein which it requires. I told them I would suggest the matter for your consideration and that if you could see your way clear to

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J. G. GORDON,
BARRISTER, NOTARY PUBLIC, ETC.

MOOSE JAW, N. W. T., 189

make the change you doubtless would. The permission to Second homestead land may have been unwise at the start; but the permission once granted, the best way I have no doubt is to give it to all who settled on land before the repeal of the provision and within a reasonable time thereafter applied for a Second homestead; and to enable them to get their patents for their lands without needless inconvenience to them.

Yours truly

J. G. Gordon

Hon. E. Dewdney
Minister of Interior
Ottawa

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MINISTÈRE DE L'INTÉRIEUR

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Department of the Interior,

Ottawa, 1st September, 1891.

MEMORANDUM :-272714-

To the Acting Deputy Minister.

The Bill containing amendments to The Dominion Lands Act has been read a first time, and as Mr. Henry reported to me some time ago when I was considering the case of an insane homesteader that only three cases had been officially reported to the Department, it appears to me that the Bill should not be delayed for the insertion of an amendment to cover this matter. We have been able to deal with each of the cases I refer to. I presume that when Mr. Sedgewick and Mr. Burgess were preparing the amendments which comprise the Bill they also considered others suggested amendments referred to in correspondence upon this file which they did not include in the Bill.

Possibly these other points were left over until the Dominion Lands Acts and all amending Acts were consolidated.

However if you wish, and you think the delay will not result in the withholding of the whole Bill until next Session, I will go over all sugg[illegible]ed amendments, including the one in question, [illegible] report for the information of the Minister a[illegible]self.

Respectfully submitted.

T. G. Rothwell

To the Minister

I agree with Mr Rothwell that it is hardly worth while attempting to put in a clause about insane homesteaders this Session but submit the matter for your consideration.

[illegible]

Acting Deputy

5th Feb 91

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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001177

Department of the Interior,

Ottawa, 1st September, 1891.

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However if you wish, and you think the delay will not result in the withholding of the whole Bill until next Session, I will go over all suggested amendments, including the one in question, and report for the information of the Minister and myself.

Respectfully submitted.

J. G. Rothwell

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Department of the Interior,
Dominion Lands Office,
Ottawa, 31 Aug 91.

MEMO.

Mr Rothwell:

Here is a suggested amendment. How is the Bill progressing

J.B.H.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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272714

No. 202580 B

Ref. 87184

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 24th August, 1891.

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

Mr. Hume
235-667

DEPT OF THE INTERIOR
AUG 27 1891
OTTAWA

Sir,

In connection with the proposed amendments to the Dominion Lands Act, the Commissioner directs me to call attention to the letter from the Deputy Minister of Justice dated the 12th May, 1888, in the case of Alexander McLeod, a copy of which was enclosed with your letter of the 29th May, 1888 No 176907, Ref. 85353, to this office, and particularly to the following paragraph:-

"This is evidently a casus omissus in the "lands Act. In the United States this case is "expressly provided for, and any person who is le- "gally authorized to act for an insane claimant "during his disability is permitted to make proof "on his behalf # # # it would seem ad- "visable that similar legislation should be obta- "ed in Canada."

I have the honor to be,

Sir,

Your obedient servant,

[signature]

Secretary.

The Secretary,

Department of the Interior,

Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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National Archives of Canada
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No. 202380
Ref. 87184

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 24th August, 1891.

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DEPT OF THE INTERIOR
AUG 27
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Sir,
Your obedient servant,

Secretary.

The Secretary,
Department of the Interior,
Ottawa.

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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272594

DUPLICATE

DEPT. OF THE INTERIOR RECEIVED AUG 24 1891 OTTAWA

Ottawa, 22nd August, 1891.

MEMORANDUM for the MINISTER.

The Commissioner asks that Sub-clause 3 of Clause 34 of the Dominion Lands Act be amended so as to empower himself alone instead of, or in addition to, the Land Board to authorize one person to make homestead entry for another.

I have seen Mr. Sedgewick about this, and he thinks you could give the Commissioner sufficient authorization to act in this matter for you by writing him a letter in that behalf. However, the amendment asked is so simple that it might be as well to insert it in the Bill. If this is done, Mr. Rothwell recommends, (1) that it be made Clause 2 of the Bill to keep the amendments in their proper numerical order; (2) that instead of inseting the words "Commissioner of Dominion Lands" after the words "the Minister of the Interior" in the first line of Sub-clause 3 of Clause 34, it would be better to insert after the word "or" in the first line, the words "any member of." The Clause would then read that the "Minister of the Interior or any Member of the "Dominion Lands Board ect."

In the absence of the Commissioner there is seldom a quorum of the Board at Winnipeg, and the granting of permission to one person to enter a homestead as agent for another in advance of the arrival of the intending homesteader, is one that is always given as a matter of course on application therefor by the intending settler. As the Bill has been read the first time, I presume this Clause will have to be inserted in Committee.

Acting D.M.I.

DEPARTMENT OF THE INTERIOR
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Acting D.M.I.

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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272594

22/9/91

Memo.

To the Acting Deputy Minister.

As the proposed amendments to the Dominion Lands Act have been introduced in the House in Bill No 165, copy herewith the Law Clerk of the House should I think be asked to have the proposed amendment and clause 3 of clause 34 of the Act inserted in the Bill, and the Bill reprinted. I think this is the regular course.

Mr McCord should also be asked for say half a dozen copies of the bill when reprinted.

Respectfully submitted
J. G. Rothwell

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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22/8/91

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REPEAT/
RÉPÉTITION

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272594

20/8/91

Memo.

To the Acting Deputy Minister.

The bill referred to will contain no amendment of Clause 34 of the Dn Lands Act.

The amendment asked for by Comr Smith is a new affair, and would require a new clause in the Bill. Indeed the clause should be clause 2 of the Bill.

The amendment appears to be a necessary one for the reasons stated by the Commissioner. ~~to~~ ~~I think Mr. McCord~~

Respectfully
T. G. Rothwell

Mr Dewdney

I have seen Mr Sedgewick about this & he thinks you have power to authorise the Commissioner to act simply by a letter in that behalf. However the amendment asked is so simple that it might be as well to

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20/8/91

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REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
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AUG 22 1891 DEPT. OF THE INTERIOR OTTAWA

272594

No. 202097

Ref. 58190

Department of the Interior.

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 17th August, 1891.

Dear Mr. Dewdney,

Sub-clause 3 of clause 34 of the Dominion Lands Act, as consolidated for office purposes, provides that the Minister of the Interior or the Dominion Lands Board, upon requisition, may authorise any person named therein to make a homestead entry &c. I think it would be well to amend this by inserting a comma and the words "Commissioner of Dominion Lands" after the words "Minister of the Interior", as in almost every case the authority has to be signed by myself alone, or another member of the Land Board acting as Commissioner in my absence, the whole Board being very seldom in Winnipeg at one time, or for any length of time.

I mention this as I suppose the amendments to the Act will be going through shortly, and you will perhaps have an opportunity of acting on my suggestion if you think well of it.

Yours truly,

H. H. Smith

Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

DEPARTMENT OF THE INTERIOR
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272594
No. 202093
Ref. 58190

Department of the Interior.

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 17th August, 1891.

☞ Do not write about more than one subject in the same letter.

☞ Write legibly your full name and address.

☞ Address your reply to the Commissioner of Dominion Lands, Winnipeg.

Dear Mr. Dewdney,

Sub-clause 3 of clause 34 of the Dominion Lands Act, as consolidated for office purposes, provides that the Minister of the Interior or the Dominion Lands Board, upon requisition, may authorize any person named therein to make a homestead entry &c. I think it would be well to amend this by inserting a comma and the words "Commissioner of Dominion Lands" after the words "Minister of the Interior", as in almost every case the authority has to be signed by myself alone, or another member of the Land Board acting as Commissioner in my absence, the whole Board being very seldom in Winnipeg at one time, or for any length of time.

I mention this as I suppose the amendments to the Act will be going through shortly, and you will perhaps have an opportunity of acting on my suggestion, if you think well of it.

Yours truly,

H. H. Smith

Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

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001189

269790

Board of Examiners

Department of the Interior

Ottawa 1st May 1891

DEPT. OF THE INTERIOR RECEIVED JUL 24 1891 OTTAWA

for Dominion Land Surveyor.

Ref. 3351
Lr. 3494

Sir,

I have the honour, by direction of the Board of Examiners for D. L. S. to forward you a copy of a motion passed by the Board suggesting certain amendments to the Dominion Lands Act, together with a copy of the amendments suggested and remarks by the Board shewing the reasons therefor.

235667

Enclosures

no enclosures
E. Bowen
24/7/91

I have the honour to be,

Sir,

Your obedient servant

P. B. Symes
Sec'y to Bo

A. M. Burgess Esq.
Deputy Minister of the
Interior
Ottawa

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Ch Board of Examiners

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Department of the Interior

Ottawa 1st May 1891

DEPARTMENT OF THE INTERIOR
RECEIVED
JUL 24 1891
OTTAWA

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Sec'y to Bo

235667

Enclosures

no enclosures
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24/7/91

A. M. Burgess Esq
Deputy Minister of the
Interior
Ottawa

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
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M.S.

267734

DEPT. OF THE INTERIOR RECEIVED JUL 2 1891 OTTAWA

Ottawa, 30th June, 1891.

Dear Senator Boulton,

I have your letter of the 29th, regarding the three month's residence clause of the Dominion Lands Act. As you are no doubt aware, there was a clause in the Bill submitted to Parliament last year having this object in view but whether or not the Government will at the present late date introduce the amendment to the Dominion Lands Act it is impossible at the moment to say.

Yours sincerely,

D. M. I.

The Hon. C.A. Boulton,
The Senate,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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The Senate
June 27th 1894

DEPT. OF THE INTERIOR
RECEIVED
JUL 1894
OTTAWA

My dear Mr. Burgess.

Will you kindly let me know if there is any chance of the clause "next prior" being obliterated and whether it will be made retrospective, there are several waiting to get their patents who have otherwise complied with the law.

Yours sincerely C A Boulton

OF THE INTERIOR
DE L'INTÉRIEUR
RG 15, D-II-1, v
File/dossier 385

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267734

DEPT. OF THE INTERIOR
RECEIVED
JUL 2 1891
OTTAWA

Clearwater,
June 22nd 1891

Dear Major,

I write again, to ask, whether you think there is any likelihood of my getting my patent. You remember the circumstances — & how that a motion was brought forward in the House at the close of last year's session. This however did not come into force. I wish to know if there is any possibility of its doing so this year & what I must do in order to obtain my deeds. Could you enquire ~~me~~ please.

I suppose Ottawa is very uninteresti

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00119

Ref. 235667.

Ottawa, 11th June, 1891.

Sir,

Referring further to your letter of the 27th ultimo, on behalf of the Municipality of Louise Man., regarding the question of taxes on abandoned pre-emptions, I am directed to say that after consultation with the Department of Justice it has been decided that to accede to the request of the Municipality would be contrary to the provision of the British North American Act (Section 125) that no lands belonging to Canada shall be liable to taxation, and that for this reason it should not be granted.

I have the honour to be,
Sir,
Your obedient servant,

LYNDWODE PEREIRA.
Assistant Secretary.

William Cranston, Esq.,
Clerk of the
Municipality of Louise,
Clearwater,
Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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235667. Department of the Interior,

Ottawa, 8th June, 1891.

My dear Minister,

To grant the request of the Municipality of Louise, that they be empowered to sell unpatented lands for taxes, would, in my opinion, be in contravention of that provision of the Constitution which sets forth that lands the property of Canada or of the Provinces shall not be subject to taxation (Clause 125, British North America Act).

Yours faithfully,

The Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

D.M.I.

DEPARTMENT OF THE INTERIOR
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Yours faithfully,

The Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

D.M.I.

REPEAT/
RÉPÉTIT

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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DUPLICATE.

265464

DEPARTMENT OF THE INTERIOR
CANADA

DEPT. OF THE INTERIOR
RECEIVED
JUN 9 1891
OTTAWA

Ottawa, June 2nd, 1891.

Dear Mr. Cranston,

I am in receipt of your note of the 27th ultimo enclosing copy of a resolution in reference to unpatented lands passed at the last meeting of your Council in the Municipality of Louise. I shall see that the resolution receives every consideration.

235-67

Believe me,

Yours sincerely,

(Sgd) E. D.

62

Wm. Cranston, Esq.,

Clearwater, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 385816

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Archives nationales du Canada

00119

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Yours faithfully,

The Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

D.M.I.

REPEAT/
RÉPÉTITI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

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Archives nationales du Canada

DUPLICATE.

265461

JUN 9 1891

Ottawa, June 2nd, 1891.

Dear Mr. Cranston,

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Believe me,

Yours sincerely,

(Sgd) E. D.

62

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Clearwater, Man.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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DEPT. OF THE INTERIOR
RECEIVED
JUN 3 1891
OTTAWA

Moved by Councillor Lawrence and seconded by Councillor Pollock, That whereas the Dominion law, as it now stands, renders it impossible for Municipalities to sell unpatented land for taxes and whereas the inability to sell such lands causes a great part of the municipal taxes to remain uncollected, thereby depriving Councils of the funds necessary to carry on the municipal business satisfactorily

Be it therefore resolved that this Council bring this matter to the notice of the Manitoba and Northwest Members of the House of Commons, begging that they will urge the Government during the present session to so amend the law as to make it possible for Municipalities to sell unpatented lands for taxes vesting all rights and privileges of former owners in taxsale purchases.

Be it further resolved that a copy of this resolution be forwarded to all the Members representing constituencies in Manitoba and the Northwest Territory.—Carried.

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UR
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265464

WM. CRANSTON,
Land, Loan and Insurance.
CLERK TO THE
MUNICIPALITY OF LOUISE.
COMM. IN B. R.

Municipality of Louise

Clearwater, Man. 27th May 1891

Hon Edgar Dewdney
Ottawa

COMPANIES REPRESENTED:

LOAN

WESTERN CANADA LOAN AND SAVINGS Co'Y.

LIFE INSURANCE

LONDON AND LANCASHIRE. LIFE OF LONDON, ENG.

FIRE

NATIONAL, OF IRELAND.

EASTERN, OF HALIFAX, N.S.

QUEBEC, OF QUEBEC.

UNION ASSURANCE, OF LONDON, ENG. (Established in Queen Anne's Reign)

ACCIDENT AND GUARANTEE

LONDON GUARANTEE AND ACCIDENT, OF LONDON, ENG.

DEPT. OF THE INTERIOR
JUN 1891
REGISTRY

Sir

I am requested to forward to you the enclosed Copy of a resolution passed at the last meeting of our Council

I am

Yours truly

Wm Cranston

Clerk

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Mr Bell

Department of the Interior.

Ottawa, 20/5/91 18

MEMO. ~~to~~

In file 199054 on which is a letter to the Land Commissioner signed by the D. M. having reference to Lieus in which he states "it is proposed to ask for amending legislation in this connection"

[signature]

Attach to file covering proposed and suggested amendments to the Land Act.

[signature]

ENT OF THE INTERIOR
RE DE L'INTÉRIEUR
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Mr Bell

Department of the Interior.

Ottawa, 20/5/91 18

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TMENT OF THE INTERIOR
TÈRE DE L'INTÉRIEUR

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Department of the Interior.

MEMO. 23566 Ottawa, 30th April 1891

It has been suggested by Mr. Rothwell that Sec. 95 of the Dominion Lands Act be amended so as to permit of a Foreign Notary Public taking affidavits for use in Canada.

See file ~~238621.~~ 235667

W. J. Henry

Place on Amendment file

235667

EPARTMENT OF THE INTERIOR
INISTÈRE DE L'INTÉRIEUR
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File/dossier 385816

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Archives nationales du Canada

00119

M. (Copy). No.261957.

235667

Dominion Lands Commission,
Winnipeg, 11th April, 1891.

Dear Mr.Burgess,

Certain matters have lately come up in connection with our present mode of procedure in cancellation cases which I would like to lay before you.

First, as to lands held under sub-clause 5 of clause 38 of the Act, I do not know whether you have ever observed that nothing is said in this sub-clause as to cultivation; was it not intended that the homesteader of an abandoned or cancelled preemption should be required to cultivate as well as to reside upon his homestead, the same as a settler on other lands? As matters now stand, it appears to me that we cannot insist on cultivation, and you will perhaps think it advisable to bring this point to the Minister's attention with a view to an amendment.

Then again as to settlers under sub-clause 6 I find that the Brandon Agent has cancell[illegible] of Andrew Johnston for the W.1/2 Sec.10, Tp.[illegible] at the instance of James Crothers; cancellatio[illegible] case went by default, but from information sinc[illegible] I am of the opinion that a mistake has been ma[illegible] have so informed the Agent and have instructed him [illegible]tify Crothers not to take possession or make any improvements on the land until it is decided whether or not the entry

A.M.Burgess,Esq.,
Deputy Minister of Interior,
Ottawa.

Original on 65622
To go on amendments file
G 19/5

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MINISTÈRE DE L'INTÉRIEUR
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entry which has been granted to him can be allowed to stand. The facts are that Andrew Johnston made entry for the above land, the homestead being the S.W. 1/4, on the 19th September, 1884, and that he commenced residing on Sec.34 - 10 - 25 within the two miles radius, on the 1st March, 1885, and lived there steadily until March, 1889. He had at the last mentioned date 80 acres altogether under cultivation, thirty of which had been cropped, and he had at one time on the land a good house and stable, both of which have been destroyed by fire. In June, 1890, J. Crothers applied to cancel the entry, and the conclusion then arrived at by the Land Board was that cancellation should be deferred for three months from the 11th August, 1890, to allow the homesteader to rebuild his house and go into residence. On the 29th December, 1890, the Agent received another application for inspection by the same applicant, Crothers, and no defence being filed with -in the sixty days allowed, the Agent cancelled Johnston's entries, and granted re-entry for the homestead quarter-section to Crothers. I am not quite sure whether Johnston did his cultivation exactly as the two-mile radius conditions require, but he has done about double the aggregate amount of cultivation required, and no fault would be found with him on that score if he were making an application for patent, and his application [illegible] that he had complied with the conditions as to residence it may be assumed, therefore, that he has complied with the conditions as to cultivation. Two questions then arise which I would like to have settled: First, if the cancellation

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MINISTÈRE DE L'INTÉRIEUR
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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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cancellation of his entries is rescinded, and the land restored as a homestead, would Johnston be entitled to recommendation for patent on rebuilding his house and living in it three months and then making a formal application (he has been absent from the two miles radius since the spring of 1889.) Second, have we any right to cancel the entry in such a case? Sub-clause "c" of clause 39 you will observe provides that the right to land held under sub-clause 6 of clause 38 shall be forfeited and the entry cancelled when it is proved that the settler has not resided in a habitable house for three months prior next prior to his application for patent. I think it would be in accordance with the spirit of the Act to order cancellation in a case where the entrant has apparently abandoned his homestead, and has lived for a long time in another part of the country, or at any rate outside of the two miles radius, but it appears to me that as the Act now stands cancellation cannot be ordered even in that case unless the entrant applies for patent, and that he could retain his entry just so long as he refrained from making application for patent, [illegible] showing that he was not in residence on his own [illegible] stead three months next prior to date of applica[illegible]

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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REPEAT/
RÉPÉTITI[illegible]

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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J.R.

Our preesnt practice does not afford sufficient protection against cancellation by default when an entry is really not liable to cancellation. A case in point came to my notice a few days ago, in this case the entry was made on the 10th May 1889 under the five years conditions and immediately afterward the entrant went to Ontario without leaving his address, and was detained there by illness longer than he expected. On the 15th December last an application for the cancellation of his entry was filed at the Local Agency and the usual notices were sent out, but it appears failed to reach the entrant within the sixty days allowed for filing a defence, and at the end of the sixty days cancellation went by default and re-entry has been granted to the applicant for cancellation. The original entrant now writes to me from Whitevale, Ontario, stating that he caused five acres of his homestead to be broken within the first year after entry, and as there is yet time to crop that five acres that is, to sow it with grain--and break the additional ten acres required by the conditions before the expiration of the second year, the entrant might have made a good defence and saved his entry from cancellati[on] he been aware of the proceedings in time. Thi[s] an example of cases which have occurred and whi[ch] course, may again occur if we continue our pre[sent] tice of cancelling by default at the end of si[x] when the entrant is not heard from, and in the absence of any definite information as to whether or not he has failed in his duties, or as to the cause of his failure to respond to the Agent's notice to show cause. I submit that

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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that this is a matter which deserves very careful consideration, and that we should adopt all possible safeguards against wrongful cancellation of entries.

The cases I have referred to convince me that there is considerable danger connected with out present system, and that we should have an inspector's report in every case before cancellation is a actually carried out. If, however, you think that this is not practicable it might be well at least to alter the form of application for inspection so as to require the applicant to furnish some particulars as to the grounds he has for applying and the respects in which the entrant has failed to fulfil his settlement duties. I enclose a draft of the form which I would propose for this purpose. I think that if adopted this would furnish some safeguard against wrongful cancellation, although it would not be so efficacious as an inspector's report, in every case.

The whole matter is very important, and should, if possible, receive immediate attention, and I shall be very glad to hear from you on the subject at your early convenience.

Yours truly,

(sgd) H.H.Smith

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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259296

Topographical Survey of Canada

DEPT. OF THE INTERIOR
MAR 17 1891
OTTAWA

S 18710

Ottawa 17th, March, 1891.

Sir,

I have the honour to submit for consideration, amendments to Clause 17, 19, and 21. The purpose of the proposed amendment to Clause 17 is to enable the survey of lands in the Rocky Mountains to be based upon the triangulation, or on the survey of the railway line, &c. The amendments to Clauses 19 and 21 will give the Minister power to deal more readily with certain cases.

I have the honour to be,

Sir,

Your obedient servant,

E. Deville

Acting Surveyor-General.

gess, Esq.

y Minister of Interior

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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DEPT. OF THE INTERIOR MAR 17 1891 OTTAWA

S 18710

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W. A. King

Acting Surveyor-General.

gess, Esq.

y Minister of Interior

REPEAT/
RÉPÉTITIO

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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DEPT. OF THE INTERIOR
MAR 17 1891
OTTAWA

259296

Proposed Amendment

to the Dominion Lands Act

Sub-clause 2 of Clause 19 of the said Act is hereby amended by substituting the word "Minister" for the words "Governor in Council"

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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259296

DEPT OF THE INTERIOR MAR 17 1891 OTTAWA

Proposed Amendment to the Dominion Lands Act.

Clause 17 of the said Act is hereby repealed, and the following substituted therefor.

Every given portion of country proposed to be laid out for settlement shall, before it is sub-divided into townships and sections, be laid out into blocks or strips of four townships each by projecting the base lines and the east and west meridian boundaries of the townships from the base to the correction lines, in the manner described in Clause 11 of this Act.

2. On such lines at the time of the survey, all township, section, and quarter section corners shall be marked, and such corners shall govern, respectively in the subsequent sub-division of the block or strip into townships and sections.

3. In mountainous regions, and where the nature of the country is such that it is impracticable to survey the base ~~and correction~~ lines and the meridian boundaries of the ~~blocks, the Governor in Council may authorize~~ townships, the Minister may order the township, section, and quarter section corners to be placed by reference to points determined by astronomical observation, or by triangulation, or other geodetic

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Proposed Amendment to the Dominion Lands Act.

Clause 17 of the said Act is hereby repealed, and the following substituted therefor.

Every given portion of country proposed to be laid out for settlement shall, before it is sub-divided into townships and sections, be laid out into blocks or strips of four townships each by projecting the base lines and the east and west meridian boundaries of the townships from the base to the correction lines, in the manner described in Clause 11 of this Act.

2. On such lines at the time of the survey, all township, section, and quarter section corners shall be marked, and such corners shall govern, respectively in the subsequent sub-division of the block or strip into townships and sections.

3. In mountainous regions, and where the nature of the country is such that it is impracticable to survey the base ~~and correction~~ lines and the meridian boundaries of the ~~blocks, the Governor in Council may authorize~~ townships, the Minister may order the township, section, and quarter section corners to [illegible] placed by reference to points determined by astr[illegible] observation, or by triangulation, or other geodetic[illegible]

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385816

National Archives of Canada
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0 0 1 2 1

DEPT OF THE INTERIOR
MAR 17 1891
OTTAWA

Proposed Amendment

to the Dominion Lands Act

Clause 21 of the said Act is hereby amended by adding thereto after the word "expedient" the following words:-

"or, in mountainous districts, where the ordinary mode of survey is impracticable, to prevent the survey of lands and their description by metes and bounds according to a plan of record".

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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Archives nationales du Canada

00121

P.

Lr. 258813.
Ref. 235667.

Duplicate

Ottawa, 16th March, 1891.

My dear Pearce,

Referring to your letter of the 26th ultimo, No. 6062, Ref. 5893, addressed to the Commissioner, copy of which has been forwarded here, I would say that the point which you raise as to squatting on school lands before survey, was very fully considered when the provision was struck out of the law and the conclusion was arrived at that we had no justification since the country is practically all surveyed, for recognizing squatters on school lands in advance of survey. It has seriously been considered whether we should not refuse to recognize the rights of anyone who may settle on unsurveyed land.

COPY SENT TO COMMISSIONER 19/3/91 JM.

Yours sincerely,

D. M. I.

William Pearce, Esq.,
Superintendent of Mines,
Clagary,
Alta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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00121

J 258813

No. 188,941

Ref. 106562

Department of the Interior,

OFFICE OF THE COMMISSIONER OF DOMINION LANDS,

Winnipeg, Man., 4th March 1901

DEPT OF THE INTERIOR 1901 OTTAWA

- Do not write about more than one subject in the same letter.
- Write legibly your full name and address.
- Address your reply to the Commissioner of Dominion Lands, Winnipeg.

Copy for the information of Minister ,with copy Mr Pearce's letter

Sir,

I am directed to acknowledge the receipt of your letter of the 26th ult. No 6062 on 5893, containing certain suggestions for the amendment of the Act as affecting squatters upon school lands, and in reply to say that a copy has been forwarded to Ottawa for the consideration of the Minister

I have the honor to be

Sir

Your obedient servant

J. R. Burgess

Secretary

ntendent of Mines

Calgary

ALTA

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385816

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Archives nationales du Canada

00121

6062
5893

258813

Office of the Superintendent of Mines
Calgary 26th Feb. 1891

DEPT OF THE INTERIOR
1891
OTTAWA

Sir,

By the Dominion Lands Act of 1883, squatting on a school section in advance of survey did not enable the Minister to grant homestead entry thereto and set aside other lands in lieu thereof. Would it not be welll to amend the Act, enabling the Governor-in-Council to do so when the lands so squatted on are only ordinary agricultural lands, and where the evidence shews that the squatter could not readily ascertain where he was settling ?

In cases on Hudson Bay Company's sections and also on odd-sections we aid the squatter, even though squatting is discouraged, and why not do it in the cases mentioned, particularly as it seems to be the policy of the Government to hold school lands until they become worth at least $5. per acre. I know a case in point on section 29 Tp 26 Rge 6 W. 5; land that is so rocky as to make it only fit for [illegible] and it will be many years before it will/b[illegible] per acre. A squatter is thereon named T.R[illegible] claims to have settled there in 1885 and l[illegible] continuously since, and has improvements wo[illegible] only 15 acres of the land can be cultivated, t[illegible] mainder being too rocky. The township is not ye[illegible] open for entry although it is stated it was surveyed in 1888

I have &c

W. Pearce
Supdt

Commr of Dominion Lands
Winnipeg

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

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Archives nationales du Canada

00121

6062
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Calgary 26th Feb. 1891

DEPT OF THE INTERIOR MAR 1891 OTTAWA

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W. Pearce
Supdt

Commr of Dominion Lands
Winnipeg

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

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Archives nationales du Canada

Memo

In suggestion of Supt Pearce as to Water for agricultural purposes and reply of the D.M. as to the general amendment of the Act = See file 226135

20/2/91 [illegible]

THE INTERIOR
L'INTÉRIEUR
RG 15, D-II-1, vol. 72
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of Section Tp. R West

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 385816

National Archives of Canada
Archives nationales du Canada

00121

P.

DUPLICATE

Ref. 235667.

Ottawa, 9th February, 1891.

Sir,

I have the honour to acknowledge the receipt of your letter of the 16th ultimo addressed to the Minister of the Interior, enclosing a memorandum from the East London Colonization Committee, in which it is urged that in any Bill to amend the Dominion Lands law which may be introduced at the next Session of Parliament there should be a provision similar to that contained in the Bill which was withdrawn last year, regarding the issue of patents to Colonization Companies for lands abandoned by settlers to whom advances were made by these Companies. You will remember that the provision contained in last year's Bill was to the effect tha[t] in respect of advances made before the p[assing] 1886 of the amendment which permits the [Company] take the land in default of repayment by [the] lers, the provisions of that amendment m[ay]

The Hon.

Sir Charles Tupper,

Bart., G.C.M.G.,

High Commissioner for Canada,

17 Victoria St.,

London, S.W.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385816

National Archives of Canada
Archives nationales du Canada

00121

P.

DUPLICATE

Ref. 235667.

Ottawa, 9th February, 1881.

Sir,

I have the honour to acknowledge the receipt of your letter of the 17th ultimo addressed to the Minister of the Interior, enclosing a memorandum from the East London Colonization Committee, in which it is urged that in any Bill to amend the Dominion Lands law which may be introduced at the next Session of Parliament there should be a provision similar to that contained in the Bill which was withdrawn last year, regarding the issue of patents to Colonization Companies for lands abandoned by settlers to whom advances were made by these Companies. You will remember that the provision contained in last year's Bill was to the effect that in respect of advances made before the passing of the amendment which permits the Company to take the land in default of repayment by the settlers, the provisions of that amendment ma[illegible]

The Hon.
Sir Charles Tupper,
Bart., G.C.M.G.,
High Commissioner for Canada,
17 Victoria St.,
London, S.W.

REPEAT/
RÉPÉTITIO

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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00121

Hon. Sir C.T. 2:

at the option of the parties interested.

The Minister is prepared to recommend similar action this year for the favourable consideration of the Governor in Council, but he would like it made clear to Mr. Fox that he does not commit the Government in any way to the promotion of such legislation.

I have the honour to be,

Sir,

Your obedient servant,

Sgd. A. M. Burgess

Deputy of the Minister

of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385816

National Archives of Canada
Archives nationales du Canada

00122

P.

Ref. 235667.

Ottawa, 2nd February, 1891.

My dear Minister,

I submit for your consideration the letter underneath from Sir Charles Tupper, and the accompanying memorandum from the East London Colonization Committee, in which it is urged that in any Bill to amend the Dominion Lands law which may be introduced at the next Session of Parliament there should be a provision similar to that contained in the Bill which was withdrawn last year, regarding the issue of patents to Colonization Companies for lands abandoned by settlers to whom advances were made by these Companies. You will remember that the provision contained in last year's Bill was to the effect that in respect of advances made before the passing in 1886 of the amendment which permits the Company to take the land in default of repayment by the settlers, the provisions of the Act may apply at the option of the parties interested. I think it would be sufficient to say to Sir Charles Tupper that the Bill

The Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 385816

National Archives of Canada
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00122

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The Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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00122

I. n. E.D. 2:

year contained such a provision, and you are prepared to recommend similar action this year for the favourable consideration of the Governor in Council, making it clear of course that you do not commit the Government in any way to the promotion of such legislation. I advise this careful way of dealing with the matter for the reasons set out in my report of the 28th October last to Sir John Thompson, on fyle 82941. (marked), and his endorsement thereon.

Yours faithfully,

D.M.I.

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File/dossier 385816

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Archives nationales du Canada

00122

No 43

17, VICTORIA STREET,
LONDON, S.W.

16 January 1891

My dear Mr Dewdney,

With reference to our previous correspondence, and to Mr Burgess' letter of June 11th, on the subject of the lands of the East London Colonisation Association, I now beg to transmit a copy of a further communication from Mr Francis W. Fox upon the matter.

I trust that it may be found possible to deal with this case in the coming Session, laid down in the ... was introduced last ... not carried through.

I remain,

Your faithfully
Charles Tupper

The Honourable
The Minister of the Interior,
Ottawa,
Canada.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

National Archives of Canada
Archives nationales du Canada

00122

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Your faithfully,
Charles Tu...

The Honourable
The Minister of the Interior,
Ottawa,
Canada.

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

National Archives of Canada
Archives nationales du Canada

00122

Copy

14 Dean's Yard,
Westminster,
London. S.W.,
9 Jan 1891

Dear Sir Charles Tupper,

East London Colonisation Assoc:

With reference to Mr Colmer's letter of 11th June 1890, stating that a Bill was introduced last session in the Canadian Parliament to amend the Dominion Land Act so as to facilitate the above Association obtaining titles to the lands upon which advances have been made to enable settlers from Great Britain to take up farms and with reference to Mr Rengers's letter of the 11 June in which he states that owing to the closing of Parliament the Bill had [illegible] the time to be with[illegible] I now ask you to [illegible] by next mail to [illegible] the Minister of the [illegible] ask him to be [illegible] to get the Bill or the [illegible] Clauses inserted in [illegible] passed by the present [illegible] Parliament.

Thanking you for [illegible] kind attention to this matter [illegible] hoping to hear that the Bill has received the assent of the Canadian Parliament

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Archives nationales du Canada

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REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 385816

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Parliament within the next
month or two.

I am,

Yours very faithfully
(Ld) Francis Mrs Fox
On behalf of the
East London Colonisation
Committee

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

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Memorandum for the Dept.

Please see Extract
made from Letter rec'd today
from the Dept Justice
re amending Section 38
of the Dominion Lands
Act—

W. W. Cory

2/2/91

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385816

National Archives of Canada
Archives nationales du Canada

00122

256076

Extract from reference No. 256074
226757

Name of writer: Justice Dept.
Address: Ottawa.
Date of letters: 30 Jany. 91.
Date of recpt. of letter: 2 Feby "

Subject.

While on this subject it occurs to me to point out that section 38 does require amendment in another particular. That clause provides that " at the " expiration of three years " from date of his perfecting " his entry the settler, or in " case of his death his legal " representatives, upon proving " &c. that he or they o[illegible] " of them have res[illegible] " upon and cultiv[illegible] " shall be entitled to [illegible] now in Manitoba a[illegible] the North West Territo[illegible] since the Real Property [illegible] came into force the settlers legal representatives are

DEPARTMENT OF THE INTERIOR
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File/dossier 385816

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00123

256076

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Address: Ottawa.
Date of letters: 30 Jany. 91.
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REPEAT/
RÉPÉTITION

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001231

256076

are his executors or admin-
-strators and it is obvious
that in many cases when
a settler dies before completing
his settlement duties literal
compliance with the require-
-ments of the section as it
stands is impracticable,
and as a matter of fact
seldom occurs, since the
legal representatives as such
are not the persons who
reside upon & cultivate
the land after the settlers
death. It would seem
therefore, that the section
requires amendment
meet this state of af
There might be add
after the words "th
the 5th line some suc
as these " or his w
"heirs at law, or next o
or some of them."

I have &c

signed. Robt Sedgew

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 385816

National Archives of Canada
Archives nationales du Canada

00123

Extract from reference No.
Name of writer:
Address:
Date of letters.
Date of recpt. of letter:

Subject.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 385816

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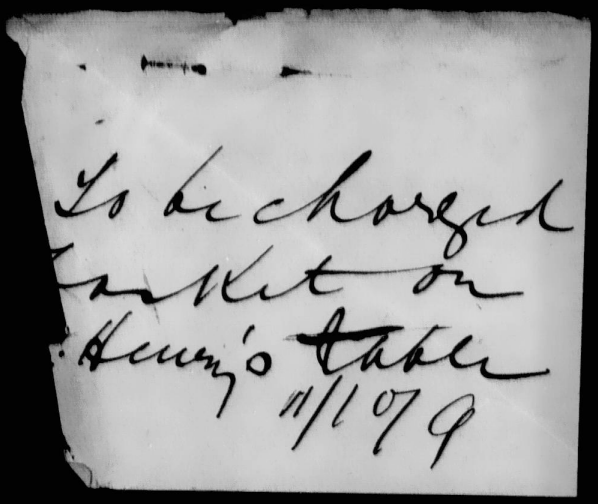

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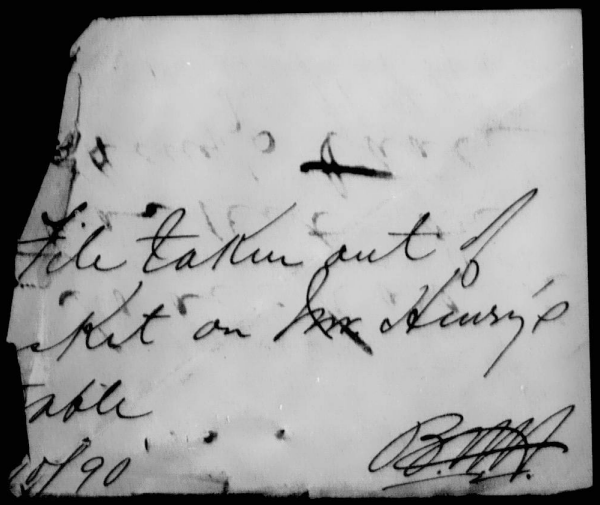

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00123

245974

DEPT OF THE INTERIOR
OCT 8 1890
OTTAWA

EXTRACT FROM LETTER FROM T. MAYNE DALY, M.P., TO MR. BURGESS, DATED 17TH SEPTEMBER, 1890.

-----0----

"While on the subject of the Dominion Lands Act, I would like very much if you would get from Mr. Dewdney when he returns a copy of the proposed amendments which he was to have brought down last session, and, with Mr. Dewdney's permission, I will take charge of the bill next session and see that it goes through."

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385816

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Department of the Interior,

Dominion Lands Office,

Ottawa, June 25th, 1890 *188*

MEMO.
Immediate

Memorandum :-

K. J. Henry, Esq.

When in Winnipeg I want to discuss with the Commissioner the amendments for our Regulations generally. Please send me any fyles which you may have relating to the suggested amendments.

A. M. B.

H.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385816

National Archives of Canada
Archives nationales du Canada

236403

DEPT. OF THE INTERIOR
JUN 2
1890
OTTAWA

Mr. Henry,

Please attach this to the amendment file.

2/6/90.

A. M. B.
H.

12 3 5 6 6 7

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
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National Archives of Canada
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00123

236463 M.S.

P.

DEPT OF THE INTERIOR JUN 2 1890 OTTAWA

Department of the Interior,

Ottawa, 3rd June, 1890.

Dear Mr. Scarth,

Draft,

Appd.

Referring to your telegram of the 6th ultimo, regarding the amendment to the Dominion Lands Act, I write this line to say that of course you are aware that at the end of the Session the Bill amending our Act, together with several other Government measures, had to be dropped.

Yours sincerely,

(Sd) Am. Burgess

D.M.

W. B. Scarth, Esq., M.P.,
Winnipeg,
Man.

See file 82941 upon which is a suggested amendment — [illegible]

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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CANADIAN PACIFIC RAILWAY COMPANY

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All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been [illegible] sender of the [illegible] sage. This is an u[illegible] message, and is delivered by request of the sender, under these conditions.

W. C. VAN HORNE, President.
CHAS. R. HOSMER, Man. Telegraphs.

140

B. S. JENKINS, Supt., Winnipeg.
J. WILSON, Supt., New Westminster, B.C.
HOMER PINGLE, Supt., Toronto.

No.	SENT BY	REC'D BY	CHECK
4	mis	Da	27 Coll

Time 6p May 6 1890

From Winnipeg Man 6

To E. Dewdney
Ottawa.

DEPT OF THE INTERIOR JUN 1890 OTTAWA

Trust lands act amendment will go through this year. find throughout Country many Cases *depend* on two miles radius amendment re three months final residence

W B Scarth

TO SECURE PROMPT DESPATCH SEND REPLY TO

depend

Cor Sparks & Elgin Sts.

RTMENT OF THE INTERIOR
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File/dossier 385816

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236341

DEPT OF THE INTERIOR
MAY
31
1890
OTTAWA

(Confidential.)

No. 2] **BILL.** [1890.

An Act further to amend "The Dominion Lands Act."

WHEREAS it is expedient further to amend "*The Dominion Lands Act*," as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Clause twenty-three of "*The Dominion Lands Act*" is hereby amended by adding the following sub-clause thereto:—

"2. Notwithstanding anything in this clause contained, the Governor in Council may grant, as portion of any subsidy in land authorized by the Parliament of Canada, any township or fractional part of a township, as he deems expedient; provided that land equivalent in extent, and as nearly as may be in value, to that so set apart as aforesaid as school lands in such township are first set apart in lieu thereof out of other ungranted available public lands; and the substituted land so set apart shall stand in place of the original school allotment.

2. Sub-clause six of clause thirty-eight of the said Act is hereby repealed, and the following substituted therefor:—

"6. In addition to the cases hereinbefore mentioned, any person claiming a patent under a homestead entry, or under a homestead and pre-emption entry, shall be entitled thereto, upon proving—

(*a.*) That he has erected upon his homestead a habitable house, and has *bonâ fide* resided therein for not less than three months at any time prior to the date of his application for his patent;

(*b.*) That for the period between the time within which, by clause thirty-six of this Act, it is provided that a person who has obtained a homestead entry 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 for not less [illegible] six months in each year;

(*c.*) That within the first year after the date of his [illegible] stead entry he broke and prepared for crop not l[illegible] acres of his homestead quarter section;

(*d.*) That within the second year he cropped [illegible] acres and broke and prepared for crop not less [illegible] acres in addition, making not less than twenty-five [illegible]

(*e.*) That within the third year after the date of hi[illegible] stead entry he cropped the said twenty-five acres and [illegible] and prepared for crop not less than fifteen acres in ad[illegible] making in all not less than twenty-five acres of the said [illegible] stead cropped, and fifteen acres in addition broken and [illegible] pared for crop, within three years of the date of perfecting [illegible] homestead entry."

3. Sub-clause seven of clause thirty-eight of the said Act i[illegible] hereby repealed, and the following substituted therefor:—

"7. Any person claiming a patent under a homestead entry o[illegible] under a homestead and pre-emption entry shall also be entitl[illegible] thereto upon proving, to the satisfaction of the Commission[illegible] of Dominion Lands or the Dominion Lands Board,—

(*a.*) That he perfected his homestead entry by commenci[illegible] the cultivation of the homestead within six months from the

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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.homestead, he has been *bonâ fide* resident within a radius of two miles from his homestead quarter section for not less six months in each year;

(*c.*) That within the first year after the date of his stead entry he broke and prepared for crop not l acres of his homestead quarter section;

(*d.*) That within the second year he cropped acres and broke and prepared for crop not less acres in addition, making not less than twenty-five

(*e.*) That within the third year after the date of hi stead entry he cropped the said twenty-five acres and and prepared for crop not less than fifteen acres in ad making in all not less than twenty-five acres of the said stead cropped, and fifteen acres in addition broken an pared for crop, within three years of the date of perfecting homestead entry."

3. Sub-clause seven of clause thirty-eight of the said Act i hereby repealed, and the following substituted therefor:—

"7. Any person claiming a patent under a homestead entry o under a homestead and pre-emption entry shall also be entitl thereto upon proving, to the satisfaction of the Commission of Dominion Lands or the Dominion Lands Board,—

(*a.*) That he perfected his homestead entry by commenci the cultivation of the homestead within six months from the date of his homestead entry, or if the entry was obtained on or after the first day of September in any year, before the first day of June following:

(*b.*) That within the first year after the date of his homestead entry he broke and prepared for crop not less than five acres of his homestead quarter section;

(*c.*) That within the second year he cropped acres, and broke and prepared for crop not less than ten acres in addition, making not less than fifteen acres in all;

(*d.*) That he erected a habitable house upon his homestead before the expiration of the second year after his homestead entry, and has *bonâ fide* resided therein and has cultivated the land for three years next prior to the date of his application for his patent;

(*e.*) That at the commencement of the third year after the date of his homestead entry, or previously, he commenced the residence on his homestead required by the next preced paragraph of this sub-clause:

Provided, however, that the Governor in Council m authorize the issue of a patent in any case in which all t provisions of this sub-clause have been complied with, exce as to cultivation for the first two years."

4. From and after the first day of January, in the y thousand eight hundred and ninety-one, the privilege o ing entry under sub-clauses six and seven of clau eight of the said Act shall be discontinued.

5. From and after the first day of January in one thousand eight hundred and ninety-one, the of sub-clauses (*b*) (*c*) and (*d*) of the clause su clause four of the Act passed in the fiftieth years of Her Majesty's reign, chapter thirty-on thirty-nine of the said Act, shall cease and deter in so far as they apply to entries granted before th

6 Failure on the part of any person who has a homestead entry under "*The Dominion Lands* apply for the patent for his homestead within a period years from the date of his homestead entry, shall rende right liable to forfeiture, in the discretion of the Minister of the Interior.

7. The sub-clause substituted by clause six of the Act fifty-second Victoria, chapter twenty-seven, for sub-clause three of clause forty-four of the said Act is hereby repealed, and the following substituted therefor:—

"3. A duplicate of such acknowledgment and charge shall be deposited with the local agent, and thereafter the holder of such charge shall have the the right to enforce payment of the amount so advanced and of the interest thereon by ordinary legal proceedings; Provided always, that the time to be fixed for the payment of the first instalment of interest upon such advance shall not be earlier than the first day of November in any year, nor shall it be within less than two years from the establishment of such settler upon such homestead; and provided also, that such settler shall not be bound to pay the capital of such advance, or any part thereof, within a less period than four years from the date of his establishment upon such homestead; and provided further, that additional charges may, from time to time, be created on such homestead in the manner hereinabove provided, so long as the aggregate amount of the capital of the advances so charged thereon does not, at any time, exceed the said sum of six hundred dollars."

8. The provisions of clause forty-four of the said Act, as amended by clause five of the Act fifty-second Victoria, chapter twenty-seven, and by clause seven of this Act, may be applied, at the option of any person interested, to any lands affected by advances made under any Act in that behalf heretofore in force.

9. The Act passed in the forty-ninth year of Her Majesty's reign, chaptered twelve, and intituled: "*An Act to amend an Act to authorize the granting of Subsidies in Land to certain Rail. way Companies,*" is hereby repealed.

2 OF

0012

file

of

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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00124

235667

Copy.

DEPT OF THE INTERIOR
MAY 30 1890
OTTAWA

Kingston, 28 March/89.

Dear Sir,

The Ontario Act for the pro-
tection of forests amounts to
very little. The Dom. Statu
Chap. 168, would with some
improvement afford better
protection if there was any
machinery for putting it in
force. If you will turn to
Section 11 and compare it w
Section 12 you will see that
word "or" is omitted
3rd line from the
the words "prop
materially affecti
ing of the clause.
clause of Section 11 m
omitted. The mac

28.3.89 (after session)
J. Cowden, Kingston
to Hon. G. A. Kirkpatrick
Re protection of forests
To be taken up after session

File till next full
Ans

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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0012

emote districts are just as
ikely to offend against the
pirit of this Act as their neigh-
ors. The vandalism of our
ackwoodsmen in all matters
elating to timber is known
nly to those who have lived
mongst them.

If amended in the man-
suggested the printing of
Act and requiring all
ral postmasters to keep it
ted up between April and
will probably
ligence and dis-
equences which
vastation in our

rs truly,
J. Bawden.

atrick, M.P.,
wa.

DEPARTMENT OF THE INTERIOR
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23567

Department of the Interior,

Dominion Lands Office,

Ottawa, ... 188

DEPT OF THE INTERIOR MAY 22 1890 OTTAWA

MEMO.

Mr. Henry,

Please register. I think it would be a good idea to have a separate file on which could be placed, for convenience of reference, a precis of every suggestion received during the year regarding the amendment of the Act. In this way it could be seen at a glance what amendments were proposed.

A. M. B.

21st May, 1890. H.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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235667

J.R.

DEPT OF THE INTERIOR
MAY 22 1890
OTTAWA

Department of the Interior,
Ottawa, 22nd May, 1890.

Sir,

I have the honour to acknowledge the receipt of your letter of the 2nd instant No 497, calling attention to the desirability of amending section 38 of the Dominion Lands Act. As you are no doubt aware the proposed amendment to the Act was dropped at the close of the Session. I will keep your suggestions in mind for next year.

Draft.

Appd.

J.R. 22 a.

I have the honour to be,
Sir,
Your obedient servant,

(Sd) Am. Burgess

Deputy of the Minister of t

R. Sedgewick, Esq., Q.C.,
Deputy Minister of Justice,
Ottawa.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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14/5/90 - 235667

DEPT OF THE INTERIOR
MAY 22 1890
OTTAWA

Mr. Burgess

This suggested amendment is not, I suppose, intended for present session. Please send it to me to register when through with it —

Yours
VJH

NT OF THE INTERIOR
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235667

DEPT. OF THE INTERIOR RECEIVED MAY 14 1890 OTTAWA

DEPT. OF THE INTERIOR MAY 2 1890 OTTAWA

Reference No. 188

Letter Book No.

Page 497

Ottawa, May 2 1890

Sir,

I beg to call your attention to the desirability of amending the 38th section of The Dominion Land Act by substituting for the word "th[illegible] in the fifth line thereof the words "his widow or next of kin or some of them". The word "they", in the section it stands, relates to an [illegible] instead of the "legal r[illegible] of the homestead[illegible] respective dates [illegible] the Manitoba and [illegible] Real Property Act[illegible] force, we have [illegible] "legal representatio[illegible] homestead[illegible] of this section [illegible]

The Secretary
Dept of the Interior
Ottawa

DEPARTMENT OF THE INTERIOR
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235667

Reference
No. 188
Letter Book
No.
Page

Ottawa, 188

to be his executors or administrators
and, of course, it is not
his executors or administrators
who reside upon and cultivate
the land after his death,
but the members of his
family on his next of kin

I have the honour to
Sir,
Your obt
[illegible]

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385816

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
385157	ALEXIS L'ESPERANCE RE HALFBREED CLAIM OF DANIEL BEAUDRY, DECEASED	1895
385432	HALFBREED GRANT CLAIM OF MICHEL DESROCHERS	1895-1896
385448	HALFBREED CLAIM OF PIERRE DESROCHERS	1895-1896
385533	FRANCOISE COURTEOREILLE, RE HER SCRIP	1885-1901
385569	EMPLOYEES RECENTLY SUPERANNUATED	1895
385816	BILL TO AMEND AND CONSOLIDATE DOMINION LANDS ACT	1890-1895
385840	HENRY MOBERLY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HIS HALFBREED SCRIP	1895-1899
385850	THERESE FINLEY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HER HALFBREED SCRIP	1895
385852	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM JR.	1895
385853	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM SR.	1895
385854	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF PIERRE JOACHIM JR.	1895

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File/dossier 385840

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No. 385840

DEPARTMENT OF THE INTERIOR,

1895

From Henry Moberly

Date July

" (when rec'd) 29

Subject. P of atty to Pierre Grey re H B scrip

Action. GENERAL

00125

00125

523308 25347

N64582
File No.

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton, Alta., June 19 1899 189

INTERIOR APT. OTTAWA REGISTRATION BRANCH DEC 12 1898

INTERIOR DEC 1 1898

PAT. BRANCH JUN 24 1899 RECEIVED

Receipt dated & filed June 7.6.99

Referring to your letter of the 17th September 1898.

ReferenceNo. 385840, enclosing scrip note No. 0296 for 240 acres of land , in favor of Mr. Moberly, I beg now to inform you that I have, this day , delivered said scrip to Mr. Moberly and to enclose herewith his receipt for same duly signed and witnessed

Your obedient Servant .

Acting Agent of Dominion Lands

The Secretary of the
Department of the Interior.

Ottawa, Ont.

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00125

Address your reply
"To the Secretary
Department of the Interior
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

LETTER

FM. FILE 385840.

Department of the Interior,

Ottawa, 17th September, 1898

3 letters

Sir,

Referring to your letter of the 22nd June last, Ref. 14582, I am directed to send you herewith, in accordance with Mr. Henri Moberly's request, for delivering to him, Scrip Note No. 0296, for 240 acres of land, which has been issued in satisfaction of his Half-breed claim.

2 Encls.

Please return here the accompanying form of receipt after it has been signed and dated.

I am, Sir,
Your obedient servant,

LYNDWODE PEREIRA

The Agent of Dominion Lands,
Edmonton,
N. W. T.

Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 385840

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Address your reply
"To the Secretary,
Department of the Interior
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

LETTER

FM. FILE 385840.

Department of the Interior,

Ottawa, 17th September, 1898

Sir,

Advertin to my letter to you of the 1st February, 1897, I am directed to inform you that Mr. Henri Moberly has fyled a statutory declaration setting forth that he never sold his right to scrip to Mr. Pierre Gray, or to any one else, or executed a power of attorney in favour of this person, or in favour of any other person; and to state that a scrip note for 240 acres of land, which has been issuedin satisfaction of Mr. Moberly's Half-breed claim, has been sent, for delivery to him, in accordance with his request to that effect, to the Agent of Dominion Lands at ~~Winnipeg.~~ Edmonton.

I am, Sir,
Your obedirnt servant,

LYNDWODE PEREIRA

Assistant Secretary.

Sidney S. Taylor, Esq., Q. C.,
Edmonton,
Alberta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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Address your reply
"To the Secretary
Department of the Interior
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER .....
FILE 385840.

Department of the Interior,

Ottawa 17th September, 1898.

Gentlemen,

Adverting to my letter to you of the 12th September, 1896, I am directed to inform you that Mr. Henri Moberly has fyled a statutory declaration setting forth that he never sold his right to scrip to Mr. Pierre Gray, or to any one else, or executed a power of attorney in favour of this person, or in favour of any other person; and to state that a scrip note for 240 acres of land, which has been issued in satisfaction of Mr. Moberly's Half-breed claim, has been sent, for delivery to him, in accordance with his request to that effect, to the Agent of Dominion Lands at ~~Winnipeg.~~ Edmonton

I am, Gentlemen,
Your obedient servant,

Messrs. Cowie & Gardner,
Insurance and Real Estate Agents,
Edmonton, Alberta.

LYNDWODE PEREIRA

Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 385840

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385840

DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr. McD

To send scrip to D.L.A. for delivery to Mr. Mobeal, & to notify all interested

rDC

Ottawa 14.9.1898

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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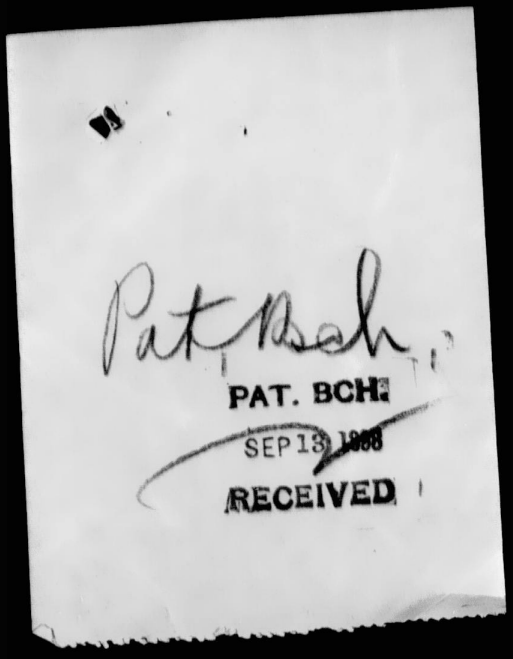

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File/dossier 385840

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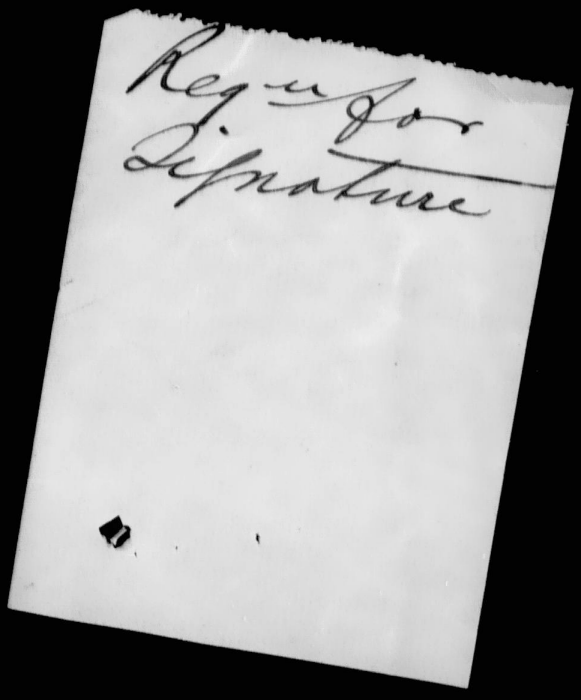

DEPARTMENT OF THE INTERIOR
MINISTèRE DE L'INTéRIEUR

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File/dossier 385840

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385·840

DEPARTMENT OF INTERIOR.

MEMORANDUM.

To Mr. Rothwell

In connection with acquisition beneath please see my memo of 24th inst. re same

v d C

Ottawa 29.8 189.8

THE INTERIOR
INTÉRIEUR

RG 15, D-II-1,
File/dossier 38

National Archives of Canada
Archives nationales du Canada

Ref. No. 385840

D.I.R. 7.

Department of the Interior,

PATENTS BRANCH.

Ottawa, 20 Aug 1898

To the Accountant
N.W.½ 13, Department of the Interior.

Scrip No.	Required the Issue of the following Scrip, viz.;—
0296 for 240 acres	Henri Moberly 240 Acres of Land.

Approved.
D. M. L.

19.50

Under the authority of an Order in Council dated the 14 June 97

The above mentioned Scrip issued this 12th Sept. 1898.
Acc't.

per Chief Clerk.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 385840

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00126

FM.

Ref. 385840.

Department of the Interior,
Ottawa, 24th August, 1898.

Memorandum.

PAT. BCH.
AUG 30 1898
RECEIVED

Mr Cote
Approved, all interested to be advised of this action and of purport of Mr Moberly's statements as set out in closing paragraph of this memo.
J.G.R.
ADM.
27/8/98

I beg to submit for your approval the requisition hereunder for Half-breed land scrip for 240 acres in favour of Mr. Henri Moberly; and beg to recommend that such scrip, when issued, be sent to the Agent of Dominion Lands at Edmonton for delivery to Mr. Moberly.

In 1895 Messrs. Taylor & Taylor, Barristers, of Edmonton, fyled here a power of attorneynfrom Mr. Moberly authorising the delivery of his scrip for $240 to Mr. Pierre Gray, of Jasper House. Subsequently, upon Mr. Moberly's claim being approved, Messrs. Taylor & Taylor were informed that, as it was stated in Mr. Moberly's application that he desired land scrip to issue in satisfaction of his claim, while in the power of attorney above referred to it was stated that he had applied for money scrip, it would be necessary, before the scrip might issue, to fyle here a statutory declaration over the claimant's own signature, attested by two witnesses, as to which kind of scrip he desired to receive.

A copy of our letter to Messrs. Taylor & Taylor was sent on the 12th September, 1896, to Messes. Cowie & Gairdner, who had made inquiry as to the delivery of the scrip.

No further action has been taken in the matter by either of the firms mentioned; and the Agent at Edmonton fyled under date the 22nd June last a statutory declaration made

Jas. A. Smart, Esq.,
Deputy Minister of the Interior.

DEPARTMENT OF THE INTERIOR
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FM.

Ref. 385840.

Department of the Interior,
Ottawa, 24th August, 1898.

Memorandum.

Mr Cote
Approved, all interested to be advised of this action and of purport of Mr Moberly's statements as set out in closing paragraph of this memo.
G.R.
ADM
27/8/98

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Jas. A. Smart, Esq.,
Deputy Minister of the Interior.

REPEA
RÉPÉT

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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J. A. S. 2.

made by Mr. Moberly before him (the Agent), setting forth that he desired to receive a land scrip, and that he never sold his right to scrip to Mr. Pierre Gray, or to any one else, or executed a power of attorney in favour of this person or any other person, and requesting that the scrip be sent to the Land Agent at Edmonton for delivery to himself.

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47981
38 S 840.

Mr Cooke,

In connection with this declaration from Mrs Moberly see Power of Attorney from her to Pierre Grey. on this file

Finch
6/7/98.

Make out requisition for scrip for 240 acres of land.
rdc
19.8.98.

EPARTMENT OF THE INTERIOR
INISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, v
File/dossier 385

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00126

479811 No. 24102

File No. 14582.

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton , 22nd June , 1898. 189

Pat Bch

PAT. BCH
JUN 28 1898
RECEIVED

DEPT OF THE INTERIOR
RECEIVED
JUN 27 1898
OTTAWA

Sir ,

Referring to your letter of the 11th November , 1895 , 385840 , I beg to enclose herewith the declaration of Mr Henri Moberly stating that he desires land scrip ; that he has never sold or agreed to sell the said scrip , or any scrip to any person ; that he has never executed a power of attorney in favor of any person , in connexion with his scrip right ;that he desires the said land scrip to be sent to him , here , in June 1899 , or to the Lands office - to be delivered only to himself , personally .

He is apprehensive that some unauthorised person may seek to obtain delivery of the scrip .

I am , Sir ,

Your obedient servant

A.D.L.

The Secretary

Department of the Interior ,

Ottawa , Ont .

DEPARTMENT OF THE INTERIOR
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H.D. Ref: 479811
385840.

24503

In the matter of my application for Land Scrip as a Half Breed residing in the North West Territories on 15th July 1870.

DOMINION LANDS OFFICE RECEIVED JUN 22 1898 EDMONTON, ALBERTA, N.W.T.

DEPT. OF THE INTERIOR RECEIVED JUN 27 1898 OTTAWA

I, Henri Moberly of Jasper of the House, Nor'west Territories, Edmonton, of in the County of

DO SOLEMNLY DECLARE that

I desire to receive land and not money scrip from the Dominion of Canada

That I have never sold my scrip to Pierre Gray or to any one else

That I have never executed a power of attorney in favor of said Pierre Gray or any other person.

That neither Pierre Gray nor any other person has ever paid me anything or agreed to pay me anything on the purchase of said scrip.

That I shall be in Edmonton again in June 1899 and should like to have my scrip sent to me at Edmonton in June 1899 or it may be sent at any time to the Lands Office but I ask that it shall be given to no one but myself personally.

(The scrip might be sent to me for safekeeping until Mr. Moberly comes for it. R)

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of The Canada Evidence Act, 1893

Being first explained and in the Cree language by Bernard Letendre

Declared before me A A Antian at Edmonton of at in the County of this 22nd day of June A.D., 1898

A A Antian A.D.L.
A Commissioner, &c.

His
Henri X Moberly
Mark

Witness Bernard Letendre

Form No. 59. N.B. (only one witness available.)

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385840

National Archives of Canada
Archives nationales du Canada

00126

Address your reply "To the Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER 385840.
FILE

Department of the Interior,

Ottawa, 1st February, 1897.

Sir,

I am directed to acknowledge the receipt of your letter of the 16th ultimo, and to enclose herewith a copy of my letter to your late firm of the 11th November 1895, which shows the present position of the claim to Half-breed scrip of Henri Moberly. A copy of my said letter of the 11th November, 1895, was sent on the 12th November last to Messrs. Cowie & Gairdner, of Edmonton, in reply to an inquiry made by them in this matter.

ENC.

I am, Sir,

Your obedient servant,

LYNDWODE PEMBRA

Assistant Secretary.

Sidney S. Taylor, Esq., Q.C.,
Edmonton, Alberta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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419354

S. S. & H. C. Taylor,
Barristers, Advocates, Solicitors,
Notaries, &c.

S. S. Taylor, Q.C. H. C. Taylor, M.A. LL.B.

S. S. TAYLOR, Q.C.

SOLICITORS FOR
HUDSONS BAY COMPANY.
MASSEY-HARRIS COMPANY.
LAFFERTY & MOORE, BANKERS.
McCORMICK HARVESTING MACHINE Co
CANADA PERMANENT LOAN & SAVINGS Co

Edmonton, Alta. N.W.T. Jany 16 1897

DEPT. OF THE INTERIOR RECEIVED JAN 1897 OTTAWA

~~Department of Interior~~
Ottawa Pat. Bch.

~~390715~~ PAT. BCH.
JAN 29 1897
RECEIVED

Sir

— Re Henri Moberly Lieut —
Has this case been decided yet —? If any thing further is required kindly advise me and I will try and furnish. We Same

Yours very truly
Sutton S. Taylor

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 385840

National Archives of Canada
Archives nationales du Canada

38840.

DEPARTMENT OF INTERIOR.

MEMORANDUM.

To the Registrar of Correspondence.

Will you please ~~send me file~~
return this file
to Pat. Bch.

V. O C.

Ottawa, 11th Sept 1896.

OF THE INTERIOR
E L'INTÉRIEUR
RG 15, D-I
File/dossie

National Archives of Canada
Archives nationales du Canada

00127

385840

Mm 12/9/96

Department of the Interior
Ottawa, 12th September, 1896.

Draft
vol
10.9.96.

Gentlemen,

Referring to your letter ~~of the~~ without date, (Ref. 410493) I am directed to enclose herewith copy of a letter, to which no reply has yet been received, which was addressed to Messrs. Taylor & Taylor on the 11th November, to last, and which shows the present position of Mr. Henri Moberly's claim to halfbreed scrip.

Jam. ~~Sir~~ Gentlemen,
Your obedient servant.

LYNDWODE PEREIRA
Assistant Secretary

Messrs Cowie & Gairdner,
Insurance & Real Estate Agents,
Edmonton,
Alta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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Scrip not issued

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385840

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Archives nationales du Canada

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(Copy for the Commissioner and A.D.L., Edmonton).

Add[illegible] reply
[illegible] Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

Sent
[illegible]

LETTER
FILE 385840.

Department of the Interior,

Copied for encl.
Messrs Cowie & Gardner,
Edmonton, Alta

Ottawa, 11th November, 1895.

Copied for enclosure to
S. B. Taylor
3/2/97
M.S.

Gentlemen,

Referring to the power of attorney which was fyled here in August last from Henri Moberly to Pierre Gray, I am directed to inform you that the application preferred by Mr. Moberly to share in the Half-breed grant of scrip has recently been approved. I am to say, however, that as it is stated in his application that he desires land scrip to issue in satisfaction of his claim, while in the power of attorney above referred to it is stated that he has applied for money scrip, it will be necessary, before scrip can issue in this case, to fyle in this Department a written statement over his own signature, attested by two witnesses, as to which kind of scrip he desires to receive.

I am, Sir,

Your obedient servant,

[illegible]

Assistant Secretary.

Messrs. Taylor & Taylor,
Barristers,
Edmonton,
N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Mr N O Cote

~~Department of the~~ Interior,

Ref. 385840. Ottawa, ~~2nd~~ 4th November, 1895.

PAT. BCH.
NOV 7 1895
RECEIVED

Memorandum.

The claim to Half-breed scrip preferred by Henri Moberly has recently been received here from the Commissioner's Office with the following recommendation endorsed thereon: "Claim recommended provided it is "considered that application was made in time."

The following report dated the 31st August last made by Mr. Goulet on this claim reads as follows:-

"This claim of Henry Moberly to scrip as a "Half-breed child for the North West territory is good "so far as this man is a Half breed who lived on ceded "territory before and on the 15th July 1870 and who "never was in treaty with indians; but cannot be allow-"ed because he only applied for his scrip before the "Agent of Dominion Lands at Edmonton on 11th July 1895 "more than a year after the 1st May 1894, unless that "verbal application he speaks of in this application, "by his brother two years ago was certified by the Agent "of Dominion Lands at Edmonton, it might help it; but "I am afraid Mr. Royal will not ~~recommend it.~~ remember it."

Approved A.M. Burgess Dept. 6 Nov 95

Mr. Ruttan in a letter dated the 28th September last states that Mr. Royal has a slight recollection of the transaction having taken place, and is of the opinion that Mr. Moberly's statement is true.

Mr. Moberly gives in his application the folowing explanation for not having made his application within the prescribed time:

"About"

A. M. Burgess, Esq.,

Deputy Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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Mr N O Cote

~~Department of the~~ Interior,

Ref. 385840. Ottawa, ~~2nd~~ 4th November, 1895.

PAT. BCH.
NOV 7 1895
RECEIVED

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Approved A M Burgess Dept. 6 Nov 95

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Mr. Moberly gives in his application the folowing explanation for not having made his application within the prescribed time:

"About"

A. M. Burgess, Esq.,

Deputy Minister of the Interior.

REPEAT
RÉPÉTI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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"About two years ago when my people came
"down to apply for scrip I could not come down owing to
"sickness. My brother wanted to make application on
"my behalf but was refused, he was informed that I had
"to appear personally. Iwish land scrip to be sent
"to care of Agent of Dominion, Edmonton, Alberta."

Under the circumstances, I think the claim in question should be approved, as it was customary for the Commission, as well as the Agents, to accept in exceptional cases an application made on behalf of an absent member of a family, and had the application not been refused in this case, as stated, there would not have been any question as to Mr. Moberly's right to share in the Half-grant.

Respectfully submitted,

N. W. Cole

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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390715

DEPT. OF THE INTERIOR RECEIVED OCT 21 1895 OTTAWA

No other applies

OFFICE OF THE

Dominion Lands Commission,

No. 340281
Ref. 342013

Winnipeg, October 14th 1895

PAT. SCH.
OCT 28 1895
RECEIVED

Sir:

I have the honour, by direction of the Commissioner, to enclose herewith file No. 342013 of this office having reference to the claim of Henri Moberly

385840
4248

with the recommendation of the Commissioner of Dominion Lands endorsed thereon as follows:

"Claim recommended provided "it is considered that application "was made in time."

claim approved
A.M. Burgess D.M.L.
5 Nov. 95

Enc. file

noted file

I have the honour to be,

Sir,

Your obedient servant,

F. H. Burgess
Secretary.

The Secretary,
Department of the Interior,
Ottawa, Ont.

Form No. 38.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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339715

No. 14381

File No. 14582

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton, 28th September, 1895 89

342013

344364

Sir,

In reply to your letter of the 5th instant No. 337530, Ref: 342013re the application made by Henri Moberly to participate in any Half Breed grant, I beg to inform you that after consultation with Mr. Royal he informs me that he has a slight recollection of the transaction mentioned in your letter to having taken place and that he is of opinion that what he (Henri Moberly) has said is true.

I am, Sir,

Your obedient servant.

L. A. Sutherland

Agent of Dominion Lands.

The Commissioner of

Dominion Lands,

Winnipeg, Man/

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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330715

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
OCT 3
WINNIPEG
CANADA

No. 14381
File No. 14582

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton, 28th September, 1899

344364

Sir,

In reply to your letter of the 5th instant No. 337530, Ref: 342013re the application made by Henri Moberly to participate in any Half Breed grant, I beg to inform you that after consultation with Mr. Royal he informs me that he has a slight recollection of the transaction mentioned in your letter as having taken place and that he is of opinion that what he (Henri Moberly) has said is true.

I am, Sir,
Your obedient servant.
L A Rutan
Agent of Dominion Lands.

The Commissioner of
Dominion Lands,
Winnipeg, Man/

REPEAT/
RÉPÉTIT

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 385840

National Archives of Canada
Archives nationales du Canada

00127

Department of the Interior, 90715 342013

Dominion Lands Commission,

Winnipeg, 5th September, 1889.

*Reference No.*_____

Sir,

On the 11th of July last an application to participate in the Half-breed Grant was made by Henri Moberly before Mr.Royal. In this application it is stated that about two years ago when the claimant's people made their own applications he was unable to come down owing to sickness, and that his brother endeavoured to file an application on his behalf but was refused and informed that it would be necessary for him to appear personally.

Will you be good enough to enquire of Mr.Royal whether he has any recollection of the matter and is in a position to confirm this statement.

I am, Sir,

Your obedient servant,

Secretary.

Draft approved

The Agent
of Dominion Lands,
Edmonton, Alta.

D.

Form No. 17.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385840

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Form No. 26.

390715

Memorandum.

To.....

Department of the Interior,

DOMINION LANDS COMMISSION,

.....

Winnipeg,.....189

This claim of Henry Moberly to scrip as a half breed child for the North west territory is good so far as this man is a half breed who lived on ceded territory before + on the 15th July 1870 + who never was in treaty with indians; but can not be allowed because he only applied for his scrip before the Agent of Dominion Lands at Edmonton on 11th July 1895 more than a year after the 1st May 1894, unless that verbal application he speaks of in this application, by his brother two years ago was certified by the Agent of Dom Lands at Edmonton, it might help it; but I am afraid Mr Royal will not remember it —

R. Goulet

Winnipeg 31st Aug 1895 —

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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REPE
RÉPÉ

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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DOMINION LANDS OFFICE
RECEIVED
JUL 12 1895
EDMONTON, ALBERTA, N.W.T.

Declaration by Henri Moberly

Concerning his Claim to participate in any grant to Half-Breeds living in the North-West Territories.

Treaty 8 1899

1. What is your name and P. O. Address? Henri Moberly, Lac Ste Anne p.o.
2. Where and when were you born? at McLeod River in 1859 -
3. What was the name of your father? — Moberly
4. What was the name of your mother? Suzanne Karaconte
5. Was your father a Half-Breed or Indian or either? English
6. Was your mother a Half-Breed or Indian or either? Half Breed -
7. Where were you living each year since you were born? at McLeod River and Lake Ste Anne, South of the Athabasca River, on the 15th July, 1870. I was living at McLeod River, South of the Athabasca River, North West Territories and which forms part of "Indian Treaty Number 6"
8. What has been your occupation? hunter -
9. If married when, where and to whom? Married in 1879 at Lac Ste Anne to Madeleine Finlay -
10. How many children have you living? six -
11. Give their names, and dates of birth? Delphis born in 1882 - Phrezine born in 1884 - Adelaide born in 1886 - William born in 1888 - Eva born in 1890 - Clara born in 1892 -
12. What was the name of their respective (mothers or fathers as the case may be) Henri Moberly and Madeleine Finlay -
13. How many children had you who died? None
14. Give dates of birth and death of those who died? —

Form No. 143.

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MINISTÈRE DE L'INTÉRIEUR
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15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons? yes if necessary they are at Lac Ste Anne Mission

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not? Nil

17. Have you ever had a homestead entry? no

18. If so, what became of it? —

19. Have you ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and what disposal did you make of them? no

20. What do you consider the value of all your property, land, implements, buildings, horses, cattle, &c.? about $200.

21. Did you ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? no

22. Mention any names by which you have been called, other than your name given above? my people generally call me Cowan (nick name)

23. Do you receive any annuity as an Indian, or in any way participate in grants to Indians? no

24. State anything bearing on your claim that you may wish ~~to say~~ About two years ago when my people came down to apply for scrip I could not come down owing to sickness. my brother wanted to make application on my behalf but was refused, he was informed that I had to appear personally — I wish ~~my~~ Land scrip to be sent to care of Agent of Dominion Lands, Edmonton, alberta

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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390715

I, Henri Moberly ~~Cheminamed~~, make oath (or declare) and say that the within answers given by me are true in every particular. So help me God.

Sworn (~~or declared~~) before me, at Edmonton Alberta this 11th day of July A. D., 1895 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence.

Henri his + Moberly mark

witness: Dam. H. Robertson

342013

Interpreter Ambroise Grey

J. A. Royal asst A.D.L.

I, Joseph Gaucher of Lac ste Anne make oath (~~or declare~~) and say that I know Henri Moberly, who has made oath to the correctness of the within answers, ~~and so far as his answers to questions numbered~~ ~~are concerned~~, I know them to be correct, ~~and so far as the remainder are concerned~~, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at Edmonton Alberta this 11th day of July A. D., 1895 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence.

Joseph his + Gaucher mark

witness: Dam. H. Robertson

Interpreter Ambroise Grey

J. A. Royal asst A.D.L.

J.A.R.

I, ~~Madeleine~~ Suzanne Karacoute ~~Fontaine~~ of Lac ste Anne make oath (~~or declare~~) and say that I know Henri Moberly, who has made oath to the correctness of the within answers, ~~and so far as his answers to questions numbered~~ ~~are concerned~~, I know them to be correct, ~~and so far as the remainder are concerned,~~ I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at Edmonton Alberta this 11th day of July A. D., 1895 having been first read over and explained in the language to the deponent, who seemed perfectly to understand the same, and in my presence.

Suzanne her + Karacoute mark

witness: Dam. H. Robertson

Interpreter Ambroise Grey

J. A. Royal asst A.D.L.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385840

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FORM No. 7.

No. 14582

788

DEPARTMENT OF THE INTERIOR.

DOMINION LANDS OFFICE,
EDMONTON DISTRICT.

From

Date

" (when rec'd)

Subject.

Action.

Action Continued.

Action Continued.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385840

National Archives of Canada
Archives nationales du Canada

Form No. 7. 342013

No.

189

DEPARTMENT OF THE INTERIOR
COMMISSIONER'S OFFICE,
WINNIPEG, MAN.

From Henri Moberly

Date
" (when rec'd.) 22 July 95

Subject. appn for a H. B. grant

DEPT. OF THE INTERIOR OTTAWA RECEIVED OCT 21 1895

Action

337530. 5/9/95 to Agt. to ask Royal if he has any recollection of an appn. being made on behalf of this man.

28/3.10.95 344364 agt that Royal believes what Moberly said is true for his recollection

Claim recommended provided it is considered that application was made in time

H. B. Smith

11.10.95 Commissioner

340281. 14/10/95 File sent H.D.

Action Continued.

Action Continued

00128

00128

Address your reply "The Secretary Department of the Interior, Ottawa." Do not write about more than one subject in the same letter. Write legibly your full name and address. If you reply to this letter quote its file number.

FM.

LETTER.

FILE. 385840.

Department of the Interior,

Ottawa, 13th August, 1895.

Gentlemen,

Referring to your letter of the 22nd ultimo, Ref. 385856, I am directed to inform you that the application of Henry Moberly has not been received here.

I am, Gentlemen,

Your obedient servant,

[illegible]

Assistant Secretary.

Messrs. Taylor & Taylor,

Barristers,

Edmonton, N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385840

National Archives of Canada
Archives nationales du Canada

385840

Inform Messrs Taylor in reference to their letter of 12 ult. Ref 385856 that application of Henry Moberly has not been received here

FWCC
5/8/95

RTMENT OF THE INTERIOR
STèRE DE L'INTéRIEUR

RG 15, D-II-1, vol.
File/dossier 385840

National Archives of Canada
Archives nationales du Canada

See 385-856

R/a to S S Taylor

Not Complete

Power of attorney from Pierre Grey to S.S. Taylor returned to Mr Taylor as affdt of execution was not endorsed thereon & also in view of fact that in letter enclosing R/a Messrs Taylor requested that scrip be sent to agent for delivery to Grey - Ref 385-856

[illegible]
8/11/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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AUG 2 1895
RECEIVED

Whereas I have applied for money of cash scrip om the grounds of being a half breed to whom scrip has not issued, and I am a resident at present of that District being near Jasper House near the Rocky mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me.
And whereas I desire the undersigned, Pierre Gray to receive sell and in every way do with the said scrip when issued, and also to act for me and in my name in the further applying for obtaining and sign-in all releases and receipts or other papers therefor or connected therewith and will abide by the appointment of him of any attorney or substitute he will or may see fit to appoint.

Henry Moberly. KNOW all men by these presents that I of Jasper House. in the District of Alberta, North West Territories for divers good causes and considerations me thereunto moving and for the purposes of the premises have nominated constituted and appointed and by these presents do nominate constitute and appoint Pierre Grey of Jasper House. in the District of Alberta, my true and lawful attorney for me and in my name and on my behalf

and for my sole use and benefit to demand recover receive petition for from the Government of the Dominion of Canada any and all scrip to which I am.

or may be entitled as half breeds. And to sign execute and deliver all papers documents receipts discharges assignments referring to or in any manner connected with same and for me to receive from the said Government or any department thereof said scrip or any such scrip and to use exercise accept of reject all options with reference to such scrip andthe choosing of same, the same as I could do and to sign all papers for this last named purpose. And tosell such scrip for me and in my name and to sign and execute all papers connected with such sale and the completing of same and to receive the money therefor. And to appoint a sustitute or substitutes to act for him and in his stead as my attorney in the premises. I hereby agree to ratify and confirm whatever my attorney or his substitute may do or cause to be done in the premises I hereby direct and request the Government of the Dominion of Canada or any Department therof controlling such matters to forward and mail all the scrip referred to above to the address of the said Pierre Grey. at Edmonton in the District of Alberta, or to any address of any other attorney or substitute he may appoint.

In witness whereof I have hereunto set my hand and seal this 20th. day of July in the year of our Lord 1895

Signed sealed and delivered in the presence of.

his
Henry X Moberly
mark.

the same having been read over to her and explained in the Cree language, and she appeared to perfectly understand same before signing

Witnesses

[illegible]
K. S. Taylor

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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MINISTÈRE DE L'INTÉRIEUR

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PAT. BCH.
JUL 31 1895
RECEIVED

385840

NORTH WEST TERRITORIES
DISTRICT OF ALBERTA
To-Wit ;

I W W Smith
of Lac Ste Anne in the North-West Territories

make oath and say :

(1): That I was personally present and did see Henry Moberly named in the within instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

(2): That the same was executed on yhe day of the date thereof at ~~the~~ Lac Ste Anne in the DISTRICT OF ALBERTA and that I am a subscribing witness thereto.

(3): That I know the said Henry Moberly

Sworn before me at Lac Ste Anne
in the North-West Territories
this 20th day of July
A. D. 1895

W W Smith

Thos. Taylor
A J.P. in and for the North West Territories

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385840

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
385157	ALEXIS L'ESPERANCE RE HALFBREED CLAIM OF DANIEL BEAUDRY, DECEASED	1895
385432	HALFBREED GRANT CLAIM OF MICHEL DESROCHERS	1895-1896
385448	HALFBREED CLAIM OF PIERRE DESROCHERS	1895-1896
385533	FRANCOISE COURTEOREILLE, RE HER SCRIP	1885-1901
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385852	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM JR.	1895
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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385850

National Archives of Canada
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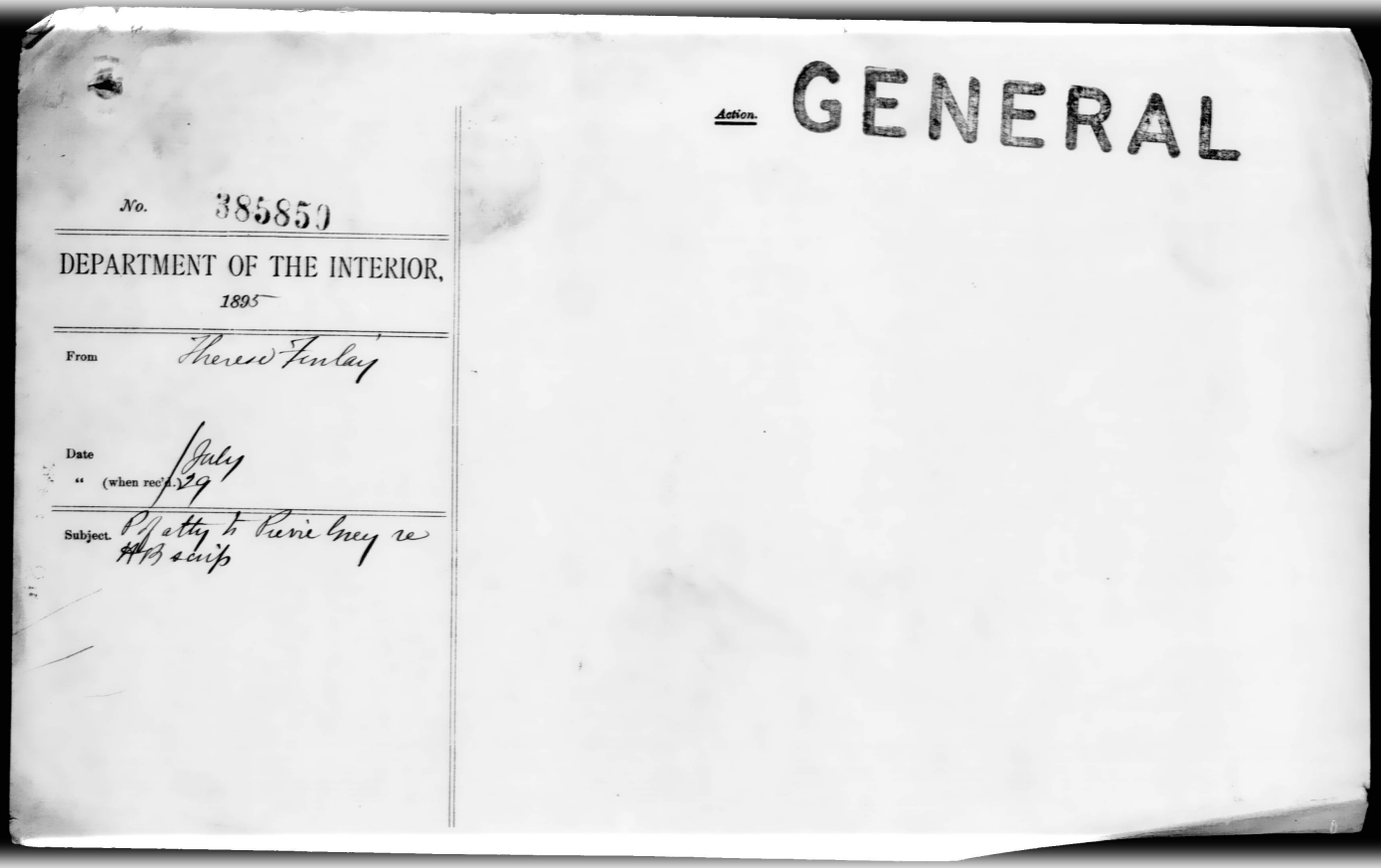

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385850

National Archives of Canada
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No. 385850

DEPARTMENT OF THE INTERIOR,

1895

From Theresa Finlay

Date July 29

" (when rec'd.)

Subject. P of atty to Pierre Grey re HB scrip

Action. GENERAL

00129

00129

Address Reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER.....

FILE.....385850.

Department of the Interior,

Ottawa, 13th August, 1895.

Gentlemen,

Referring to your letter of the 22nd ultimo, Ref. 385856, I am directed to inform you that the application of Therese Finley has not been received here.

If, however, the power of attorney fyled here relates to the claim of Therese Gaucher, wife of Paul Finley and daughter of Michel Gaucher, scrip has already issued in this case.

I am, Gentlemen,

Your obedient servant,

Assistant Secretary.

Messrs. Taylor & Taylor,

Barristers,

Edmonton, N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385850

National Archives of Canada
Archives nationales du Canada

3 85 850

Inform Messrs Taylor, in reference to their letter of 22 ult. Ref 385856, that application of Therese Finley has not been received here unless the power of Attorney enclosed refers to the claim of Therese Gaucher wife of Paul Finley & daughter of Michel Gaucher, to whom scrip has already issued

JWCB
5/8/95

PARTMENT OF THE INTERIOR
NISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vo
File/dossier 3858

National Archives of Canada
Archives nationales du Canada

Sec 385856

P/a D S S Taylor

Not Complete

Parents names req'd

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385850

National Archives of Canada
Archives nationales du Canada

001299

385850

Whereas I have applied for money of cash scrip on the grounds of being a half breed to whom scrip has not issued, and I am a resident at present of that district being near Jasper House near the Rocky Mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me.
And whereas I desire the undersigned, Pierre Gray to receive sell and in every way do with the said scrip when issued, and also to act for me and in my name in the further applying for obtaining and sign -ing all releases and receipts or other papers therefor or connected therewith and will abide by the appointment of him of any attorney or substitute he will or may see fit to appoint.

Know all men by these presents that I Therese Finley of Jasper House. in the District of Alberta, North West Territories for divers good causes and considerations me thereunto moving and for the purposes of these presents have nominated constituted and appointed and by these presents do nominate constitute and appoint Pierre Gray. of Jasper House. in the District of Alberta, my true and lawful attorney for me and in my name and on my behalf

366915

and for my sole use and benefit, to demand recover receive petition for from the Government of the Dominion of Canada any and all scrip to which I am entitled as half breeds And to sign execute and deliver all reports documents receipts discharges assignments referring to or in any manner connected with same and for me to receive from the said Government or any department thereof said scrip or any such scrip and to use exercise accept of reject all options with reference to such scrip and the choosing of same, the same as I could do and to sign all papers for this last named purpose. And to sell such scrip for me and in my name and to sign and execute all papers connected with such sale and the completing of same and to receive the money therefor, and to appoint a sustitute or substitutes to act for him and in his stead as my attorney in the premises. I hereby agree to ratify and confirm whatever my attorney or his substitute may do or cause to be done in the premises. I hereby direct and request the Government of the Dominion of Canada or any Department therof controlling such matters to forward and mail all the scrip referred to above to the address of the said Pierre Gray at Edmonton in the District of Alberta, or to any address of any other attorney or substitute he may appoint.

In witness whereof I have hereunto set my hand and seal this 20th day of July in the year of our Lord 1895

Signed sealed and delivered)
in the presence of)

her
Therese + Finley
mark

the same having been read over to her and explained in the Cree language, and she appeared to perfectly understad same before signing

2 Witnesses

Witnesses
Wm Smith
H S Taylor

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385850

National Archives of Canada
Archives nationales du Canada

00130

DEPT. OF THE INTERIOR
RECEIVED
JUL 29 1885
OTTAWA

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385850

National Archives of Canada
Archives nationales du Canada

00130

385850

NORTH WEST TERRITORIES
DISTRICT OF ALBERTA
To-Wit ;

I W. W. Smith
of Lac Ste Anne in the North-West Territories

make oath and say :

(1): That I was personally present and did see Therese Finley named in the within instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

(2): That the same was executed on the day of the date thereof at Lac Ste Anne in the DISTRICT OF ALBERTA and that I am a subscribing witness thereto.

(3): That I know the said Therese Finley

Sworn before me at Lac Ste Anne
in the North-West Territories
this 30th day of July
A. D. 1895

W. W. Smith

Wm. Taylor
A J.P. in and for the North West Territories

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385850

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385852

National Archives of Canada
Archives nationales du Canada

No. 385852

DEPARTMENT OF THE INTERIOR,

1895

From Magdaline Joachim

Date July

" (when rec'd.) 29

Subject. P. of atty to S S Taylor re H.B. scrip of Joseph Joachim Jr

Action. GENERAL

00130

00130

(Copy for the Commissioner).

Address your reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM. pent 1-19 [illegible]

LETTER

FILE 385852.

Department of the Interior,

Ottawa, 11th September, 1898.

Gentlemen,

Referring to your letter of the 28th ultimo, encloing a power of attorney from Magdaline Joachim authorising your Mr. Taylor to receive the scrip which may issue to her as heir of Joseph Joachim, Jr., ~~and~~ I am to inform you, in this connection, that no application has been received here in this case.

I am, sir,

Your obedient servant,

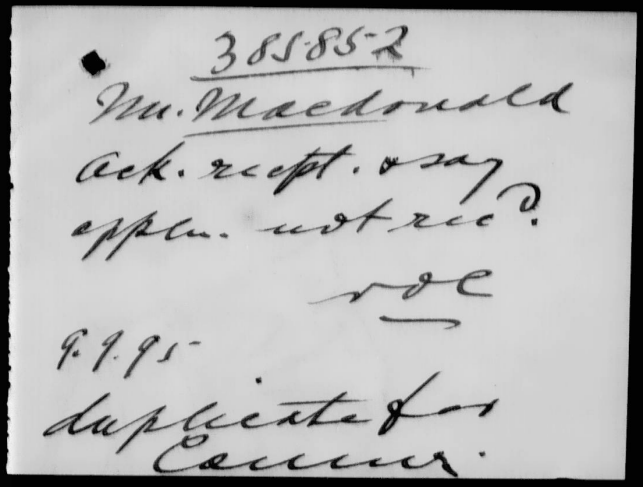
LYNDWODE PEREIRA

Assistant Secretary.

Messrs. Taylor & Taylor,
Barristers,
Edmonton,
N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385852

National Archives of Canada
Archives nationales du Canada



385852

Mr. Macdonald

Ack. recept. & say

appln. not rec'd.

vol

9.9.95

duplicate for

Comm.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385852

National Archives of Canada
Archives nationales du Canada

Copy.

Edmonton Alta Aug 28, 1895

Secy
Dept of Interior
Ottawa

Re Scrip

Sir

Enclosed find Power of Attorney from Madeleine Joachim to Pierre Grey

Yours &c.
(sgd) S. S. & H. C. Taylor

Original Ref 388116 on 385853.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385852

National Archives of Canada
Archives nationales du Canada

00130

PAT. BCH.

SEP 6 1895

RECEIVED

DEPT OF THE INTE RECEIVED SEP 4 1895

Whereas I have applied for money of cash scrip on the grounds of being a halfbreed to whom scrip has not issued, and I am a resident at present of that district being near Jasper House near the Rocky mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me,

And whereas I desire the undersigned Sidney Stockton Taylor to receive sell and in every way do with the said scrip when issued, and also to act for me and in my name in the further applying for obtaining and signing all releases and receipts ~~mx~~ or other papers therfor or connected therewith and will abide by the appointment of him of any attorney or substitite he will or may see fit to appoint.

Know all men by these Presents that I

Magdaline Joachim née Maillarger of Jasper House in the District of Alberta widow of Joseph Joachim (deceased trapper)

in the District of Alberta, for divers good causes and considerations me thereunto moving and for the purposes of the premises have nominated constituted and appointed and by thases presents do nominate constitute and appoint Sidney Stockton Taylor of Edmnoton in he District of Alberta Barrister, my true and lawful attorney for me and in my name and on my behalf and in the name and on the behalf of Joseph Joachim (Junior) of Jasper House aforesaid trapper & hunter

and for my sole use and benfit to demand r cover receive peti ion for from the Government of the Dominion of Canada any and all scrip to which I am on his behalf or he is entitled

or may be entitled as half breeds. And to sign execute and deliver all papers documents receipts letters discharges assignments referring to or in any manner connected with me and for me to receive from the said Government or any deparment thereof said scrip or any such scrip — and for me or him to use exercise accept or reject all options with reference to such scrip and the choosing of the same, the same as I could do and to sign all papers for this last named purpose. And to sell such scrip for me and in my name and to sign and execute all papers connected with such sale andthe completing of the same and to receivr the money therefor. And to appoint a substitute or substitutes to act for him and in his stead as my attorney in the premises. And I hereby agree to ratify and confirm whatever my attorney or his substitute may do or cause to be done in the premises. I hereby direct and request the Governmant of the Dominion of Canada or any department thereof controling such matters to forward and deliver all scrip referred to above to the address of the said Sidney Stockton Taylor at Edmonton Alberta N.W.T. or to any address of any other attorney or substitute he may appoint. and I hereby authorize said Taylor to deliver the same to Pierre Grey for me when received

In witness whereif I have hereunto set my hand and seal this 8th da of July A.D.1895

Signed sealed and Delivered in the presence of the same having been first fully read over to and explained to her in English and Cree and she seemed perfectly to understand same before signing

John Culder
Arthur G. Harrison

Magdaline her X mark Joachim

385852

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385852

National Archives of Canada
Archives nationales du Canada

CANADA,
NORTH-WEST TERRITORIES.
TO WIT:

I, Arthur G. Harrison of Edmonton in the District of Alberta (Student) in the North-West Territories, make oath and say:

1. That I was personally present and did see Magdaline Joachim named in the within instrument hereto annexed who is personally known to me to be the person named therein, duly sign, seal and execute the same for the purposes named therein.

2. That the said instrument was executed on the day of the date thereof at the town of Edmonton, Alberta in the North-West Territories, and that I am the subscribing witness to the said instrument.

3. That personally I know the said part and she is in my belief of the full age of twenty-one years

Sworn before me at Edmonton in the North-West Territories this 8th day of July in the year of our Lord 1895

Arthur G. Harrison

Hedley C. Taylor

A Notary Public in and for the North-West Territories.

RECEIVED SEP 4 1895 DEPT. OF THE INTERIOR OTTAWA.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385852

National Archives of Canada
Archives nationales du Canada

00130

Address your reply to the Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER.....

FILE. 385852.

Department of the Interior,

Ottawa, 13th August, 1895.

Gentlemen,

I am directed to inform you that a power of attorney has been received here from Magdaline Joachim authorising the delivery to your Mr. Taylor of the scrip which may issue to her as heir of Joseph Joachim, Jr., and to inform you that as such power of attorney is a type-written copy and as there is no affidavit of execution endorsed thereon, it cannot be recognised by this Department.

I am further to say that no application has been received here in this case.

I am, Gentlemen,
Your obedient servant,

LYNDWODE PEREIRA
Assistant Secretary.

Messrs. Taylor & Taylor,
Barristers,
Edmonton, N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385852

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385852

No Covering letter

See 385856

appen not recorded
Fock
2/8/95

F THE INTERIOR
L'INTÉRIEUR

RG 15, D-II-
File/dossier

National Archives of Canada
Archives nationales du Canada

00131

PAT. BCH.
JUL 31 1895
RECEIVED

385852

Whereas I have applied for money of cash scrip on the grounds of being a half breed to whom scrip has not issued, and I am presidont at present of that district being near the Rocky Mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me.

And whereas I de sire the undersigned Sidney Stock-ton Taylor to receive sell and in every way do with to said scr-ip when issued, and also to act for me and in my name in the further applying for obtaining and signing all releases and re-ceipts of other paper therefor or connected therewi h and will abide by the appointment of him of any Attorney or substitute he will or may see fit to appoint.

Know all men by these presents that I Magdaline Toachim nee Paillarger of Jasper House in the District of alberta, Widow of Joseph Toachim, (deceased trapper) in the District of Alberta for divers good causes and considerations me thereto moving and for the purposes of the prem ises have nominated constituted and appointed and by these pres-ents do nominate constitute and appoint Sidney Stock on Taylor of Edmonton in the District of Alberta Barrister, my true and lawful Attorney for me and in my name and on my behalf and in the name and on the behalf of Joseph Joachim junior Jasper House afore-said trapper and hunter

and for my sole use and benefit to demand recover receive pet-ition for from the Goermment of the Domijion of Canada any and all scrip to which I am on his behalf or he is

may be entitled as half breeds, and to sign execute and deliv-er all papers documents receipts letters discharges assignments relating to or in any manner connected with me and for me to re-ceive from the said Government or any department t ereof said scrip or any such scrip and fro me or him to use exercise accept or reject all options with reference to such scrip and t e choosing of the same, the same as I could do and to sign all papers for this last mentioned purpose. And to sell such scrip for me and in my name and to sign and execute all papers connected with such sale and the completing of the same and to rec ive the money there for. And to appoint a substitute or substitutes to act for him and and in his stead as my attorney in the premises. And I hereby a-gree to ratify and confirm whatever my attorney or his substitue may do or cause to be done in the premises. I hereby direct and requ st the Government of the Dominion of Canada or any departm-ent thereof controlling such matters to forward and deliver all scrip refered to above to the address of Sidney Stock on Taylor at Edmonton Alberta N.W.T. or to any address of any other attorney or substitue he may appoint and I hereby atherize s id Taylor to deliver the same to Pierre Grey for me w en received.

In witness whereof I have hereunto set my hand and seal this 5th day of July A.D. 1895.

Signed

Signed ,sealed and delivered
i the presence of
(the same having been fully read
to and explained to her in English
and Cree and she seemed perfectly
to understand the same before
signing.)

her
Magdaline X Toachim
mark

Signed
John Calder
Arthur C. Harrison

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385852

National Archives of Canada
Archives nationales du Canada

Copy
Power of Attorney
Magdaline
Joachim
to
P.P. Taylor
re
Joseph Joachim Jr.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385852
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00131

DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

No. 385853

DEPARTMENT OF THE INTERIOR,

1895

From Magdaline Joachim

Date July

" (when rec'd.) 29

Subject P of atty to S S Taylor re AB scrip of Joseph Joachim Sr

Action.

GENERAL

00131

00131

(Copy for the Commissioner).

FM. sent C.P.

"...r reply
...the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
...f you reply to this letter quote its file number.

LETTER PAT. B'C. 385853.
FILE
JAN 28 1910
RECEIVED.

Department of the Interior.

Ottawa, 29th October, 1895.

file

Gentlemen,

Referring to my letter to you of the 11th September last, I am directed to inform you that the application of the heirs of Joseph Joachim to share in the Half-breed grant of scrip has now been received here; and to state that such application has been disallowed as it was made subsequent to the 1st May, 1894, and no satisfactory evidence ~~having~~ has been adduced that the applicant was a Half-breed.

240

I am, Gentlemen,

Your obedient servant,

LYNDWODE PERRINE
Assistant Secretary.

Messrs. Taylor & Taylor,
Barristers,
Edmonton,
N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

PAT. BCH.
SEP 25 1895
RECEIVED Res. 385853

Memorandum.

Mr Cote

Department of the Interior,
Patent Branch,
Ottawa, 17th Sept. 1895

John R. Hall, Esq.,
~~A. M. Burgess, Esq.~~,
Act. Deputy of the
Minister of the Interior,

For your disallowance
of the claim to share in the Half Breed grant of scrip of
the heirs of Joseph Joachim
in accordance with the
Commissioner's recommdn.

Noted
Mr Cote

Respectfully submitted,

V. L. Cote

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

00131

388450

OFFICE OF THE

Dominion Lands Commission,

Ref. 342015

PAT. BCH. SEP 12 1895 RECEIVED

DEPT. OF THE INTERIOR RECEIVED SEP 10 1895 OTTAWA

Winnipeg, Sept. 5th 1895.

Sir:

I have the honour, by direction of the Commissioner, to enclose herewith file No. 342015 of this office having reference to the claim of the heirs of the late Joseph Joachim

with the recommendation of the Commissioner of Dominion Lands endorsed thereon as follows:

"Claim not recommended having been made subsequent to 1st May 1894 and no sufficient evidence as to applicant being a Halfbreed.

"See McGoulet's memorandum."

Encl. file

I have the honour to be,

Sir,

Your obedient servant,

Secretary.

The Secretary,
Department of the Interior,
Ottawa, Ont.

Form No. 39.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

No. 26.

Memorandum.

To.....

Department of the Interior,

DOMINION LANDS COMMISSION,

Winnipeg,.....189

This claim of the heirs of Joseph Joachim to scrip as a half breed head of family for the N. W. Terr is good so far as deceased lived in ceded territory before + on the 15th July 1870; but cannot be allowed because this claim was never applied for before the 1st May 1894, having only applied for it on the 5th July 1895 before the Agent of Dom Lands at Edmonton - Even if the claim was considered it could not be allowed without further evidence that this man was a half breed as I have good reasons to believe his parents to only be half breeds for having iroquois fathers + Siccané indians women for mothers -

R - Goulet

Winnipeg 31st Aug 1895 -

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

00131

DOMINION LANDS OFFICE
RECEIVED
JUL 12 1895

Declaration by Madeleine Mailhanger

Concerning Joseph Joachim (deceased husband) Claim to participate in any grant to Half-Breeds living in the North-West Territories.

342015

1. What ~~is your~~ was his name and P. O. Address? Joseph Joachim (deceased)
2. Where and when ~~were you~~ was he born? at Red River in 1839.
3. What was the name of ~~your~~ his father? Pierre Joachim
4. What was the name of ~~your~~ his mother? Marie Wanniganden
5. Was ~~your~~ his father a Half-Breed or Indian or other? Half Breed
6. Was ~~your~~ his mother a Half-Breed or Indian or other? Half Breed
7. Where ~~were you~~ has he been living each year since ~~you were~~ he was born? always lived between Athabasca River and Lac Ste Anne - On the 15th July 1870 he was living on the Pembina River -
8. What has been ~~your~~ his occupation? Hunter -
9. If married when, where and to whom? was married in 1872 - at Lesser Slave to Madeleine Mailhanger -
10. How many children ~~have you~~ has he living? Eight -
11. Give their names, and dates of birth? Marie, 24 years of age - Nancy - 22 years of age - Alexis, 21 years of age - Marguerite, 22 years of age Louis - 20 years of age - Madeleine, 18 years of age - Edouard, 16 years of age - Patrick - 14 years of age -
12. What was the name of their respective (mothers or fathers as the case may be) Father - Joseph Joachim - Mother - Madeleine Mailhanger
13. How many children had ~~you~~ he who died? Three
14. Give dates of birth and death of those who died? Pierre born in 1865 died in 1889 Joseph born in 1867 died 1890 - Baptiste born in 1869 died in 1891 -

Form No. 143.

DEPARTMENT OF THE INTERIOR
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1754

15. Can you produce baptismal certificates of the birth of your children? If so, produce them, if not, state reasons? Yes, the registers are at St. Albert in W. T.

16. Of those dead can you produce burial certificates? If so, please produce them, if not, state why not? No. there was no Missionary at the time they died

Has he

17. ~~Have you~~ ever had a homestead entry? No.

18. If so, what became of it? ~~-~~

Has he

19. ~~Have you~~ ever had any land claims in Manitoba or the North-West? If so, state nature of them, when and how acquired and what disposal did you make of them? No.

his

20. What do you consider the value of all ~~your~~ property, land, implements, buildings, horses, cattle, &c.? Nil

he

21. Did ~~you~~ ever receive land or scrip in Manitoba in commutation of the Half-Breed rights? No.

he has his

22. Mention any names by which ~~you have~~ been called, other than ~~your~~ name given above? Joseph Joachim only

did he

23. ~~Have you~~ receive any annuity as an Indian, or in any way participate in grants to Indians? No.

his

24. State anything bearing on ~~your~~ claim that you may wish I wish the Money Scrip to be sent to care of Agent of Dominion Lands, Edmonton, Alberta

I may state that when my husband and myself started to live together about 35 years ago there was no Missionary around to perform the Marriage ceremony - when then ~~we~~ we swore to each other that we would be true to one another until the ceremony could be performed and ~~each~~ taken before the P.M. this is the Indian custom when no Missionary can be had -

J.A.L.

L.A.B.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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National Archives of Canada
Archives nationales du Canada

00132

I, Madeleine Maillarger within named, make oath (~~or declare~~) and say that the within answers given by me are true in every particular. So help me God.

Sworn (~~or declared~~) before me, at Edmonton Alberta this 5th day of July A. D., 1895 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence.

Madeleine her x mark Maillarger

342015

witness Hamm H. Robertson

J. A. Royal
Asst A.D.L.

Interpreter
Ambroise Grey

I, Marie Delorme of Lac Ste Anne make oath (or declare) and say that I know Madeleine Maillarger, who has made oath to the correctness of the within answers, ~~and so far as his answers to questions numbered are concerned~~, I know them to be correct, ~~and so far as the remainder are concerned~~, I believe them to be true and correct in every particular.

Sworn (~~or declared~~) before me, at Edmonton Alberta this 5th day of July A. D., 1895 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence.

Marie her x mark Delorme

witness Hamm H. Robertson

J. A. Royal
Asst A.D.L.

Interpreter
Ambroise Grey

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witness Hamm H. Robertson

J. A. Royal
Asst A.D.L.

Interpreter
Ambroise Grey

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witness Dann H. Robertson

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Sworn (or declared) before me, at Edmonton Alberta this 5th day of July A. D., 1895 having been first read over and explained in the Cree language to the deponent, who seemed perfectly to understand the same, and in my presence.

Joseph her x mark Gaucher

witness Dann H. Robertson

J. A. Royal
Asst A.D.L.

Interpreter
Ambroise Grey

REPEAT
RÉPÉTIT

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

00132

Action Continued.

Action Continued.

Action.

FORM No. 7.

No. 14584

188..

DEPARTMENT OF THE INTERIOR,
DOMINION LANDS OFFICE,
EDMONTON DISTRICT.

From

Date
" (when rec'd)

Subject.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

Form No. 7. 342015

No.

189

DEPARTMENT OF THE INTERIOR.
COMMISSIONER'S OFFICE,
WINNIPEG, MAN.

From Madeline Maillarger

Date
" (when rec'd.) 5 22 July 95

Subject. Appn for a H B grant to the heirs of her late husband Jos. Joachim

DEPT. OF THE INTERIOR RECEIVED SEP 10 1895 OTTAWA.

Action

Claim not recommended having been made subsequent to 1st May 1894 and no sufficient evidence as to applicant being a Half breed see Mr Goulets memorandum

H A Smith
Commissioner

4.9.95

337501. 5/9/95 File sent
T.O.

Action Continued.

Action Continued

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853
National Archives of Canada
Archives nationales du Canada

00132

001329

(Copy for the Commissioner).

FM. sent 12/9/96.

LETTER.....

FILE. 385853.

Address your reply "To the Secretary Department of the Interior, Ottawa." Do not write about more than one subject in the same letter. Write legibly your full name and address. If you reply to this letter quote its file number.

Department of the Interior,

Ottawa, 11th September, 1895.

Gentlemen,

I am directed to acknowledge the receipt of your letter of the 28th ultimo, enclosing a power of attorney from Magdaline Joachim authorising your Mr. Taylor to receive the scrip which may issue to her as heir of Joseph Joachim, Sr., and to inform you, in this connection, that no application has been received here in this case.

I am, Gentlemen,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Messrs. Taylor & Taylor,

Barristers,

Edmonton, N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

Reg. 385853
Mr. Macdonald

Ack. rept. of b. &
encl. & say applic.
not rec'd here
vol
9.9.95 duplicate [illegible]

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
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S. S. & H. C. Taylor,
Barristers, Advocates, Solicitors,
Notaries, &c.

S. S. Taylor, Q.C. H. C. Taylor, M.A., LL.B.

388116

SOLICITORS FOR
HUDSONS BAY COMPANY.
MASSEY-HARRIS COMPANY.
LAFFERTY & MOORE, BANKERS.
McCORMICK HARVESTING MACHINE Co
CANADA PERMANENT LOAN & SAVINGS Co

Edmonton, Alta. N.W.T. Aug 28 1895

Secy
Dept of Interior
Ottawa

385852
9 24/8

DEPT. OF THE INTERIOR
RECEIVED
SEP 4 1895
OTTAWA.

PAT. BCH.
SEP 6 1895
RECEIVED

Sir.

Re. Scrip

Enclose find Power of attorney from Madeline Joachim to Pierre Gregoire

Yours &c.

S. S. & H. C. Taylor

Copies of this letter attached to
Refs 385852
385854
385855 Twch
6/9/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

001328

PAT. BCH.
SEP 6 1895
RECEIVED

DEPT OF THE INTERIOR
RECEIVED
SEP 1895

Whereas I have applied for money of cash scrip on the grounds of being a halfbreed to whom scrip has not issued, and I am a resident at present of that district being near Jasper House near the Rocky mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me,

And whereas I desire the undersigned Sidney Stockton Taylor to receive sell and in every way do with the said scrip when issued, and also to act for me and in my name in the further applying for obtaining and signing all releases and receipts ~~of~~ or other papers therfor or connected therewith and will abide by the appointment of him of any attorney or substitite he will or may see fit to appoint.

Know all men by these Presents that I

Magdaline Jacchim nee Maillacoux
of Jasper House in the District of Alberta, for divers good causes and considerations me thereunto moving and for the purposes of the premises have nominated constituted and appointed and by thases presents do nominate constitute and appoint Sidney Stockton Taylor of Edmnoton in he District of Alberta Barrister, my true and lawful attorney for me and in my name and on my behalf and in the name and on the behalf of Joseph Joachim (Senior) now deceased formerly of Jasper House Alta and trapper and hunter

and for my sole use and benfit to demand recover receive petition for from the Government of the Dominion of Canada any and all scrip to which I am on his behalf or he is entitled

385853

or may be entitled as half breeds, And to sign execute and deliver all papers documents receipts letters discharges assignments referring to or in any manner connected with me and for me to receive from the said Government or any deparment thereof said scrip or any such scrip — and for him to use exercise accept or reject all options with reference to such scrip and the choosing of the same, the same as I could do and to sign all papers fpr this last named purpose. And to sell such scrip for me and im my name and to sign and execute all papers connected with such sale andthe completing of the same and to receivr the money therefor. And to appoint a substitute or substitutes to act for him and in his staad as my attorney in the premises. And I hereby agree to ratify and confirm whatever my attorney or his substitute may do or cause to be done in the premises. I hereby direct and request the Government of the Dominion of Canada or any department thereof controling such matters to forward and deliver all scrip referred to above to the address of the said Sidney Stockton Taylor at Edmonton Alberta N.W.T. or to any address of any other attorney or substitute he may appoint and I hereby authorize said Taylor to deliver the same to Pierre Gray for me when received.

In witness whereif I have hereunto set my hand and seal this 8th day of July A.D.1895

Signed sealed and Delivered in the presence of
the same having first been fully read over to said Magdaline Jacchim in English and Cree and she seemed to perfectly understand the same before signing.
John Calder
Arthur G. Harrison

Magdaline X Jacchim
her
mark

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

CANADA,
NORTH-WEST TERRITORIES.
TO WIT:

I, Arthur G. Harrison of Edmonton in the District of Alberta (Stud ent) in the North-West Territories, make oath and say:

1. That I was personally present and did see Magdaline Joachim named in the within instrument hereto annexed who is personally known to me to be the person named therein, duly sign, seal and execute the same for the purposes named therein.

2. That the said instrument was executed on the day of the date thereof at the town of Edmonton, Alberta in the North-West Territories, and that I am the subscribing witness to the said instrument.

3. That personally I know the said part and she is in my belief of the full age of twenty-one years

Sworn before me at Edmonton in the North-West Territories this 8th day of July in the year of our Lord 1895

Arthur G. Harrison

Hedley C. Taylor

A Notary Public in and for the North-West Territories.

DEPT OF THE INTERIOR RECEIVED SEP 14 1895 OTTAWA

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

00133

Address your reply "To the Secretary Department of the Interior, Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

FM.

LETTER.....

FILE. 385853.

Department of the Interior,

Ottawa, 13th August, 1895.

Gentlemen,

I am directed to inform you that a power of attorney has been received here from Magdaline Joachim authorising your Mr. Taylor to receive the scrip which may issue to her as heir of Joseph Joachim, Sr., and to inform you that as such power of attorney is a type-written copy and as there is no affidavit of execution endorsed thereon, it cannot be recognised by this Department.

I am further to say that no application has been received here in this case.

I am, Gentlemen,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Messrs. Taylor & Taylor,

Barristers,

Edmonton, N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385853

National Archives of Canada
Archives nationales du Canada

385853

No Covering letter

See 385856.

Apply not recd.

Fwch
7/8/95

Noted

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1
File/dossier

National Archives of Canada
Archives nationales du Canada

00133

PAT. BCH.

385853

Wheras I have applied for money of cash scrip on the grounds of being a half breed to whom scrip has not issued, and I am at present of that district being near the Rocky Mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me.

And whereas I de sire the undersigned Sidney Stock -ton Taylor to receive sell and in every way do wi h tye said scr -ip when issued, and also to act for me and in my name in the further applying for abtaining and signing all releases and receipts of other papers therefor or connected therewith and will abide by the appointment of him of any Attorney or substitute he will or may see fit to appoint.

Know all men by these presents that I Magdaline Joachim nee Maillarger of Jasper House in the District of alberta, Widow of Joseph Joachim, (deceased trapper) in the District of Alberta for divers good causes and considerations me thereto moving and for the purposes of the prem ises have nominated constituted and appointed and by these presents do nominate constitute and appoint Sidney Stockton Taylor of Edmonton in the District of Alberta Barrister, my true and lawful Attorney for me and in my name and on my behalf and in the name and on the behalf of late Joachim senr. of Jasper House aforesaid trapper and hunter and for my sole use and benefit to demand recover receive petition for from the Goernment of the Domijion of Canada any and all scrip to which I am on his behalf or he is

or may be antitled as half breeds, and to sign execute and deliver all papers documents receipts letters discharges assignments refering to or in any manner connected with me and for me to receive from the said Government or any department thereof said scrip or any such scrip and fro me or him to use exercise accept or reject all options with reference to such scrip and t e choosing of the same, the same aw I could do and to sign all papers for this last mentioned purpose. And to sell such scrip for me and in my name and to sign and execute all papers connectedm with such saleand the completing of the same and to receive the money there for. And to appoint a substitute or substitutes to act for him and and in his stead as my attorney in the premises. And I hereby agree to ratify and confirm whatever my attorney or his substitue may do or cause to be done in the premises. I hereby direct and request the Government of the Dominion of Canada or any department thereof controling such matters to forward and deliver all scrip refered to above to the address of Sidney Stockton Taylor at Edmonton Alberta N.W.T. or to any address of any other attorney or substitue he may appoint and I hereby athorize said Taylor to deliver the same to Pierre Grey for me when received.

In witness whereof I have hereunto set my hand and seal this 8th day of July A.D. 1895.

Signed

Signed ,sealed and delivered in the presence of (the same having been fully read to and explained to her in English and Cree and she seemed perfectly to understand the same before signing.)

her
Magdaline X Joachim
mark

Signed
John Calder
Arthur G. Harrison

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385853

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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National Archives of Canada
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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

FILE/DOSSIER	TITLE/TITRE	DATES
385157	ALEXIS L'ESPERANCE RE HALFBREED CLAIM OF DANIEL BEAUDRY, DECEASED	1895
385432	HALFBREED GRANT CLAIM OF MICHEL DESROCHERS	1895-1896
385448	HALFBREED CLAIM OF PIERRE DESROCHERS	1895-1896
385533	FRANCOISE COURTEOREILLE, RE HER SCRIP	1885-1901
385569	EMPLOYEES RECENTLY SUPERANNUATED	1895
385816	BILL TO AMEND AND CONSOLIDATE DOMINION LANDS ACT	1890-1895
385840	HENRY MOBERLY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HIS HALFBREED SCRIP	1895-1899
385850	THERESE FINLEY, ENCLOSES POWER OF ATTORNEY TO PIERRE GREY RE HER HALFBREED SCRIP	1895
385852	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM JR.	1895
385853	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF JOSEPH JOACHIM SR.	1895
385854	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF PIERRE JOACHIM JR.	1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385854

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Archives nationales du Canada

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385854

Action. GENERAL

No. 385854

DEPARTMENT OF THE INTERIOR,

1895

From Magdaline Joachim

Date July

" (when rec'd.) 29

Subject. Pfatty to S S Taylor re H.B. scrip of Pierre Joachim Jr

00133

00133

(Copy for the Commissioner).

Address your reply to the Secretary Department of the Interior, Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

FM. sent O.P.

LETTER

FILE 385854.

Department of the Interior,

Ottawa, 11th September, 1895.

file

Gentlemen,

Referring to your letter of the 28th ultimo, enclosing a power of attorney from Magdaline Joachim authorising your Mr. Taylor to receive the scrip which may issue to her as heir of Pierre Joachim, I am, in this connection, to inform you that no application has been received here in this case.

I am, Gentlemen,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Messrs. Taylor & Taylor,

Barristers,

Edmonton,

N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385854

National Archives of Canada
Archives nationales du Canada

385854
Mr. Macdonald
ack. & say appln.
not rec'd.
Duplicate for
Commr.
9.9.95 NAC

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385854

National Archives of Canada
Archives nationales du Canada

Copy.

Edmonton Alta Aug 28, 1894

Secy
Dept of Interior
Ottawa

Sir

Re Scrip

Enclosed find Power of Attorney from Madeleine Joachim to Pierre Grey.

Yours &c
(Sgd) S. S. & H. C. Taylor

Original by 388116 on 385853

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385854

National Archives of Canada
Archives nationales du Canada

00134

PAT. BCH.
SEP 6 1895
RECEIVED 388116
DEPT. OF THE INTERIOR RECEIVED SEP 4 1895 OTTAWA

Whereas I have applied for money of cash scrip on the grounds of being a halfbreed to whom scrip has not issued, and I am a resident at present of that district being near Jasper House near the Rocky mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me,

And whereas I desire the undersigned Sidney Stockton Taylor to receive sell and in every way do with the said scrip when issued, and also to act for me and in my name in the further applying for obtaining and signing all releases and receipts ~~mx~~ or other papers therfor or connected therewith and will abide by the appointment of him of any attorney or substitite he will or may see fit to appoint.

Know all men by these Presents that I

Magdaline Joachim nee Mailfargen of Jasper House in the District of Alberta (widow of Joseph Joachim (deceased trapper)

in the District of Alberta,---------- for divers good causes and considerations me thereunto moving and for the purposes of the premises have nominated constituted and appointed and by thases presents do nominate constitute and appoint Sidney Stockton Taylor of Edmnoton in he District of Alberta Barrister, my true and lawful attorney for me and in my name and on my behalf and in the name and on the behalf of Pierre Joachim of Jasper House aforesaid (trapper & Hunter)

and for my sole use and benfit to demand r cover receive peti ion for from the Government of the Dominion of Canada any and all scrip to which I am on his behalf or he is

or may be entitled as half breeds. And to sign execute and deliver all papers documents receipts letters discharges assignments referring to or in any manner connected with me and for me to receive from the said Government or any deparment thereof said scrip or any such scrip — and for me or him to use exercise accept or reject all options with reference to such scrip and the choosing of the same, the same as I could do and to sign all papers for this last named purpose. And to sell such scrip for me and in my name and to sign and execute all papers connected with such sale andthe completing of the same and to receivr the money therefor. And to appoint a substitute or substitutes to act for him and in his stead as my attorney in the premises. And I hereby agree to ratify and confirm whatever my attorney or his substitute may do or cause to be done in the premises. I hereby direct and request the Government of the Dominion of Canada or any department thereof controling such matters to forward and deliver all scrip referred to above to the address of the said Sidney Stockton Taylor at Edmonton Alberta N.W.T. or to any address of any other attorney or substitute he may appoint. And I hereby authorize said Taylor to deliver the same to Pierre Grey for me when received

In witness whereif I have hereunto set my hand and seal this 8th da of July A.D.1895

Signed sealed and Delivered
in the presence of

The same having been first fully read over to and explained to her in English and Cree and she seemed perfectly to understand same before signing
John Calder
Arthur J. Harrison

Magdaline her X mark Joachim

385854

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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National Archives of Canada
Archives nationales du Canada

CANADA,
NORTH-WEST TERRITORIES.
TO WIT:

I, Arthur G. Harrison of Edmonton in the District of Alberta (Student) in the North-West Territories, make oath and say:

1. That I was personally present and did see Magdaline Joachim named in the within instrument hereto annexed who is personally known to me to be the person named therein, duly sign, seal and execute the same for the purposes named therein.

2. That the said instrument was executed on the day of the date thereof at the town of Edmonton, Alberta in the North-West Territories, and that I am the subscribing witness to the said instrument.

3. That personally I know the said part and she is in my belief of the full age of twenty-one years

Sworn before me at Edmonton in the North-West Territories this 8th day of July in the year of our Lord 189 5

Arthur G. Harrison

Hedley C Dayton

A Notary Public in and for the North-West Territories.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385854

National Archives of Canada
Archives nationales du Canada

00134

Address your reply to "The Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER.....

FILE.....385854.

Department of the Interior,

Ottawa, 13th August, 1895.

Gentlemen,

I am directed to inform you that a power of attorney has been received here from Magdeline Joachim authorising your Mr. Taylor to receive the scrip which may issue to her as heir of Pierre Joachim, ~~xxxx~~ and to inform you that as such power of attorney is a type-written copy and there is no affidavit of execution endorsed thereon, it cannot be recognised by this Department.

I am further to say that no application has been received here in this case.

I am, Gentlemen,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Messrs. Taylor & Taylor,

Barristers,

Edmonton, N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385854

National Archives of Canada
Archives nationales du Canada

385854

Write in each of these 4 cases that power of attorney is useless & cannot be ~~accep~~ recognized being merely a type written copy, & that there are no affidavits of execution endorsed on any of them.

See in each case, that no application for scrip has been received here, concerning the claims to which the P/s relate.

Fw cb 5/8/95

Ref 385854
385853
385852
385855

PARTMENT OF THE INTERIOR
NISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vo
File/dossier 3858

National Archives of Canada
Archives nationales du Canada

385854

No Covering letter.

See 385856.

Apple not recd

Fwch
27 7 95

Halbert

NT OF THE INTERIOR
E DE L'INTÉRIEUR

RG 15, D-
File/doss

National Archives of Canada
Archives nationales du Canada

00134

385854 PAT. BCH. JUL 81

Wheras I have applied for money of cash scrip on the grounds of being a half breed to whom scrip has not issued, and I am aresident at present of that district being near the Rocky Mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me.

And whereas I do sire the undersigned Sidney Stock-ton Taylor to receive sell and in every way do with the said scr-ip when issued, and also to act for me and in my name in the further applying for obtaining and signing all releases and receipts of other papers therefor or connected therewith and will abide by the appointment of him of any Attorney or substitute he will or may see fit to appoint.

Know all men by these presents that I Magdaline Joachim nee Maillarrer of Jasper House in the District of alberta, Widow of Joseph Joachim, (deceased trapper) in the District of Alberta for divers good causes and considerations me thereto moving and for the purposes of the premises have nominated constituted and appointed and by these presents do nominate constitute and appoint Sidney Stockton Taylor of Edmonton in the District of Alberta Barrister, my true and lawful Attorney for me and in my name and on my behalf and in the name and on the behalf of Pierre Joachim of Jasper House aforesaid trapper and hunter and for my sole use and benefit to demand recover receive petition for from the Government of the Dominion of Canada any and all scrip to which I am on his behalf or he is

or may be entitled as half breeds, and to sign execute and deliver all papers documents rec ipts letters discharges assignments refering to or in any manner connected with me and for me to receive from the said Government or any department thereof said scrip or any such scrip and fro me or him to use exercise accept or reject all options with reference to such scrip and the choosing of the same, the same as I could do and to sign all papers for this last mentioned purpose. And to sell such scrip for me and in my name and to sign and execute all papers connected with such saleand the completing of the same and to receive the money there for. And to appoint a substitute or substitutes to act for him and and in his stead as my attorney in the premises. And I hereby agree to ratify and confirm whatever my attorney or his substitue may do or cause to be done in the premises. I hereby direct and request the Government of the Dominion of Canada or any department thereof controling such matters to forward and deliver all scrip refered to above to the address of Sidney Stock on Taylor at Edmonton Alberta N.W.T. or to any address of any other attorney or substitue he may appoint and I hereby athorize said Taylor to deliver the same to Pierre Grey for me when received.

In witness whereof I have hereunto set my hand and seal this 8th day of July A.D. 1898. Signed

Signed ,sealed and delivered in the presence of (the same having been fully read to and explained to her in English and Cree and she seemed perfectly to understand the same before signing.)

her
Magdaline X Joachim
mark

Signed
John Calder
Arthur G. Harrison

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385854

National Archives of Canada
Archives nationales du Canada

00134

Copy

Power of Attorney

Magdalen Joachim

to

P.O. Taylor

Inc

Pierre Joachim

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385854

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
385855	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF BAPTISTE JOACHIM JR.	1895
385856	POWER OF ATTORNEY FROM PIERRE GREY TO S.S. TAYLOR RE CERTAIN HALFBREED SCRIP	1895
386019	POWER OF ATTORNEY FROM LAURIE, BERNARD, MICHEL, MARTIN, VICTORIA GAUCHER, MARGUERITE GAUCHER RE THEIR HALFBEED CLAIMS	1893-1897
386075	MUNICIPALITY OF SIFTON RE ROAD ALLOWANCES (MAP)	1895
386649	WM MCKAY RE 2ND ENTRY	1895-1903
386830	HALFBREED SCRIP OF ROGER PAUL FREDERICK	1895
386892	DUCK LAKE RE VISIT OF AN OFFICIAL FOR PERMIT AND GRANT	1895-1897
387114	JULIE HAMELIN RE HALFBREED SCRIP	1885-1896
387313	ORDERS IN COUNCIL RE COPIES	1893-1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385855

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385855

National Archives of Canada
Archives nationales du Canada

No. 385855

DEPARTMENT OF THE INTERIOR,
1895

From Magdaline Joachim

Date
" (when rec'd) July 29

Subject. Pop atty to S S Taylor re H B
Scrip of Baptiste Joachim Jr

Action. GENERAL

001348

00134

(Copy for the Commissioner).

Address your reply
"[illegible] the Secretary
[illegible] Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM. sent 12/9 CP.

LETTER

FILE 385855.

Department of the Interior,

Ottawa, 11th September, 1895.

Gentlemen,

Referring to your letter of the 28th ultimo, enclosing a power of attorney from Magdaline Joachim authorising your Mr. Taylor to receive the scrip which may issue to her as heir of Baptiste Joachim, I am, in this connection, to inform you that no application has been received here in this case.

I am, Gentlemen,

Your obedient servant,

LYNDWODE PEREIRA.

Assistant Secretary.

Messrs. Taylor & Taylor,
Barristers,
Edmonton,
N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385855

National Archives of Canada
Archives nationales du Canada

385855

Mr Macdonald

Ack. & say appln.

not rec'd?

VDC

9.9.95

Duplicate for Comm.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385855

National Archives of Canada
Archives nationales du Canada

Copy.

Edmonton alta Aug 28, 1895

Secy
Dept of Interior
Ottawa

Re Scrip

Sir

Enclosed find Power of Attorney
from Madeleine Joachim to Pierre Grey.

Yours &c
(sgd) S. Stitt Taylor.

Original Reg 38816 on 385853.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385855

National Archives of Canada
Archives nationales du Canada

00135

PAT. BCH

DEPT OF THE INTERIOR RECEIVED SEP 1895

Whereas I have applied for money of cash scrip on the grounds of being a halfbreed to whom scrip has not issued, and I am a resident at present of that district being near Jasper House near the Rocky mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me/WA.

And whereas I desire the undersigned Sidney Stockton Taylor to receive sell and in every way do with the said scrip when issued, and also to act for me and in my name in the further applying for obtaining and signing all releases and receipts ~~ex~~ or other papers therfor or connected therewith and will abide by the appointment of him of any attorney or substitite he will or may see fi to appoint.

Know all men by these Presents that I

Magdalene Joachim nee Maillanger
of Jasper House in District of Alberta widow of Joseph
Joachim (deceased Trapper)

in the District of Alberta, for divers good causes and considerations me thereunto moving and for the purposes of the premises have nominated constituted and appointed and by these presents do nominate constitute and appoint Sidney Stockton Taylor of Edmonton in the District of Alberta Barrister, my true and lawful attorney for me and in my name and on my behalf and in the name and on the behalf of Baptiste Joachim of Jasper House aforesaid (trapper & Hunter)

and for my sole use and benfit to demand recover receive petition for from the Government of the Dominion of Canada any and all scrip to which I am on his behalf or he is

or may be entitled as half breeds. And to sign execute and deliver all papers documents receipts letters discharges assignments referring to or in any manner connected with me and for me to receive from the said Government or any deparment thereof said scrip or any such scrip — and ~~power~~ him to use exercise accept or reject all options with reference to such scrip and the choosing of the same, the same as I could do and to sign all papers for this last named purpose. And to sell such scrip for me and in my name and to sign and execute all papers connected with such sale and the completing of the same and to receivr the money therefor. And to appoint a substitute or substitutes to act for him and in his staad as my attorney in the premises. And I hereby agree to ratify and confirm whatever my attorney or his substitute may do or cause to be done in the premises. I hereby direct and request the Government of the Dominion of Canada or any department thereof controling such matters to forward and deliver all scrip referred to above to the address of the said Sidney Stockton Taylor at Edmonton Alberta N.W.T. or to any address of any other attorney or substitute he may appoint. And I hereby authorize said Taylor to deliver the same to ~~Baptiste~~ Baptiste for me upon receipt

In witness whereof I have hereunto set my hand and seal this 6th day of July A.D.1895

Signed sealed and Delivered
in the presence of

The same having been fully read over to and explained to her in English and Cree and she seemed perfectly to understand the same before signing John Calder
Arthur G. Harvie

Magdalene her X Joachim
mark

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385855

National Archives of Canada
Archives nationales du Canada

CANADA,
NORTH-WEST TERRITORIES.
TO WIT:

I, Arthur G. Harrison of Edmonton in the District of Alberta (Student) in the North-West Territories, make oath and say:

1. That I was personally present and did see Magdaline Joachim named in the within instrument who is personally known to me to be the person named therein, duly sign, seal and execute the same for the purposes named therein.

2. That the said instrument was executed on the day of the date thereof at the town of Edmonton, Alberta in the North-West Territories, and that I am the subscribing witness to the said instrument.

3. That personally I know the said part and she is in my belief of the full age of twenty-one years

Sworn before me at Edmonton in the North-West Territories this 6th day of July in the year of our Lord 1895

Arthur G. Harrison

Hedley C. Taylor

A Notary Public in and for the North-West Territories.

DEPARTMENT OF THE INTERIOR
RECEIVED
SEP 14 1895
OTTAWA.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385855

National Archives of Canada
Archives nationales du Canada

00135

Address reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

F.M.

LETTER.

FILE. 385855.

Department of the Interior,

Ottawa, 13th August, 1895.

Gentlemen,

I am directed to inform you that a power of attorney has been received here from Magdaline Joachim authorising the delivery to your Mr. Taylor of the scrip which may issue to her as heir of Baptiste Joachim, and to inform you that as this power of attorney is a type-written copy and as there is no affidavit of execution endorsed thereon, it cannot be recognised by this Department.

I am further to say that no application has been received here in this case.

I am, Gentlemen,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Messrs. Taylor & Taylor,

Barristers,

Edmonton, N. W.T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385855

National Archives of Canada
Archives nationales du Canada

385855

No Covering letter.

See 385856.

Apple not recvd.

Fro Cb
7/8/95.

Noted

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385855

National Archives of Canada
Archives nationales du Canada

00135

PAT. BCH. AUG 2 1896 PAT. BCH. JUL 31 1896 RECEIVED RECEIVED

385855

Wheras I have applied for money of cash scrip on the grounds of being a half breed to whom scrip has not issued, and I am aresident at present of that district being near the Rocky Mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me.

And whereas I do sire the undersigned Sidney Stock-ton Taylor to receive sell and in every way do with the said scr-ip when issued, and also to act for me and in my name in the further applying for obtaining and signing all releases and receipts of other papers therefor or connected therewith and will abide by the appointment of him of any Attorney or substitute he will or may see fit to appoint.

Know all men by these presents that I Magdaline Toachim nee Maillarrer of Jasper House in the District of alberta, Widow of Joseph Joachim, (deceased trapper) in the District of Alberta for divers good causes and considerations me thereto moving and for the purposes of the premises have nominated constituted and appointed and by these presents do nominate constitute and appoint Sidney Stockton Taylor of Edmonton in the District of Alberta Barrister, my true and lawful Attorney for me and in my name and on my behalf and in the name and on the behalf of Baptiste Joachim of Jasper House aforesaid trapper and hunter and for my sole use and benefit to demand recover receive petition for from the Coernment of the Domijion of Canada any and all scrip to which I am on his behalf or he is

may be entitled as half breeds, and to sign execute and deliver all papers documents receipts letters discharges assignments refering to or in any manner connected with me and for me to receive from the said Government or any department thereof said scrip or any such scrip and fro me or him to use exercise accept or reject all options with reference to such scrip and the choosing of the same, the same aw I could do and to sign all papers for this last mentioned purpose. And to sell such scrip for me and in my name and to sign and execute all papers connected with such saleand the completing of the same and to receive the money therefor. And to appoint a substitute or substitutes to act for him and and in his stead as my attorney in the premises. And I hereby agree to ratify and confirm whatever my attorney or his substitue may do or cause to be done in the premises. I hereby direct and request the Government of the Dominion of Canada or any department thereof controling such matters to forward and deliver all scrip refered to above to the address of Sidney Stockton Taylor at Edmonton Alberta N.W.T. or to any address of any other attorney or substitue he may appoint and I hereby athorize said Taylor to deliver the same to Pierre Grey for me when received.

In witness whereof I have hereunto set my hand and seal this 8th day of July A.D. 1896.

Signed

her
Magdaline X Toachim
mark

Signed ,sealed and delivered in the presence of (the same having been fully read to and explained to her in English and Cree and she seemed perfectly to understand the same before signing.)

Signed
John Calder
Arthur G. Harrison

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385855

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385855

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

RG 15, D-II-1, VOLUME 722

FILE/DOSSIER	TITLE/TITRE	DATES
385855	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF BAPTISTE JOACHIM JR.	1895
385856	POWER OF ATTORNEY FROM PIERRE GREY TO S.S. TAYLOR RE CERTAIN HALFBREED SCRIP	1895
386019	POWER OF ATTORNEY FROM LAURIE, BERNARD, MICHEL, MARTIN, VICTORIA GAUCHER, MARGUERITE GAUCHER RE THEIR HALFBEED CLAIMS	1893-1897
386075	MUNICIPALITY OF SIFTON RE ROAD ALLOWANCES (MAP)	1895
386649	WM MCKAY RE 2ND ENTRY	1895-1903
386830	HALFBREED SCRIP OF ROGER PAUL FREDERICK	1895
386892	DUCK LAKE RE VISIT OF AN OFFICIAL FOR PERMIT AND GRANT	1895-1897
387114	JULIE HAMELIN RE HALFBREED SCRIP	1885-1896
387313	ORDERS IN COUNCIL RE COPIES	1893-1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385856

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385856
National Archives of Canada
Archives nationales du Canada

GENERAL

Action.

No. 385856

DEPARTMENT OF THE INTERIOR,

1895

From S S & H C Taylor
Edmonton

Date 22/July
" (when rec'd.) /29

Subject. Encloses p of atty from Pierre Grey to S S Taylor re certain H B scrip

00135

001361

Address your reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one
subject in the same letter.
Write legibly your full name and
address.
If you reply to this letter quote its
file number.

FM.

LETTER.....

FILE.....385856.....

Department of the Interior,

Ottawa, 13th August, 1895.

Gentlemen,

I am directed to acknowledge the receipt of your letter of the 22nd ultimo, enclosing a power of attorney from Pierre Grey authorising the delivery to your Mr. Taylor of the scrip which may issue to certain Jasper House Half-breeds, and in reply to say that in view of the request contained in your letter that the scrip in question be sent to Mr. Grey and of the fact that powers of attorney in Mr. Grey's favour have been fyled in each case, the said power of attorney (upon which should have been endorsed an affidavit of execution) is not required here, and is, therefore, returned to you herewith.

EMC

Separate letters will be sent you with respect to the different persons specified in the power of attorney in question.

I am, Gentlemen,

Your obedient servant,

Messrs. Taylor & Taylor,

Barristers,

Edmonton, N. W. T.

Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385856

National Archives of Canada
Archives nationales du Canada

00136

Address your reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one
subject in the same letter.
Write legibly your full name and
address.
If you reply to this letter quote its
file number.

FM.

LETTER.....

FILE.....385856.....

Department of the Interior,

Ottawa, 13th August, 1895.

Gentlemen,

I am directed to acknowledge the receipt of your letter of the 22nd ultimo, enclosing a power of attorney from Pierre Grey authorising the delivery to yourMr. Taylor of the scrip which may issue to certain Jasper House Half-breeds, and in reply to say that in view of the request contained in your letter that the scrip in question be sent to Mr. Grey and of the fact that powers of attorney in Mr. Grey's favour have been fyled in each case, the said power of attorney (upon which should have been endorsed an affidavit of execution) is not required here, and is, therefore, returned to you herewith.

EIC

Separate letters will be sent you with respect to the different persons specified in the power of attorney in question.

I am, Gentlemen,

Your obedient servant,

Messrs. Taylor & Taylor,

Barristers,

Edmonton, N. W. T.

Assistant Secretary .

REPEAT/
RÉPÉTITIO

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385856

National Archives of Canada
Archives nationales du Canada

385856

See also. 336662 and.

361 v 30

re Powers of atty.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385856

National Archives of Canada
Archives nationales du Canada

0013E

385856

Mr Goodeve,

Messrs S. S & H.C. Taylor of Edmonton enclose a power of Attorney from Pierre Grey in favor of Sidney Stockton Taylor, covering certain Halfbreed Scrip claims.

This P/a cannot be accepted as it is as there is no affidavit of execution endorsed thereon and in their letter of the 22 ultimo, enclosing the P/a Messrs Taylor ask that scrip in these cases be delivered to Mr Grey; if scrip is to be delivered to Grey what is the use of the power of attorney to Taylor.

See Mr Rothwell's memo of

Power of attorney should be returned for explanation & affidavit of execution and copy kept on file

The list of claims mentioned in P/a does not agree with the documents received as there are no powers from:-

Suzanne Moberly, Isabelle Wainijande, Isabelle Gaucher, Catherine Karaconti (in her own right) Paul Wainijande, Madeleine Maillarger (in her own right) Pierre Gaucher, Madeleine Calioux for her father Isidore Finley, & Constant Wainijande

Rs 395584

With the exception of the claims of Paul Wainijande, Isabelle Gaucher, Madeleine Calioux & Constant Wainijande about which we have no papers the powers of attorney received and in cases where there is no power of attorney a memo of this file, have been attached to the proper files & will be dealt with separately.

(over.)

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385856

National Archives of Canada
Archives nationales du Canada

00136

The following Copies of Powers of Attorney were also received at same time but are not mentioned in P/a from Pierre Grey, and are of no use as they are type written copies & have no affidavit of execution endorsed, nor have we any papers relating to the claims referred to.
Did Messrs Taylor send them.

~~Madeleine Joachim~~
Madeleine Joachim Heir of Bte Joachim Ref 385855
" " " Joseph Joachim Jr. 385852
" " " Joseph Joachim Sr. 385853
" " " Pierre Joachim 385854

Fwcb
5/8/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 385856

National Archives of Canada
Archives nationales du Canada

Memo 385856

Mr Cumming

You are correct in considering that power of atty herewith from Mr Grey to Mr Taylor should be returned to have one of the subscribing witnesses make usual affd of execution, but in lieu of request in letter of 27nd July (ult) from S.S. & H.C. Taylor to deliver all scrip in these cases to Mr Grey and your having separate powers in each case to warrant that action if he had not executed this one to Mr Taylor I will say in letter returning latter Reg A. that we don't want it here & the request in letter of 27nd ult is to be complied with.

F.H. Rolleston

PARTMENT OF THE INTERIOR
NISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vo
File/dossier 3858

National Archives of Canada
Archives nationales du Canada

S. S. & H. C. Taylor,
Barristers, Advocates, Solicitors,
Notaries, &c.

S.S. Taylor, Q.C. H.C. Taylor, M.A.LL.B.

385856

SOLICITORS FOR
HUDSONS BAY COMPANY.
MASSEY-HARRIS COMPANY.
LAFFERTY & MOORE, BANKERS.
McCORMICK HARVESTING MACHINE Co
CANADA PERMANENT LOAN & SAVINGS Co

Edmonton, Alta. N.W.T. July 22 1895

Pat Bch

Secy Dept of Interior
Ottawa

PAT. BCH.
JUL 31 1895
RECEIVED

DEPT OF THE INTERIOR
RECEIVED
JUL 29 1895
OTTAWA.

Sir.

Re. Half Breed Scrip

Enclosed find Powers of attorney from Jasper House H.B.'s for Pierre Grey - one of their numbers to Receive the Scrip from Agents here - Kindly instruct agents to hand same to him

Yours very truly
S S & H C Taylor

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 385856

National Archives of Canada
Archives nationales du Canada

00136

385856

List of Claims mentioned in
Power of Attorney from Pierre Grey to S. S. Taylor

Catherine Karaconti heir of Marie Kolitas 384541
Suzanne Moberly self 383907 P/a received since fr. Thos Taylor ~~P/a not recd.~~
Isabelle Wanuyande self 322948 P/a " "
Isabelle Gaucher self Rg 361784 P/a since recd fr. Thos Taylor ~~P/a not recd.~~
Catherine Karaconti self 336688 P/a for self not recd, but P/a of Heirs of dec'd Attys recd.
Simon Karaconti self. 383905.
Nancy Wanuyande self 336694
Paul Wanuyande self X ~~P/a not recd~~ P/a since received from Thos Taylor Sur Rg 393964. Fwd 11/11/2
Vincent Wanuyande self 385839
Madeleine Moberly nee Finley 385841
Henry Moberly self 385840.
Madeleine Maillarger self 384394 P/a for self not recd. P/a re Heirs recd.
Pierre Gaucher self X 362717 P/a not recd.
Anne Cardinal 385851.
Madeleine Calioux for father. X P/a not recd
Victoire Gaucher 383507 ~~P/a recd.~~
Angele Tewanatanohon, self 384392
Marie Grey nee Delorme. 322952
Louise Tewanatanohon self & other 336702
Therese Finley self & others 385850.
Isadore Finley 340633 P/a not recd
Constant Wanuyande. X P/a not recd Rg 395584

Sur Rg 386471 / 361230 being list of claims in which Taylor are interested. Fwd 28/9/90

DEPARTMENT OF THE INTERIOR
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RG 15, D-II-1, vol. 722
File/dossier 385856

National Archives of Canada
Archives nationales du Canada

00136

385856.

Powers of Attorney received with this letter do not agree with list of Claims mentioned in P/a from Pierre Grey to S. S Taylor.

Powers of Attorney received are,

Victoire Gaucher 385843 on 383507.
Marie Grey nee Delorme Heir of Isabelle Karakonti 385842 on 322952
Madeleine Maillarger, Heir of
1 Joachim Tewanatanahow
2 Pierre Joachim
3 Joel Joachim
4 Bte Joachim
} 385849 on 384394
Catherine Karaconti Heir of Joachim Tewanatanahow, 385847 on 384394
Angele Tewanatanahow 385837 on 384392
Madeleine Moberly nee Finley 385841.
Henry Moberly 385840
Vincent Waniyande 385839
Therese Finley heir of
Paul Campbell del. Finley 385844
Therese Finley 385850
Anne Cardinal Heir of
Henry Cardinal 385851.
Nancy Waniyande 385848
Catherine Karakonti Heir of
Marie Kohakas 385846 on 384541
Simon Karaconti 385838 on 383905.

The following P/a were received but are not mentioned in any covering letter Did Mr Taylor send them.

Marie Hamelin 385845 on 383510
Madeleine Joachim Heir of Bte Joachim 385855
" " Joseph Joachim Jr. 385852
" " Joseph Joachim Sr 385853
" " Pierre Joachim 385854

only copies not original P/as.

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
385855	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF BAPTISTE JOACHIM JR.	1895
385856	POWER OF ATTORNEY FROM PIERRE GREY TO S.S. TAYLOR RE CERTAIN HALFBREED SCRIP	1895
386019	POWER OF ATTORNEY FROM LAURIE, BERNARD, MICHEL, MARTIN, VICTORIA GAUCHER, MARGUERITE GAUCHER RE THEIR HALFBEED CLAIMS	1893-1897
386075	MUNICIPALITY OF SIFTON RE ROAD ALLOWANCES (MAP)	1895
386649	WM MCKAY RE 2ND ENTRY	1895-1903
386830	HALFBREED SCRIP OF ROGER PAUL FREDERICK	1895
386892	DUCK LAKE RE VISIT OF AN OFFICIAL FOR PERMIT AND GRANT	1895-1897
387114	JULIE HAMELIN RE HALFBREED SCRIP	1885-1896
387313	ORDERS IN COUNCIL RE COPIES	1893-1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 386019

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RG 15, D-II-1, vol. 722
File/dossier 386019
National Archives of Canada
Archives nationales du Canada

No. 386019

DEPARTMENT OF THE INTERIOR,
1895

From W F G Cumming
Edmonton

Date 25/July
" (when rec'd.) /31

Subject. Encloses p of atty from Laurin, Bernard, Michaël, Martin, Victoria & Margaret Gauchet re H B Clarin

Action. GENERAL

00137

00137

Address reply to the Secretary, Department of the Interior, Ottawa.

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote file number.

FM.

LETTER.....

FILE.....386019.

Department of the Interior,

Ottawa, 1st March, 1897.

Sir,

I am directed to acknowledge the receipt of your letters of the 25th January last and the 10th ulti-mo, Ref. 310, and to say that the conclusions which you have arrived at with respect to the conflicting powers of attorney given by certain Jasper House Half-breeds to Messrs. Pierre Gray and Walter Gordon Cumming have been concurred in by the Deputy Minister, and the necessary action in regard to the claims to which powers of attorney relate is now being taken.

I am, Sir,

Your obedient servant,

Lyndwode Pinsent.

Assistant Secretary.

The Agent of Dominion Lands,
Edmonton, Alberta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 386019

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00137

421081

No. 17142.
File No. 310

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton 10th February 1897 189

PAT. BCH.
FEB 18 1897
RECEIVED

DEPT. OF THE INTERIOR
RECEIVED
FEB 17 1897
OTTAWA

Sir,

I beg to acknowledge the receipt of a copy of your letter to Mr S.S.Taylor and in reply to inform you that I returned the papers & reported on this matter on the 25th ultimo , see your Ref 386019 .

I am, Sir,

Your obedient servant ,

L.A. Rutan

Agent Dominion Lands

The Secretary ,
Department of the Interior,
Ottawa .

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 386019

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Archives nationales du Canada

To whittle mer. S. S. Taylor

16 Jany 1898
419356 on 336662

383507
Victoire Gaucher

Martin & 383505
Bernard 356352

Marie Karaconti
383509

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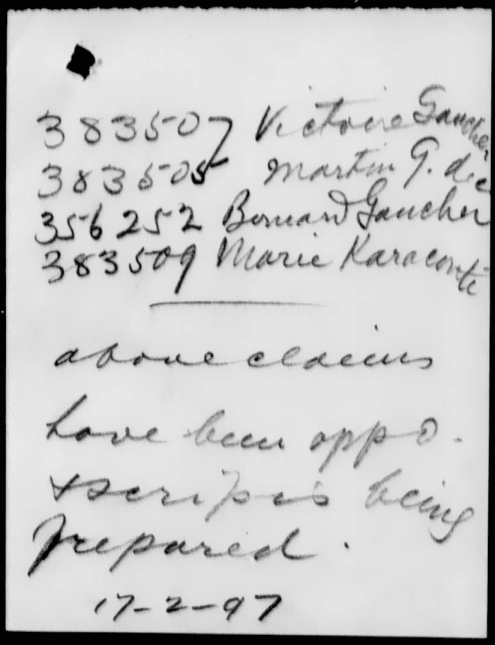

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386019

MEMORANDUM.

To Mr. Cuming

Department of the Interior,

Ottawa, 189

QUERY.	ANSWER.
To place powers of atty. on their respective files with extracts re decision rdc 15.2.97	Done fwd 17-2-97

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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386019

Department of the Interior,

Ottawa, 15th Feby 1897

MEMO. Mr. Burgess,

The scrip in these cases has not yet issued. The powers of attorney only were sent to Mr. Ruttan for his investigation and report. Now that they have been received back I beg to recommend that scrip be issued & then sent to the persons who are ~~entit~~ entitled to receive it under the finding of Mr. Ruttan, the powers of attorney being, in my opinion, satisfactory.

Respectfully
Submitted
V. O. Cote

Memo re this decision placed on proper file see Ref 419379 on this file
Fwd 17-[illegible]

Approved
A. M. Burgess
D.I.
15 Feby 97

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 7
File/dossier 386019

National Archives of Canada
Archives nationales du Canada

00137

PAT. BCH.
FEB15 1897
RECEIVED

386019.

Ottawa, 13th Feb., 1897.

Memo.

Mr. N. O. Cote,

As I understand it, Mr. Ruttan was authorized to deliver these scrips to the persons entitled to them. That left the matter to his own judgment. I could scarcely be expected to approve, since the grounds on which his decision was reached are not disclosed. However, having, as stated, left it to Mr. Ruttan to decide, I do not wish to have this statement taken as indicating a dissent from his conclusions. I have no doubt whatever that they are right. I do not even understand him to say that he is submitting them for approval. But you will observe that he is asking for information, "always supposing," he says, "that sufficient powers of attorney had been filed in all these cases." That information you ought to give him.

A.M.Burgess
H.

D.M.I.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 386019

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Archives nationales du Canada

386019

Department of the Interior,

Ottawa, 11th Feby 1897

MEMO. A. M. Burgess Esq.,
Deputy minister

I beg to submit for your approval Mr. Ruttan's recommendation, as contained in his letter of 25th ult., Reg: 41977, herewith, respecting certain conflicting powers of Attorney which were sent him for his investigation and report.

Respectfully submitted

V. V. Cole

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 7
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00137

419779 No. 17439.

File No. 310

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton 25th January 1897 189

Pat. file

407904
419357
336696 hote 1/9

PAT. BCH.
FEB 2 1897
RECEIVED

DEPT. OF THE INTERIOR RECEIVED FEB 1 1897 OTTAWA

Sir,

I beg to return the documents which accompanied your letter of the 11th September last 386019 , together with origin -al & Copy of a declaration made by Mr Pierre Grey , the original of a letter received from Mr Thomas Hourston (for W. G. Cumming) Also Copy of a letter addressed to the latter date 18th instant .

It appears that Mr Grey is entitled to the Scrip of (1) Michel Gaucher (2) Martin Gaucher , deceased and (3) Victoria Gaucher , wife of Martin Joachim ; and that Mr Cumming is entitled to the Scrip of (1) Laurie (or Glorisse or Clarisse) Gaucher deceased (2) Bernard Gaucher deceased (3) Marguerite Gaucher , wife of Isidore Finley , and (4) Marie Gaucher , wife of Michel Gaucher .

Always supposing that sufficient powers of Attorney have been filed in all these Cases .

I am, Sir,

Your obedient servant ,

A. A. Rattan

Agent Dominion Lands

The Secretary,

Department of the Interior,

Ottawa .

Memo re this decision placed on
Rep. 383505 – Martin Gaucher
383507 – Victoria
383509 – Marie Kara[illegible]
356252 – Bernard
Fwch 17-2-97.

Claim of Michel Gaucher 336696 has been disallowed & Scrip of Marguerite Finley 383505 has been delivered
Fwch 17-2-97

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 386019

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419779

Edmonton
Jany 19th 1897

DOMINION LANDS OFFICE
RECEIVED
JAN 22 1897
EDMONTON, ALBERTA, N.W.

18181

DEPT OF THE INTERIOR
RECEIVED
FEB 1 1897
OTTAWA

Sir

I am in receipt of your letter the 18th Inst. referring to the declaration of Mr Pierre Grey the matter of Scrip Claims of the Boucher Family. which are in dispute between Mr Cumming & Grey. and in reply beg leave to State. that as Mr. Cummings attorney. I have no Contrary Evidence to offer. and will accept his declaration as being Correct.

Yours Very Truly
Thos Houston
for
W G Cumming

A A Ruttan Esq
Agent Dom Lands
Edmonton.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 386019

National Archives of Canada
Archives nationales du Canada

41976

Edmonton
June 19th 1897

Sir

I am in receipt of your letter of the 18th inst referring to the declaration of Mr Pierre Grey in the matter of Scrip Claims of the Gaucher family. which are in dispute between Mr Cumming & Mr Grey and in reply beg leave to state that as Mr Cumming's attorney. I have no Contrary evidence to offer. and will accept his declaration as being Correct.

Yours Very Truly
Thos Houston
for
W.E. Cumming.

A.A. Rutan Esq
Agent Dom Lands
Edmonton.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 386019

National Archives of Canada
Archives nationales du Canada

00138

No. 41979 File No. 310-2

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton, 19th Jan. 1897 189

Sir,

Referring to the Copy handed to you on the 12th inst of the declaration of Pierre Grey, in the Scrip claims of the Gaucher family, some of which are in dispute between your principal, Mr W.G. Cumming, and the aforesaid Grey, I beg to notify you that it is necessary for me to send in to the Department my report in the matter without further delay: I must therefore ask you to be good enough to inform me whether you are prepared to accept the version of the case set out in Mr Grey's declaration, or whether you wish to offer contrary evidence.

The papers in the matter will be held here for 10 days from this date to enable you to put in your evidence if you desire to do so.

I am, Sir,
Your obedient servant,
Sgd R.A. Ruttan -
Agent Dominion Lands

Thos Houston Esq
Edmonton, Alta.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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File/dossier 386019

National Archives of Canada
Archives nationales du Canada

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419779

Edmonton ,

Alberta, Canada -

In the Matter of the Half- Breed Scrip Claims of the following persons :-

Laurie Goucher, deceased , Bernard Goucher, deceased , Michel Goucher, Martin Goucher, deceased , Victoria Goucher, wife of Martin Joachim , Marguerite Goucher wife of Isidore Finley.

I Pierre Gray of Lac Ste Anne- formerly of Jasper House do Solemnly declare :-

That of the above persons I donot claim the Scrip of Laurie Goucher, deceased , Bernard Goucher, deceased , or Marguerite Goucher, wife of Isidore Finlay, but I do claim the Scrip of the following persons above named to whom I paid in Cash respectively the following ,

Michel Goucher ----------Eighty dollars

Michel Goucher for said Martin Goucher , deceased , one hundred & thirty dollars

Victoria Goucher wife of Martin Joachim Fifty dollars and I still owe her fifty dollars which is to be paid when I receive her Scrip .

That I have paid in full for the Scrip of Michel Goucher and Martin Goucher deceased .

That I remember Walter Gordon Gumming agreeing to buy Scrip of the Goucher family in the Summer of 1893. He then paid fifty dollars each for the Scrip of Bernard Goucher, deceased, Margurite Goucher wife of Isidore Finley , and Marie Goucher wife of Michel Goucher . I do not remember about Laurie Goucher That I never knew of but one Michel Goucher .

That I saw Mr Cumming give Michel Goucher One hundred dollars

The name of this family is Goucher not Goucher.

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and to Marguerite Goucher and Marie Gaucher fifty dollars each . This would be fifty dollars each for four Scrips , and said Cumming at that time gave Michel Gaucher a Note for Two hundred dollars more - The bargain was made at the flat of the Upper Ferry in the town of Edmonton and we all then went up to the Imperial Bank in the said town and I there and then Saw the Money paid over by the said Cumming to the parties aforesaid . It was two or three days prior to said Cumming bargain and purchase I had bought from the several parties the Scrip which I Claim .

That on the occasion when said Cumming made his bargain I heard said Michel Gaucher inform said Cumming that I had already bought the Scrip of Michel himself, Martin, deceased and Victorie (R.A. R.) .
Old Michel is the father and Marie Gaucher the mother of the Several other persons herein named .

The Several childrens names are as follows -
(1) Glorisse , (2) Bernard , (3) Martin , (4) Victoria and (5) Marguerite .

I think that the name Laurie mentioned in said Cumming's power of Attorney is Glorisse , and not Laurie .

I state positively that there was only one Michel in the family and the old man and head of the family . There was never a son named Michel .

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And I make this Solemn declaration conscientiously believing it to be true , and knowing that it is of the same force and effect as if made under oath, and by virtue of The Canada Evidence Act , 1893 .

Declared before me)
at Edmonton the 11th)
day of January 1897)

R. A. Ruttan ,
A.D.L.

Pierre Gray-(X His Mark)

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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00138

41979

18391

DOMINION LANDS OFFICE
RECEIVED
JAN 11 1897
EDMONTON, ALBERTA, N.W.T.

In the matter of the Half Breed Scrip Claims of the following persons:—

Laurie Goucher, deceased, Bernard Goucher, deceased, Michel Goucher, deceased, Martin Goucher, deceased, Victoria Goucher, wife of Martin Joachim, Marguerite Goucher wife of Isidore Finley.

I Pierre Gray of Lac Ste Anne — formerly of Jasper House do Solemnly declare: —

That of the above persons I do not claim the Scrip of Laurie Goucher, deceased, Bernard Goucher, deceased. or Marguerite Goucher, wife of Isidore Finley, but do Claim the Scrip of the following persons above named to whom I paid in Cash respectively the following

Michel Goucher Eighty dollars
Michel Goucher for said Martin Goucher deceased One hundred & thirty dollars
Victoire Goucher wife of Martin Joachim Fifty dollars and I still owe her fifty dollars which is to be paid when I receive her scrip.

That I have paid in full for the

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18391

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RECEIVED
JAN 11 1897
EDMONTON, ALBERTA, N.W.T.

Scrip of Michel Goucher and Martin Goucher deceased.

That I remember Walter Gordon Cumming agreeing to buy the Scrip of the Goucher family in the Summer of 1893. He then paid Fifty dollars each for the Scrip of Bernard Goucher deceased, Marguerite Goucher wife of Joseph Finlay, and Marie Goucher wife of Michel Goucher. I do not remember about Laurie Goucher. That I never knew of but one Michel Goucher

That I saw Mr. Cumming give Michel Goucher One hundred dollars and to Marguerite Goucher and Marie Goucher fifty dollars each. This would be fifty dollars each for four scrips, and said Cumming at that time gave Michel Goucher a note for Two hundred dollars more - The bargain was made at the flat of the Upper Ferry in the town of Edmonton and we all then went up to the Imperial Bank in the said town and there and

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DOMINION LANDS OFFICE
RECEIVED
JAN 11 1897
EDMONTON, ALBERTA, N.W.T.

18391 3

then saw the money paid over by said Cumming to the parties aforesaid -

It was two or three days prior to said Cumming ~~made his~~ bargain and purchase I had bought from the several parties the scrip which I claim -

That on the occasion when said Cumming made his bargain I heard said Michel Goucher inform said Cumming that I had already bought the scrip of Michel himself, Martin, deceased, and ~~Victoire~~ Victoire. Add.

Old Michel is the father and Marie Goucher the mother of the several other persons herein named. The several children's names are as follows -

(1) Glorisse, (2) Bernard (3) Martin (4) Victoire and (5) Marguerite.

I think that the name Laurie

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18391 4

18391

mentioned in said Cummings' power of Attorney is Glorisse, and not Laurie.

I state positively that there was only one Michel in the family and he the old man and head of the family.

There was never a son named Michel.

And I make this solemn declaration conscientiously believing ~~the same to~~ it to be true and knowing that it is of the same force and effect as "if made under oath, and by virtue of the Canada Evidence Act 1893."

Declared before me at Edmonton the 11th day of January 1897

H. A. Rutan, A.D.

His Pierre + Gray mark

The Interpreter in this examination was Holland Ross who carefully explained everything Gray and Hubiere reported questions and answers truly and well. R.

Present at the Examination were Messrs S.S. Taylor Q.C. for Pierre Gray and J. Hanston for W.G. Cumming.

DOMINION LANDS OFFICE RECEIVED JAN 11 1897 EDMONTON, ALBERTA, N.W.T.

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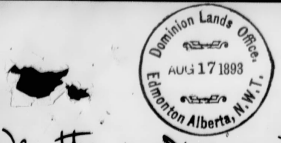

Dominion Lands Office. AUG 17 1893 Edmonton Alberta, N.W.T.

386012
18194
410716

(10191) Time in Received JUL 1893 OTTAWA

Edmonton 14 Aug 1893

We the undersigned Michael Gauchet representing Laurie Gauchet Bernard Gauchet & Michael Gauchet & Martin Gauchet deceased & (Margeret Gauchet & Victoire Gauchet) halfbreeds from Jasper House do hereby appoint Walter Gordon Cumming of Calgary. Alta as our Attorney to receive our scrips & sign receipts for same.

Michael Gauchet for Laurie Gauchet His mark +
Witness Daniel Noyes
E F Carey

Michael Gauchet for Bernard Gauchet His Mark +
Witness Daniel Noyes 356252
E F Carey

Michael Gauchet for Michael Gauchet His Mark +
Witness Daniel Noyes no appln
E F Carey

Michael Gauchet for Martin Gauchet His Mark +
Witness Daniel Noyes 383505
E F Carey

Victoire Gauchet Her Mark +
Witness D E Noyes ~~383507~~ ?
Daniel Noyes

Margeret Gauchet Her Mark +
Witness D E Noyes 383508
Daniel Noyes.

DEPARTMENT OF THE INTERIOR
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North West Territories
District of Alberta
Parish of St. Albert
To Wit:

I Daniel Noyes. of the Parish of St. Albert in the District of Alberta Clerk

Make oath and say

1st That I was personally present and did see the within Instrument duly signed by the parties thereto

2 That that the said Instrument was executed at Edmonton in the District of Alberta

3 That I am a subscribing witness to the said instrument

Sworn before me at St. Albert this 16th day of August in the Year of our Lord 1893.

Daniel Noyes

Daniel Maloney N.P.

DEPARTMENT OF THE INTERIOR
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L.C.

LETTER.....

FILE. 386019.

Address your letter to "The Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

Department of the Interior,

Ottawa, 11th September, 1896.

Copy for ad L.

Sir,

I am directed to acknowledge the receipt of your three letters dated the 24th ultimo, applying for the issue of scrip in satisfaction of the following claims, namely;- Michel Gaucher, as the sole heir-at-law of Martin Gaucher, deceased, (Ref. 383505); Michel Gaucher, as the sole heir-at-law of Bernard Michel Gaucher, deceased, (Ref. 386262) ; and Victoire Gaucher, (Ref. 383507).

The Deputy Minister, to whom your applications, as well as a letter dated the 21st ultimo from the Agent of Dominion Lands at Edmonton in relation thereto, have been submitted, has come to the conclusion that before the delivery of the scrip in these cases is authorized, Mr. Pierre Gray, to whom the claimants have also given powers of Attorney, should be given an opportunity to explain his position in regard to these transactions, and with that view the conflicting powers of Attorney affecting the claims in question are being returned to the Agent of Dominion Lands at Edmonton in order that he may make a full enquiry into the matter so soon as Mr. Gray can be examined by him.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Walter Gordon Cumming, Esq.,
Windsor Hotel,
Montreal,
P.Q.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Dominion Lands Office. AUG 17 1893 Edmonton Alberta, N.W.T.

386019
10716 10191

(10191) Time Lan... RECEIVED JUL ... OTTAWA

Edmonton 14 Aug 1893

We the undersigned Michael Gauchet representing Laurie Gauchet Bernard Gauchet & Michael Gauchet & Martin Gauchet deceased + (Margeret Gauchet & Victoire Gauchet) halfbreeds from Jasper House do hereby appoint Walter Gordon Cumming of Calgary. Alta as our Attorney to receive our scrips & sign receipts for same.

Michael Gauchet for Laurie Gauchet His mark +
Witness Daniel Noyes
E J Carey

Michael Gauchet for Bernard Gauchet His Mark +
Witness Daniel Noyes 356252
E J Carey

Michael Gauchet for Michael Gauchet His mark +
Witness Daniel Noyes no appln
E J Carey

Michael Gauchet for Martin Gauchet His mark +
Witness Daniel Noyes 383505
E J Carey

Victoire Gauchet Her mark +
Witness D E Noyes ~~383507~~ ?
Daniel Noyes

Margeret Gauchet Her mark +
Witness D E Noyes 383508
Daniel Noyes.

REPEAT/
RÉPÉTIT

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 386019

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North West Territories
District of Alberta
Parish of St. Albert
To Wit:

I Daniel Noyes. of the Parish of St. Albert in the District of Alberta Clerk

Make oath and say

1st That I was personally present and did see the within Instrument duly signed by the parties thereto

2 That that the said Instrument was executed at Edmonton in the District of Alberta

3 That I am a subscribing witness to the said instrument

Sworn before me at St. Albert this 16th day of August in the year of our Lord 1893.

Daniel Noyes

Daniel Maloney N.P.

DEPARTMENT OF THE INTERIOR
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L.C.

LETTER.....

FILE. 386019.

Address reply to "The Secretary Department of the Interior, Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

Department of the Interior,

Ottawa, 11th September, 1896.

Copy for A.D.L. Edmonton

Sir,

I am directed to acknowledge the receipt of your three letters dated the 24th ultimo, applying for the issue of scrip in satisfaction of the following claims, namely;- Michel Gaucher, as the sole heir-at-law of Martin Gaucher, deceased, (Ref. 383605); Michel Gaucher, as the sole heir-at-law of Bernard Michel Gaucher, deceased, (Ref. 383252) ; and Victoire Gaucher, (Ref. 383507).

The Deputy Minister, to whom your applications, as well as a letter dated the 21st ultimo from the Agent of Dominion Lands at Edmonton in relation thereto, have been submitted, has come to the conclusion that before the delivery of the scrip in these cases is authorized, Mr. Pierre Gray, to whom the claimants have also given powers of Attorney, should be given an opportunity to explain his position in regard to these transactions, and with that view the conflicting powers of Attorney affecting the claims in question are being returned to the Agent of Dominion Lands at Edmonton in order that he may make a full enquiry into the matter so soon as Mr. Gray can be examined by him.

I am, Sir,

Your obedient servant,

LYNDWODE PINHEIRO

Assistant Secretary.

Walter Gordon Cumming, Esq.,
Windsor Hotel,
Montreal,
P.Q.

REPEAT
RÉPÉTI

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
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0013

412397

Copy for information of H. O. Ref : 386019-

310 -

Edmonton 24th September 1896

PAT. BCH.
SEP 30 1896
RECEIVED

DEPT OF THE INTERIOR
RECEIVED
SEP 30 1896
OTTAWA

Sir,

It appears that you and Mr Walter Gordon Cumming hold conflicting powers of Attorney from the persons whose names are hereunder mentioned .

I am instructed to take evidence to ascertain if possible the respective claim or interest which you and Mr Cumming may have to any of the scrip to which the undernamed applicants may be entitled .

Please advise at your earliest convenience at what date it will be possible for you to attend at my office for the purpose of the proposed investigation .

The names of the persons whose scrip is in dispute are apparently :-

Victoria Gaucher,
Marie Gaucher nee Karaconti ,
Martin Gaucher , deceased ,
Bernard Michel Gaucher , deceased .

I am, Sir,
Your obedient servant ,
A. C. Rutan
Agent Dominion Lands -

Pierre Gray Esq
Lac Ste Anne ,
Alberta

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 386019

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Archives nationales du Canada

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412397

Copy for information of H. O. Ref : 386019-

310 -

410 NW

Edmonton 24th September 1896

PAT. BCH.
SEP 30 1896
RECEIVED

DEPT OF THE INTERIOR
RECEIVED
SEP 30 1896
OTTAWA

Sir,

It appears that you and Mr Walter Gordon Cumming hold conflicting powers of Attorney from the persons whose names are hereunder mentioned .

I am instructed to take evidence to ascertain if possible the respective claim or interest which you and Mr Cumming may have to any of the scrip to which the undernamed applicants may be entitled .

Please advise at your earliest convenience at what date it will be possible for you to attend at my office for the purpose of the proposed investigation .

The names of the persons whose scrip is in dispute are apparently :-

Victoria Gaucher,
Marie Gaucher nee Karaconti ,
Martin Gaucher , deceased ,
Bernard Michel Gaucher , deceased .

I am, Sir,

Your obedient servant ,

D C Rutan

Agent Dominion Lands -

Pierre Gr[illegible] Esq
Lac Ste Anne ,
Alberta

REPEAT/
RÉPÉTITION

DEPARTMENT OF THE INTERIOR
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386019.

~~make a copy for file~~

Draft
O.C.
9.9.96.

Department of the Interior
Ottawa, 11. September 1896,

Sir,

I am directed to acknowledge the receipt of your letter of the 21st ultimo, Reg: 310, and to send you ~~return~~ herewith enclosed, the powers of Attorney which accompanied it, and also a power of Attorney from Miss Victoire Taucher, dated the 20th July, 1895, in favour of Mr Pierre Gray and one from Mrs. Marie Karaconti, ~~in favour~~ dated the 19th August, 1893, in favour of Mr. Walter Gordon Cumming.

The Deputy Minister, to whom the particulars of these cases as well as your letter of the 21st ultimo already referred to have been submitted, has come to the conclusion that before ~~he authorizes~~ the delivery of the Scrip is authorized Mr. Gray, whom you state will visit Edmonton about the 5th November, should be given an opportunity to explain his position in regard to these transactions, and the powers of Attorney in question.

The Agent of Dominion Lands.
Edmonton,
Alta.

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MINISTÈRE DE L'INTÉRIEUR
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are sent you in order that you will make a full inquiry into the matter as soon as Mr. Gray can be examined by you.

I am, Sir,
Your obedient servant
LYNDWODE PEREIRA
Assistant Secretary

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Lb. 386019

Department of the Interior
Ottawa, 11 September, 1896

Sir,

I am directed to acknowledge the receipt of your three letters dated the 24th ultimo, applying for the issue of scrip in satisfaction of the following claims, namely:— Michel Gaucher, as the sole heir-at-law of Martin Gaucher, deceased, (Ry. 383505; Michel Gaucher, as the sole heir-at-law of Bernard Michel Gaucher, deceased, (Ry. 356252); and Victoire Gaucher (Ry. 383507).

The Deputy Minister, to whom your applications, as well as a letter dated the 21st ultimo from the Agent of Dominion Lands at Edmonton in relation thereto, have been submitted, has come to the conclusion that before the delivery of the scrip in these cases is authorized Mr. Pierre Gray, to whom the claimants have also given powers of attorney,

Walter Gordon Cumming, Esq.,
Windsor Hotel,
Montreal
P.Q.

Draft
N.O.C.
9.9.96.

Copies for D.L.A. Edmonton, & for files 383505, 356252 & 383507, and ~~also the file~~
N.O.C.

Tp.
10a.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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should be given an opportunity to explain his position in regard to these transactions, and with that view the conflicting powers of Attorney affecting the claims in question are being returned to the agent of Dominion Lands at Edmonton in order that he may make a full enquiry into the matter so soon as Mr. Gray can be examined by him.

I am, Sir,
Your obedient Servant
LYNDWODE PEREIRA
Assistant Secretary.

DEPARTMENT OF THE INTERIOR
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(G.P.)

PAT. BCH.
SEP 8 1896
RECEIVED

Ref. 386019.

Department of the Interior,
Ottawa, 5th September, 1896.

Memorandum:-

On the 10th of July, 1893, claims to share in the North West Half-breed scrip were preferred before the Dominion Lands Agent at Edmonton by Victoria Gaucher, daughter of Michel Gaucher (Ref. 383507), Michel Gaucher as heir-at-law of his deceased children, Martin Gaucher (Ref. 383505) and Bernard Michel Gaucher (Ref, 356252). The evidence in these caseswas received ~~here~~ in this Department on the 27th June, 1895 with the Commissioner's recommendation that the claims be allowed, which recommendation you approved on the 16th of July. In the months of August and October following Messrs. Taylor & Taylor, Barristers, of Edmonton, fyled ~~their~~ Powers of Attorney executed in 1895 by the claimants to Pierre Gray, of Jaspar House, with the request that the scrip be sent to them (Taylor & Taylor) for the said Pierre Gray. Another Power of Attorney, dated 14th August, 1893, which was fyled, according to the official stamp of the Agency, with the Agent at Edmonton on the 17th of that month and received here on the ~~19th~~ 31st July, 1895, from t e same claimants in favour of Mr. Walter Gordon Cumming. After submitting

Approved. Mr. Gordon Cumming should be written to at the Windsor House, Montreal, telling him how this matter stands.

A. M. Burgess, Esq.,
Deputy Minister
of the Interior.

A.M. Burgess
Dept.
5 Sept 96

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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submitting the particulars to you in my memorandum of the ~~14th~~ 4th of November last on fyle No. 386019, you approved my recommendation that the conflicting Powers of Attorney be sent to Mr. Ruttan for investigation and report, and they were accordingly transmitted to him with the exception of that by Victoire Gaucher which was inadvertently omitted. Of this action Mr. ~~Cumming~~ Gray was advised as was also Mr. Houston, who was acting on behalf of Mr. Cumming, the latter being absent in South Africa.

Mr. Ruttan, in a letter dated the 21st ultimo, returns the Powers of Attorney in question and states as follows:-

> "A meeting was called at my office for friday "the 20th December in order that I might enquire "into the case but neither of the persons appeared. "Mr. Houston explained that he was merely asked "by Mr. Cumming to do what might be possible to "expedite the issue of scrip in the cases in "which his principal was concerned, but that he "knew nothing about the transaction as to what "consideration was paid by Mr. Cumming,&c. Nothing "further has occurred until today when Mr. Cumming "enquired personally in the matter. He informs me "that he paid cash for the scrip although not the "full amount of the purchase money in each case; "that on receiving the scrip he is prepared to do "whatever may be necessary to complete his part "of the transaction. He insists that his Power of "Attorney should give him preference in respect of "the claims in dispute. As he intends to apply to "the Department it seems advisable that the Powers "of Attorney should be returned to you. If you "desire me to examine Mr. Gray I shall be able to "do so about the end of November on his return ~~to~~ "from the Jaspar District where he now is." In the "meanwhile it appears to me that Mr. Cumming's "Power of Attorney is, as the case now stands, "entitled to prevail over the later one filed on "behalf of Mr. Gray, as regards the cases in dis-"pute."

Letters dated 24th ultimo have been received from Mr. Cumming, asking that the scrip be sent to his address at the Windsor Hotel, Montreal. Under the circumstances I think that before authorizing the delivery of this scrip, Mr. Gray should be given an opportunity to

explain

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MINISTÈRE DE L'INTÉRIEUR

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explain his position in regard to these transactions, and I therefore beg to recommend that the conflicting Powers of Attorney affecting these claims be returned to Mr. Ruttan with instructions to make full enquiry into the matter so soon as Mr. Gray visits Edmonton.

I may add, however, that Messrs. Cowie & Gairdner, of Edmonton, have recently informed this Department (Ref. 410493) that they have been appointed the Agents and Attorneys of Mr. Gray in these and other Jaspar House cases, and they ask that the scrip be issued to them without further delay. Upon your rendering a decision in the cases no submitted a full explanation will be given them.

Respectfully submitted,

N O Cote

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410716

No. 1020.
File No. 310

Department of the Interior,

DOMINION LANDS OFFICE,

Edmonton 21st August 1896 180

Sir,

Referring to your letter dated 9th December last, 386019, I beg to return herewith the conflicting Powers of Attorneys in favour of Walter Gordon Cummings and Pierre Gray respectively affecting the Scrip issuable in respect of Martin Gaucher deceased and Bernard Michel Gaucher deceased, also the power of Attorney executed by Marie Gaucher in regard to which there does not appear to be any conflict. On receipt of your instructions I notified S. B. Taylor Q. C. for Mr Pierre Gray and Mr Thos Hurston, who I understood represented Mr Cumming.

A meeting was called at my office for Friday the 20th December in order that I might enquire into the case but neither of the persons appeared, Mr Hourston explained that he was merely asked by Mr Cumming to do what might be possible to expedite the issue of Scrip in the cases in which his principal was concerned, but that he knew nothing about the transaction as to what consideration was paid by Mr Cumming &c.

Nothing further has occurred until today when Mr Cumming enquired personally in the matter. He informs me that he paid Cash for the Scrip altho not the full amount of the purchase money in each case; that on receiving the Scrip he is prepared to do whatever may be necessary to complete his part of the transaction He insists that his power of Attorney should give him preference in respect of the claims in dispute. As he intends to apply to the Department it seems to be advisable that the powers of Attorney should be returned to you.

If you desire me to examine Mr Gray I shall be able to do so about the end of November on his return from the Jasper District where he now is.

In the meanwhile it appears to me that Mr Cummings power of Attorney is, as the case now stands, entitled to prevail over the later one filed on behalf of Mr Gray, as regards the cases in dispute.

I am, Sir,

Your obedient servant,

D A Rutherford

Agent Dominion Lands

The Secretary,

Department of the Interior,

Ottawa.

Encs/
Regis-
ter -

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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f. 160 15.

DEPT. OF THE INTERIOR
RECEIVED
AUG 1955
OTTAWA

Mr Gordon Cummings Power of Attorney-

1- Laurie Gaucher No file -

2 - Bernard Michel Gaucher (deceased) E-14682- H.O 336696-

3 - Michel Gaucher (deceased) E. 14682-H. O. 383505

4 - Martin Gaucher (deceased) E. 14685 - H. O. 383505 -

5- Victoria Gaucher (Tenawatanahow) E. 14572- H.O. 383507 -

6 - Margaret Gaucher - E. 14586- H. O. 383508-

(Mrs Isidore Finlay)

Mr Gray's Powers of Attorney -

1 - Martin Goucher (deceased) E. 14685 H. O. 383505 -

2 Marie Gaucher nee Karahonti) E. 14684 H. O. 383509 -

3 - Bernard Michel Gaucher (deceased) E. 14687- H. O. 356252 -

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MINISTÈRE DE L'INTÉRIEUR
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L.C. COPY. 386019.

Edmonton, 19th August, 1893.

I, Marie Karakonte' wife of Michael Gauchet, halfbreed from Jasper House do hereby appoint Walter Gordon Cumming of Calgary as my Attorney to receive scrip now coming to me.

His
Marie + Karakontie.
mark.

Witness.
(Sgd) Daniel Noyes.

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L.C. COPY. 386019.

North West Territories
To-Wit;

I, Daniel Noyes of Edmonton in the North-West Territories .

make oath and say;

1. That I was personally present and did see Marie Karakontie named in the within instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

2. That the same was executed on the day of the date thereof at Lac Ste. Anne in the North West Territories and that I am a subscribing witness thereto.

3. That I know the said Marie Karakontie.

Sworn before me at Lethbridge
in the North-West Territories
this 19th day of Aug't
A.D. 1893.

(Sgd) Daniel Noyes.

(Sgd) Thos. Taylor,
A J.P. in and for the
North West Territories.

DEPARTMENT OF THE INTERIOR
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L.C. COPY. 386019.

Whereas I have applied for money of cash scrip on the grounds of being a half breed to whom scrip has not issued, and I am a resident at present of that District being near Jasper House near the Rocky mountains in Alberta and it is almost impossible for me to attend at Edmonton to receive such scrip when issued to me.
And whereas I desire the undersigned, Pierre Gray, to receive sell and in every way do with the said scrip when issued, and also to act for me and in my name in the further applying for obtaining and signing all releases and receipts or other papers therefor or connected therewith, and will abide by the appointment of him or any attorney or substitute he will or may see fit to appoint.

Know all men by these presents that I Victorie Gaucher of Jasper House in the District of Alberta, North West Territories for divers good causes and considerations me thereunto moving and for the purposes of the premises have nominated constituted and appointed and by these presents do nominate constitute and appoint Pierre Gray of Jasper House in the District of Alberta, my true and lawful Attorney for the and in my name and on my behalf.

and for my sole use and benefit to demand recover receive petition for from the Government of the Dominion of Canada any and all scrip to which I am or may be entitled as half breeds. And to sign execute and deliver all papers documents receipts discharges assignments referring to or in any manner connected with same and for me to receive from the said Government or any department thereof said scrip or any such scrip and to use exercise accept or reject all opinions with reference to such scrip and the choosing of same, the same as I could do and to sign all papers for this last named purpose. And to sell such scrip for me and in my name and to sign and execute all papers connected with such sale and the completing of same and to receive the money therefor and to appoint a substitute or substitutes to act for him and in his stead as my attorney in the premises. I hereby agree to ratify and confirm whatever my attorney or his substitute may do or cause to be done in the premises. ~~I hereby agree to ratify and confirm whatever my attorney or his substitute may do or cause to be done in the premises.~~ I hereby direct and request the Government of the Dominion of Canada or any Department thereof controling such matters to forward and mail all the scrip refered to above to the address of the said Pierre Grey at Edmonton in the District of Alberta, or to any address of any other Attorney or substitute he may appoint.

In witness whereof I have hereunto set my hand and seal this 20th day of July in the year of our Lord 1895.

Signed sealed and delivered in the presence of (Sgd) Victore Her + Mark Gaucher

the same having been read over to her and explained in the Cree language, and she appeared to perfectly understand same before signing.

Witnesses.
(Sgd) N. McNutt,
K.S. Taylor.

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MINISTÈRE DE L'INTÉRIEUR
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L.C. COPY. 385843.

North West Territories
District of Alberta
To-Wit;
make oath and say;

I W.W. Smith of Lac Ste Anne in the North-West-Territories

1. That I was personally present and did see Victore Gaucher named in the within instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

2. That the same was executed on the day of the date thereof at the Lac Ste. Anne in the District of Alberta and that I am a subscribing witness thereto.

3. That I know the said Victore Gaucher.

Sworn before me at Lac Ste Anne
in the North-West Territories this 20th day of July,
A.D.1895. (Sgd) N. McNutt.

(Sgd) Thos. Taylor,
A J.P. in and for the North-West Territories.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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...ary
...ent of the Interior,
Ottawa."
...le about more than one
...ject in the same letter.
...ghly your full name and
address.
...you reply to this letter quote its
file number.

File.

Letter.

File. 386019.

Department of the Interior,

Ottawa, 9th December, 1895.

Sir,

I am directed to inform you that conflicting powers of attorney have been received here affecting the claims of the following persons; Marie Karaconti (H.O. fyle 383509), Michel Gaucher as heir-at-law of Bernard Michel Gauchet (H.O. fyle 386252), and as heir-at-law of Martin Gaucher H.O.(fyle 383505).

The powers of attorney referred to are as follows:-

(1) Power of attorney dated the 14th August, 1893, in favour of Walter Gordon Cumming from Michel Gauchet and others. (2) Power of attorney in favour of Pierre Gray from Michel Gauchet as heir-at-law of Martin Gaucher, deceased, (H.O. fyle 383505). (3) Power of attorney in favour of Pierre Gray from Michel Gaucher as heir-at-law of Bernard Michel Gaucher (H.O. fyle 386252). (4) Power of attorney from Marie Gaucher, nee Karaconti, in favour of Pierre Gray.

As all the interested persons in these cases reside at or near Edmonton, the powers of attorney above specified are sent you herewith, by direction of the Deputy Minister, for investigation and report.

Encls.

I am, Sir,

Your obedient servant,

LYNDWODE PETTIRA

Assistant Secretary.

The Agent of Dominion Lands,
Edmonton,
N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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File/dossier 386019

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Address your reply
"The Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER. 386019.
FILE.

Department of the Interior,

Ottawa, 9th December, 1895.

Sir,

I am directed to inform you that conflicting powers of attorney have been fyled here affecting the claims of Marie Karaconti, Michel Gaucher as heir-at-law of Barnard Michel Gaucher and as heir-at-law of Martin Gaucher; and to state that as all the interested persons in these cases reside at or near Edmonton, the said powers of attorney have been sent to the Agent of Dominion Lands at that place, in order that he may investigate the matter and furnish the Department with a report thereon.

I am, Sir,
Your obedient servant,

LYNDWODE PEREIRA

Assistant Secretary.

Thomas Houston, Esq.,
Edmonton,
N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER.

FILE. 386019.

Department of the Interior,

Ottawa, 9th December, 1895.

Sir,

I am directed to inform you that conflicting powers of attorney have been fyled here affecting the claims of Marie Karaconti, Michel Gaucher as heir-at-law of Bernard Michel Gaucher and as heir-at-law of Martin Gaucher; and to state that as all the interested persons in these cases reside at or near Edmonton, the said powers of attorney have been sent to the Agent of Dominion Lands at that place, in order that he may investigate the matter and furnish the Department with a report thereon.

I am, Sir,
Your obedient servant,

LYNDWODE PEREIRA.

Assistant Secretary.

Pierre Gray, Esq.,
Care of Messrs. Taylor & Taylor,
Barristers,
Edmonton,
N. W. T.

DEPARTMENT OF THE INTERIOR
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MEMORANDUM.

To

Department of the Interior,

Ottawa, 189

QUERY.	ANSWER.
Question as to whether Mr. Cummings whether is sufficient authy for delivery of scrip to Mr. Hourston is being submitted to Dept. of Justice on file 383508.	
2.12.95	NOC

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MINISTÈRE DE L'INTÉRIEUR

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Mr McCole

Department of the Interior,

Ref. 386019. Ottawa, 4th November, 1895.

PAT. BCH.
NOV 7 1895
RECEIVED

Memorandum.

In July last Mr. Thomas Houston, of Edmonton, fyled here a power of attorney in favour of Mr. Walter Gordon Cumming, of Calgary, authorising the delivery to the latter of the scrip which might issue to Victoire Gauchet, Margaret Gauchet and Michel Gauchet, the latter being the heir-at-law of Laurie Gauchet, Bernard Gauchet, Michael Gauchet and Martin Gauchet; and in reply to Mr. Houston's request that the scrip in this case be sent to him as Mr. Cumming's agent, he was told that before such request could be complied with a power of attorney from Mr. Cumming would have to be fyled here.

Mr. Houston now states that it is impossible for him to procure such power of attorney, as Mr. Cumming is at the present time in South Africa, but he encloses a letter from the latter authorising him (Houston) to act for Mr. Cumming in his absence, "also to draw any money "for scrip which may come at the Land Office."

Mr. Houston asks that, under the circumstances, this letter be accepted as sufficient authority for the delivery of the scrip to the person mentioned in the power of attorney.

Two

A. M. Burgess, Esq.,
Deputy Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Two claims referred to in the power of attorney in favour of Mr. Cumming have been allowed, namely: Michel Gaucher as heir-at-law of Bernard Michel Gaucher and as heir-at-law of Martin Gaucher; and two powers of attorney in favour of Pierre Gray have been fyled here by the Messrs. Taylor, of Edmonton, with the request that the scrip be sent to Mr. Gray in their care, as requested in such powers of attorney.

As all the interested persons reside at or near Edmonton, I beg to recommend that the conflicting powers of attorney be sent to Mr. Ruttan for investigation and report.

Respectfully submitted,

N. O. Côté

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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386019.

Mr Cote.

Is Cummings letter to Houston to be accepted as sufficient.

See Refs 356252 & 383505 in which are R/S in favor of Pierre Gray. These will conflict with Cummings' powers of attorney.

Foch
25/10/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, v
File/dossier 386

National Archives of Canada
Archives nationales du Canada

Mr. Thos. Houston's letter of
11th Sept. 1895 Ry: 389080, & enclosure
the latter being a letter from
Mr. Walter Gordon Cumming ~~et~~
authorizing the release of scrip to
person ~~not~~ detached from this
file & temporarily placed on file 383508
for reference to Dept. of Justice

rdC

2.12.95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 386019

National Archives of Canada
Archives nationales du Canada

00141

Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

FM.

LETTER

FILE 386019.

Department of the Interior,

Ottawa, 26th August, 1895.

Sir,

I am directed to acknowledge the receipt of your letter of the 25th ultimo, enclosing a power of attorney in favour of Mr. Walter Gordon Cumming from Laurie Gauchet and others, and in reply to say that before the request contained in the above mentioned letter that the scrip in these cases be sent to you as Mr. Cumming's agent can be complied with, a power of attorney must be fyled here from the latter authorising the delivery to you of such scrip.

I am further to say that the applications of Laurie Gauchet and Michael Gauchet have not as yet been received by this Department, and that the names of the parents of Victoria Gauchet must be furnished for the purpose of her identification here.

I am to add that a separate letter is being written you in regard tothe power of attorney from Marie Karakontie enclosed with your communication now under reply.

I am, Sir,

Your obedient servant,

LYNDWODE PEREIRA
Assistant Secretary.

Mr. Thomas Houston,
Edmonton,
N. W. T.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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Mr. Macdonald

Please write to Mr. Houston saying applus. of Laurie Pauchet & Machaul Pauchet not rec'd here & that parents' names of Victoria Pauchet must be furnished for her identification, then as per Mr. Rothwell's memo beneath.

duplicates of letter for files 383508, 383505 & 35625-2.

WOC

24.8.95

file to be returned to Pet. Bch.

MENT OF THE INTERIOR
ÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 7
File/dossier 386019

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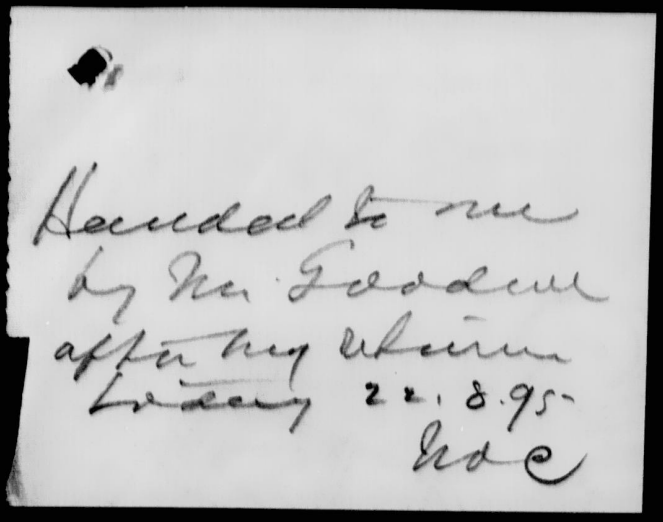

Handed to me
by Mr. Goodwill
after my return
today 22.8.95
NOC

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 386019

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386019.

RECEIVED
AUG 8 1896
PAT. BCH.

Mr Rothwell.

(1) Is P/a from these Halfheads to Walter Gordon Cumming sufficient & can it be accepted.

(2) Can Thos Houston's request that scrip be sent him as agent for Walter F. Gordon Cumming be complied with on the strength of this letter, it seems to me that it cannot, as I fail to see where there is any authority from Cumming to Houston

Fwcb
6/8/95

See also 383509

7/8/95

Mr Cuming
(1) Yes. (2) No doubt Houston has a power of atty from Cumming, and he should file that document here before we can send scrip to him - Houston - As matter now stands we can only recognize Cumming.
T.G. Rothwell

EPARTMENT OF THE INTERIOR
INISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, v
File/dossier 386

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386019

DEPT. OF THE INTERIOR
RECEIVED
JUL 31 1895
OTTAWA

Edmonton
25th July 1895

The Secretary Of The Department Of
The Interior Ottawa.

PAT. BCH.
AUG 2 1895
RECEIVED

Dear Sir
I have the honor to Enclose herewith a power of Attorney to receive Scrip from the following parties
Vitz

Laurie Gauchet. no papers.
Bernard Gauchet. Ry 356252
Michael Gauchet no papers.
Martin Gauchet. Ry 383505
Victoria Gauchet identification necessary.
Margaret Gauchet Ry 383508.

Please forward the Scrip to my Agent Thos Houston of Edmonton and much oblige
I have the honor to be
Sir
Your obedient Servant
Walter F Gordon Cummins
Pr P.P.A. T Houston

Copy of this letter attached to
Ry 383509 re Marie Karakonte.
[illegible] 5/8/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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E.T.

Copy. 386019.

Edmonton, 14 Aug. 1893.

We the undersigned, Michael Gauchet representing Laurie Gauchet, Bernard Gauchet, Michael Gauchet and Martin Gauchet, deceased and (Margeret Gauchet and Victoire Gauchet) half-breeds from Jasper House do hereby appoint Walter Gordon Cumming of Calgary, Alta,, as our Attorney to receive our scrips and sign receipts for same.

Michael Gauchet for Laurie Gauchet. His mark X
Witness: Daniel Noyes
E. F. Carey.

Michael Gauchet for Bernard Gauchet . His mark X
Witness: Daniel Noyes
E. F. Carey.

Michael Gauchet for Michael Gauchet. His mark X.
Witness. Daniel Noyes
E. F. Carey.

Michael Gauchet for Martin Gauchet. His mark X.
Witness: Daniel Noyes.
E. F. Carey.

Victoire Gauchet Her mark X.
Witness: D. E. Noyes.
Daniel Noyes.

Margaret Gauchet Her mark X.
Witness: D. E. Noyes.
Daniel Noyes.

North

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North West Territories
District of Alberta,
Parish of St. Albert.
To Wit:

I Daniel Noyes, of the Parish of St. Albert in the District of Alberta, Clerk, make oath and say:

1st. That I was personally present and did see the within instrument duly signed by the parties thereto.

2nd. That that the said instrument was executed at Edmonton in the District of Alberta.

3rd. That I am a subscribing witness to the said instrument.

Sworn before me at St. Albert this 16th day of August in the year of Our Lord 1893.

'Sd' Daniel Noyes.

'Sd' Daniel Maloney, N.P.

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MINISTÈRE DE L'INTÉRIEUR
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386019

Laurie Gauchet - no applin.
Bernard Gauchet - Rg 356252
Michael Gauchet no applin.
Martin Gauchet - Rg 383505
Victoria Gauchet - identification necessary
Margaret Gauchet. Rg 383508.

Names is Gaucher

Fwd 5/8/95

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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Power of Attorney
from Marie Karakontie
copy of Michael Gaucher
attached to Ref. 383509

THE INTERIOR
L'INTÉRIEUR
RG 15, D-II-1,
File/dossier 38

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DEPARTMENT OF INTERIOR
DOMINION LANDS BRANCH
HEADQUARTERS CORRESPONDENCE
1871-1946

MINISTERE DE L'INTERIEUR
DIRECTION DES TERRES FÉDÉRALES
CORRESPONDANCE DU QUARTIER GÉNÉRAL
1871-1946

FILE/DOSSIER	TITLE/TITRE	DATES
	RG 15, D-II-1, VOLUME 722	
385855	POWER OF ATTORNEY TO S.S. TAYLOR RE HALFBREED SCRIP OF BAPTISTE JOACHIM JR.	1895
385856	POWER OF ATTORNEY FROM PIERRE GREY TO S.S. TAYLOR RE CERTAIN HALFBREED SCRIP	1895
386019	POWER OF ATTORNEY FROM LAURIE, BERNARD, MICHEL, MARTIN, VICTORIA GAUCHER, MARGUERITE GAUCHER RE THEIR HALFBEED CLAIMS	1893-1897
386075	MUNICIPALITY OF SIFTON RE ROAD ALLOWANCES (MAP)	1895
386649	WM MCKAY RE 2ND ENTRY	1895-1903
386830	HALFBREED SCRIP OF ROGER PAUL FREDERICK	1895
386892	DUCK LAKE RE VISIT OF AN OFFICIAL FOR PERMIT AND GRANT	1895-1897
387114	JULIE HAMELIN RE HALFBREED SCRIP	1885-1896
387313	ORDERS IN COUNCIL RE COPIES	1893-1895

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vol. 722
File/dossier 386075

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DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 386075
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No. 386075

DEPARTMENT OF THE INTERIOR,
1895

From N. J. Hellwell,
Secy Treas. Municipality of Sifton
Oak Lake, Ma

Date
" (when rec'd.) 23 July / 1 Aug.

Subject. By Law 184 of the above Municipality - Encloses copy of a report of a Committee of the Executive Council of Mas for approval of the Govr Genl in Council

Action. GENERAL

00142

00143

389660
386075

Department of the Interior.
Ottawa. 8th October 1895.

Sir,

I am directed to acknowledge the receipt of your letter of the 25th. ultimo and in reply to say that by an Act passed last Session of the Dominion House entitled "An Act to amend the Act respecting Roads and Road Allowances in the Province of Manitoba" Chap. 30, Act 58, 59 Vict. Sec. 3 provides that in the case of an original road allowance situate within an organised Municipality, the assent of the Governor General in Council to the closing or diverting of such road allowance is not required, that of the Lieutenant Governor in Council alone being sufficient. As ~~the~~ by a minute of the Executive Council of Manitoba dated 19th. of July last, the Municipality of Sifton have obtained the required assent of the Province, and a copy of the same has been furnished to this Department, that portion of the original road ~~road~~ allowance lying between Section 33 and 34 in Township 9, Age 25, West of 1st. Meridian, colored "Brown" on the Map, which accompanied your letter of above date is declared closed.

Drupt. 7/10/95. P.C.
Approved.
[illegible]

I am, Sir,
Your obedient servant.
LYNDWOOD [illegible]
Assistant Secretary.

W. J. Helliwell Esq.
Secretary
Municipality of Sifton.
Oak Lake. Manitoba.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 386075

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Department of the Interior.
Ottawa, 7th October, 1895.

389660
386075

To His Excellency
The Governor General
in Council.

Enclosure.

The undersigned has the honor to report the Council of the Municipality of Sifton in the County of Brandon and Province of Manitoba has passed a By-law, No. 184, (copy of which is herewith) ~~closing~~ under the provisions of Clause 6, Chap. 49, of the revised Statutes of Canada closing up that portion of the original road allowance lying between sections 33 and 34, in Township 9, Rge. 25, West of 1st Meridian, which is colored "Brown" on the accompanying tracing, and ~~of~~ have obtained the assent of the Executive Council of the ~~Provincial~~ Government of ~~the Province of~~ Manitoba to the said by-law, ~~and a~~ (copy ~~of the said Provincial Order in Council~~ is attached ~~hereto~~. The said Municipality now make application for the confirmation by Your Excellency of the said Provincial Order in Council and By-law. The undersigned begs to recommends that the assent of Your Excellency ~~be~~ in Council given to the same, and ~~further~~ that the Honorable the Secretary of State be requested to ...

Draft. 4/10/95. P.C.
Approved.

Compares.
Return to me for Enclosure.
P.C.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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inform the Lieutenant Governor of the Province of Manitoba that the assent of Your Excellency has been given to the closing of the aforesaid road allowance, under the powers conferred by Clause 9, of Chapter 49, of the Revised Statutes of Canada.

Respectfully submitted.

Minister of the Interior.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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3860

Oak Lake

Sep

DEPT. OF THE INTERIOR
RECEIVED
OCT 1895
OTTAWA

To The Secretary Dept. Interior
Ottawa

Dear Sir

Enclosed please find plan of road to be opened & closed in the Mty of Sifton the portion we propose to close as well as a part of the new road to be opened runs through the property of one Mr Ayers & the Mty intend transferring the Govt road to him & he will transfer the new road to the Mty, the Govt Road allowance is impassable on account of a large Ravine

Yours truly

W. J. Hellewell
Sec Treas
Sifton Mty

No Claypoint
Chmt Ave

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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389060

DEPARTMENT OF.....

Reference No.....

File No.....

Remarks.....

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Placed on File.....189.....

PARTMENT OF THE INTERIOR
NISTÈRE DE L'INTÉRIEUR

RG 15, D-II-1, vo
File/dossier 386(

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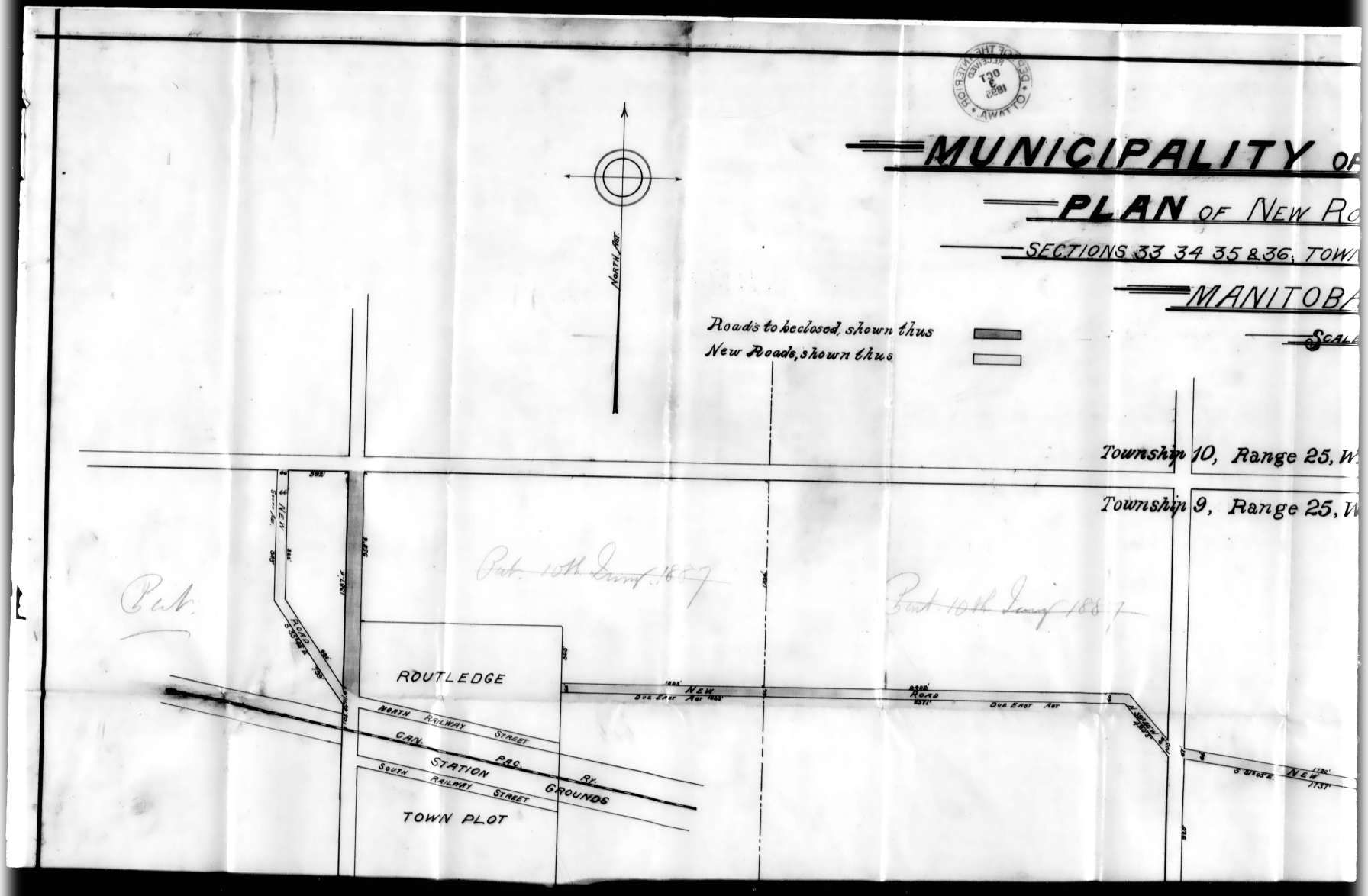
001435



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MINISTÈRE DE L'INTÉRIEUR
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1 OF / DE

001436

LITY OF SIFTON

OF NEW ROADS THROUGH

4 35 & 36, TOWNSHIP 9, RANGE 25, W

MANITOBA

SCALE: 400 FT. - 1 INCH.

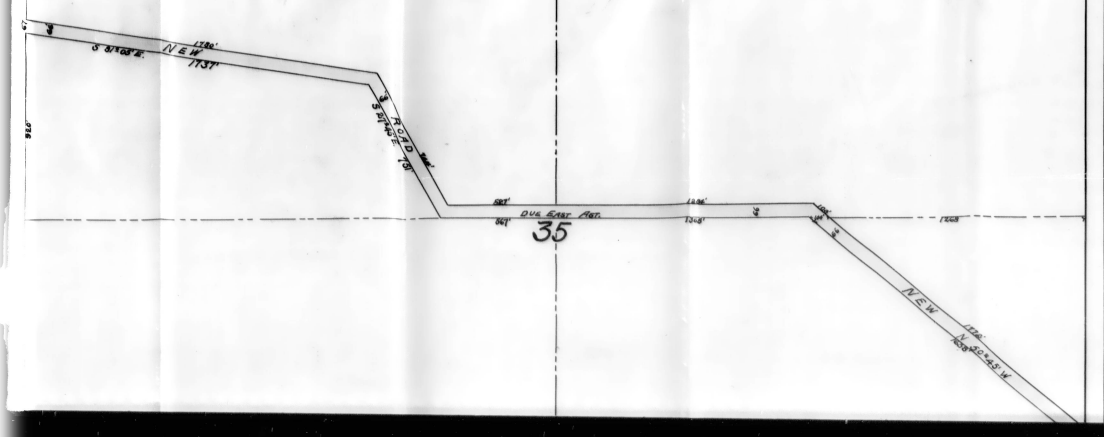
H.G. Dickson
D.L.S.

Brandon Aug 10. 1893

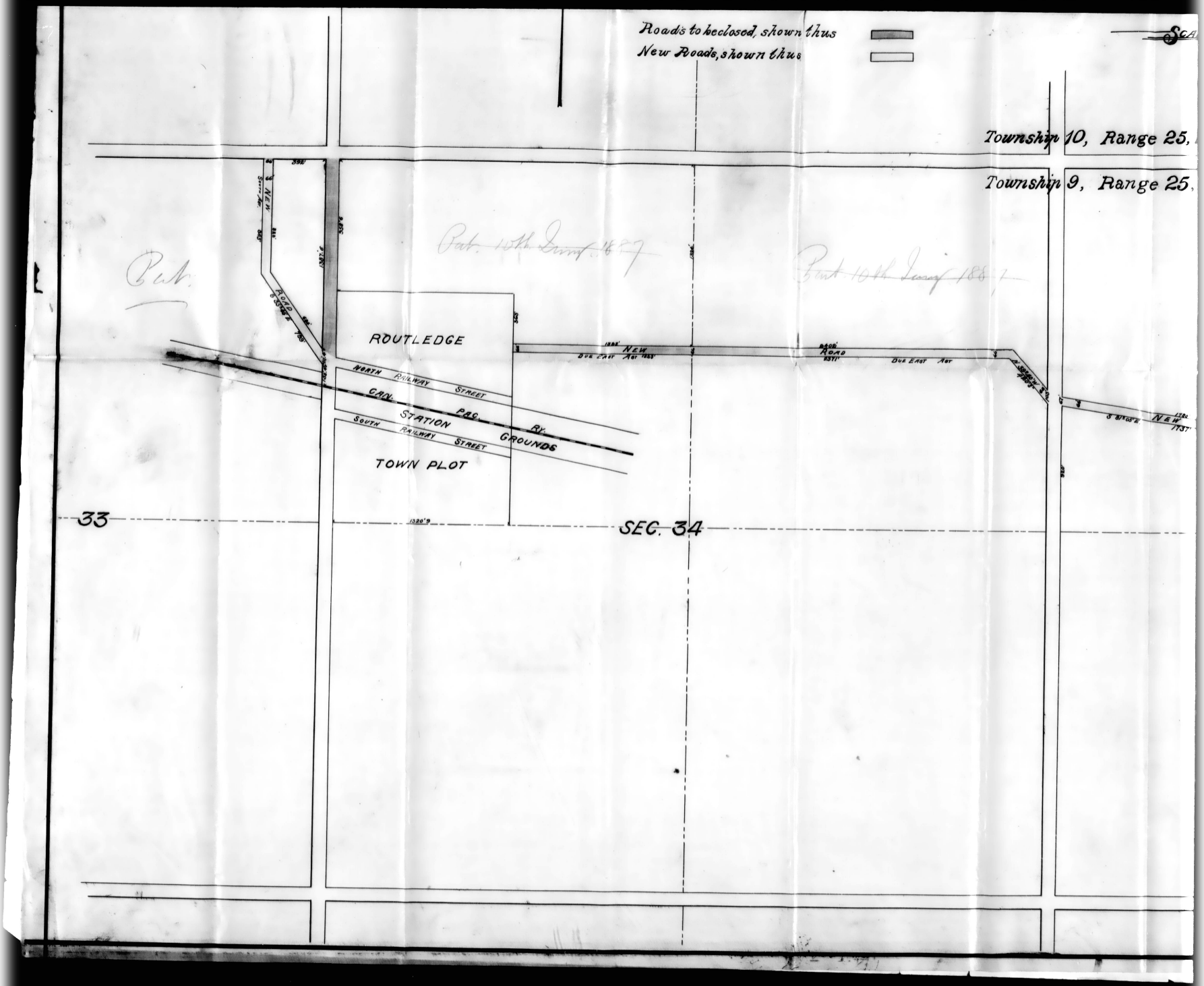
10, Range 25, W.

9, Range 25, W.

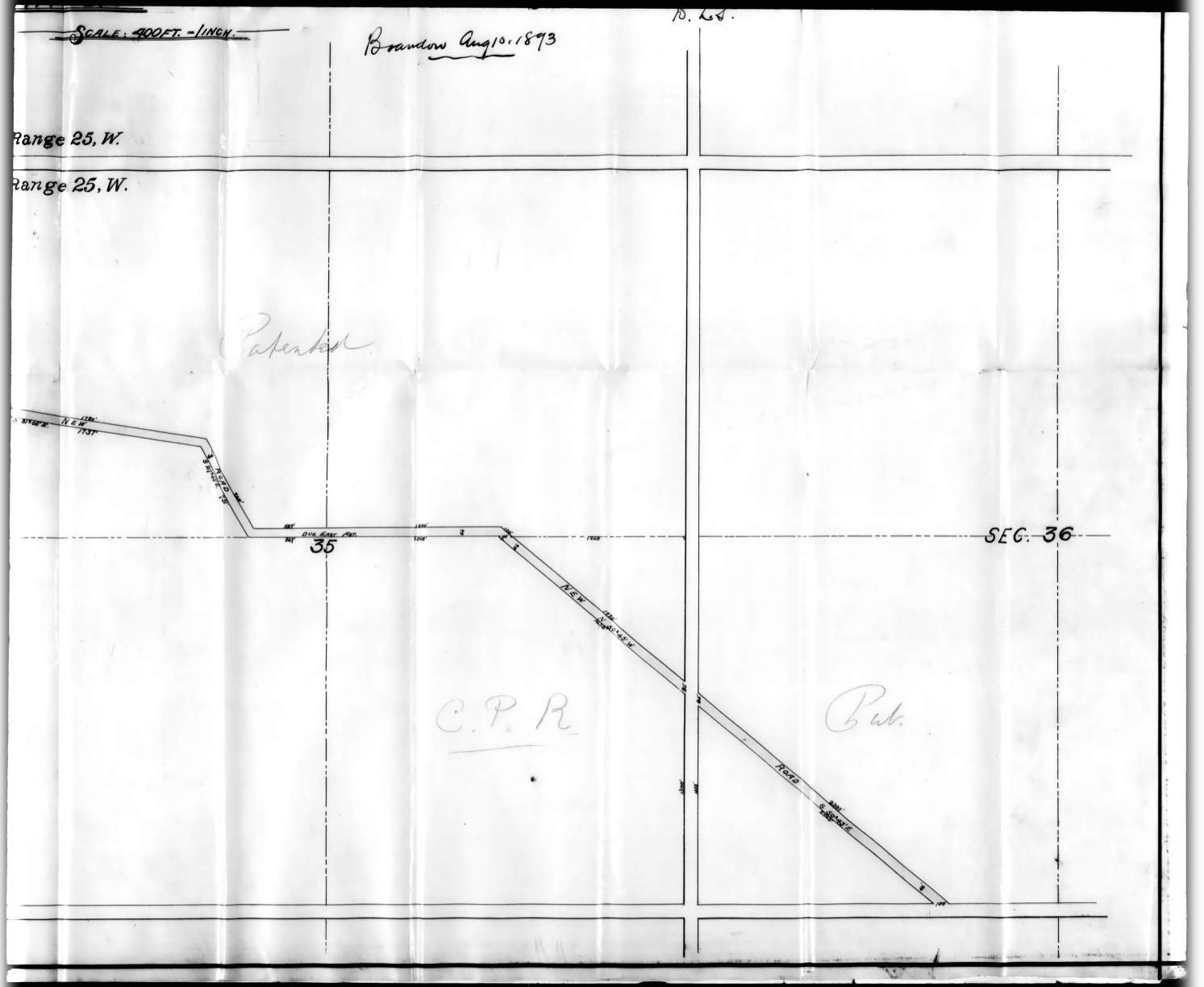
Patented



2 OF/D


Roads to be closed, shown thus
New Roads, shown thus
Township 10, Range 25.
Township 9, Range 25.
Pat.
Pat. 10th June 1887
Pat. 10th June 1887
ROUTLEDGE
NORTH RAILWAY STREET
CAN. PAC. RY.
STATION GROUNDS
SOUTH RAILWAY STREET
TOWN PLOT
NEW ROAD DUE EAST
33
SEC. 34

3 OF / DE


SCALE: 400 FT. = 1 INCH.
Brandon Aug 10. 1893
R. 25.
Range 25, W.
Range 25, W.
Patented
SEC. 36
35
C. P. R
Pat.
ROAD

4 OF / DE

00143

E. L.

Department of the Interior.
Ottawa. 11th September 1895

388226
386075

Sir, C.P.

I am directed to acknowledge the receipt of your letter of the 3rd instant enclosing a copy of By-law No. 184 of the Municipality of Lifton. Before the authority of the Governor in Council can be obtained to the closing and opening up of the road allowances referred to in the said by-law, it will be necessary for your municipality to furnish a plan, shewing in one color the roads to be opened up, and in another color those proposed to be closed. The description accompanying the by-law is not sufficient, as this Department is not in possession of any information from which the position of the streets in the town plot of Routledge can be located.

Draft. 10/9/95. J.C.
Approved. [illegible]

I am, Sir,
Your obedient servant.

W. J. Helliwell Esq.
Secretary Treasurer.
Municipality of Lifton.
Oak Lake.
Manitoba.

LYNDWODE PEREIRA
Assistant Secretary.

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
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E. L.

Department of the Interior.
Ottawa. 11th September 1895

388226
386075

Sir, C.P.

I am directed to acknowledge the receipt of your letter of the 3rd instant enclosing a copy of By-law No. 184 of the Municipality of Sifton. Before the authority of the Governor in Council can be obtained to the closing and opening up of the road allowances referred to in the said by-law, it will be necessary for your municipality to furnish a plan, shewing in one color the roads to be opened up, and in another color those proposed to be closed. The description accompanying the by-law is not sufficient, as this Department is not in possession of any information from which the position of the streets in the town plot of Routledge can be located.

Drmpt. 10/9/95. J.C.
Approved.
[illegible]

I am, Sir,
Your obedient servant.

LYNDWODE PEREIRA
Assistant Secretary.

W. J. Helliwell Esq.
Secretary Treasurer
Municipality of Sifton.
Oak Lake.
Manitoba.

REPEA
RÉPÉT

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
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388226

Mr Clayton
Sp 9.9.95

386075

DEPT. OF THE INTERIOR
RECEIVED
SEP 7 1895
OTTAWA.

Oak Lake Man
Sep 3/95

Assistant Secretary
Dept. Interior
Ottawa

Dear Sir

With reference to your letter Aug 10th I have this day forwarded You a copy of By Law No 184 of the Municipality of Sifton Please have this matter attended to without further delay as it is urgent

Yours truly

W J Hellinell
Sec Treas
Mtg Sifton

Sum
Ph

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR

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388225

By Law No 184

DEPT. OF THE INTERIOR
RECEIVED
SEP 7 1895
OTTAWA

Being a By Law to purchase from the owners thereof certain portions of Sections 33, 34, 35 & 36 all in Township 9 in Range 25 West of the Principal Meridian in the Province of Manitoba and to open and establish the lands so purchased for a Public Road and to sell and convey and close forever as a Public Road a certain portion of the Road allowance running from North to South between Section 33 and section 34 in Township 9 Range 25 aforesaid.

Whereas by Section 644 of "The Municipal Act" the Council of every Municipality is inter alia authorized to pass by Law "For opening, making, preserving improving, repairing, widening altering, diverting or stopping up, roads streets alleys lanes or other Public communications within the jurisdiction of the Council and for entering upon breaking up, taking, or using any land in any way necessary or convenient for said purposes subject to the restrictions in the said act contained and for preventing and removing any obstruction upon any land or bridges within the Jurisdiction

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And Whereas there is contained within the Rural Municipality of Sifton the entirety of Township 9 in Range 25 West of the Principal Meridian in the Province of Manitoba

And Whereas application has been made requesting the Council to pass a Bylaw to open up and dedicate to the use of the Public for ever a road or highway (hereinafter described) across or over portions of Sections 33. 34. 35 & 36 respectively all in Township 9 and Range 25 West of the Principal Meridian in the Province of Manitoba

And Whereas further application has been made requesting the said Council to close and stop up and divert from the use of the public forever a portion (hereinafter described) of the now existing Government Road Allowance running from North to South between Sections 33 and Sections 34 both in Township 9 in Range 25 aforesaid

And Whereas this Council hath determined to acquire by purchase from the respective owners the portions of Sections 33. 34. 35 & 36 in Township 9 in Range 25 aforesaid so desired to be opened up as a Public Road or highway

And Whereas this Council hath determined to close up stop and

(2)

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MINISTÈRE DE L'INTÉRIEUR
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Grant from the use of the Public for ever a portion (hereinafter described) of the now existing Government Road allowance running from North to South between Sections 33 and Section 34 both in Township 9 in Range 25 aforesaid and to sell and dispose of the same And whereas this Council in pursuance of the directions contained in Section 645 of the Municipal Act caused to be posted up in the number of places and in the localities and for the period of time directed and in the terms directed and finally in accordance with the provisions of said Section Whereon notice of the intention of this Council to pass a By-law in accordance with the applications hereinbefore recited Whereas the Council of the Rural Municipality of Siffton in Council assembled enacts as follows

1 That a road for the use of the Public forever be opened over through across and upon Sections 33. 34 35 + 36 in Township 9 in Range 25 west of the Principal Meridian in the Province of Manitoba the said Road having through its entire course a ~~width~~ width of 33 feet at right angles to and on each side of the following described and surveyed Centre line

The said Centre line so far as Section 33 aforesaid is concerned Commences at a point on the

(8)

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Northern Boundry of said Section 425 feet west from the North East Angle of said Section. Thence South 832 feet 6 inches thence South 35° 5' East 741 feet 6 inches to the Eastern boundry of the said Section So far as Section 34 aforesaid is Concerned the center line Commences at a point in the Eastern boundry of said Section 34, 986 feet 6 inches north of the half mile post in the said Eastern boundry thence north 39° 40' west 396 feet 3 inches thence East 2386 feet 6 inches to the center line running from north to south on the said Section "34" thence East 1323 feet to a point in the Eastern boundry of Routledge Town Plot which is 396 feet South of the North East angle of the said Routledge Town Plot

So far as the N W quarter Section 35 aforesaid is Concerned the said Center line Commences at a point in the Western boundry of said Section 35, 953 feet 6 inches north of the south west angle of said North West quarter of said Section 35 thence South 81° 5' East 1758 feet 6 inches, thence South 27° 45' East 747 feet 6 inches thence due east 547 feet to the center line between the North West and North East quarter of said Section 35

So far as the East half of said Section 35 aforesaid is Concerned the said center line Commences at a point in the Eastern boundry

4

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of said Section 35, 1556 feet and Six inches due North of the South East angle of said Section 35 thence North 50° 45' West 1705 feet thence due West 1272 feet 6 inches to join the Centre line of the Road across the North West quarter of said Section 35 so far as Section 36 aforesaid is concerned the said Centre line commences at a point on the Western boundry of said Section 36 1475 feet 6 inches North of the South West angle of said Section 36 thence South 50° 45' East 2330 feet to the Southern boundry of the said Section 36

2 That the hereinafter described portion of the Government Road allowance between Sections 33 and Sections 34 both in Township 9 in Range 25 West of the Principal Meridian in the Province of Manitoba be and the same is hereby closed to the Public for ever that is to say Being all that portion of the said Road allowance between said Section 33 and said Section 34 which lies to the north of a straight line to be drawn from the North West angle of South Railway Stores in the Town site of Rossburn to the point at which the northern boundry line of the new Road hereinbefore established or intended so to be on Section 33 aforesaid touches the Road allowance running

S

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MINISTÈRE DE L'INTÉRIEUR
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from north to south between Sections 33 and 34 aforesaid.

3 That the Rural Municipality of Sifton do obtain from the owner or owners of that portion of Section 33 aforesaid included in the aforesaid new road a conveyance of the same in fee simple free from incumbrances to the said Municipality for such Public Road as aforesaid for ever and that as payment to the said owner for the Purchase thereof the Reeve and Secretary Treasurer of the Rural Municipality of Sifton do and they are hereby expressly directed and authorized to do the same convey to the owner of the lands so taken or his assigns for an Estate in fee simple free from encumbrances and free from all public uses that -soever all that portion of the Government Road Allowance between Section 33 and Section 34 both in Township 9 in Range 25 West of the principal Meridian in the Province of Manitoba which lies to the north of a straight line to be drawn from the north west angle of North Railway Street in the Town Site of Rossburn to the point at which the northern boundary line of the new road opened or intended to be opened by this By-law touches the Government Road Allowance running from north to South between Section 33 and Section 34 aforesaid

6

DEPARTMENT OF THE INTERIOR
MINISTÈRE DE L'INTÉRIEUR
RG 15, D-II-1, vol. 722
File/dossier 386075

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4 That the Rural Municipality of Sifton do obtain from the owner or owners of that portion of the North West Quarter of Section 34 aforesaid included in the aforesaid new road a conveyance of the same in fee simple free from encumbrance to the said Rural Municipality and that the said Rural Municipality do pay to the person or persons entitled to receive the same the sum of 10cts per acre and no more

5 That the Rural Municipality of Sifton do obtain from the owner or owners of that portion of the North East Quarter of Section 34 aforesaid included in the aforesaid new road a conveyance of the same in fee simple free from encumbrance to the said Rural Municipality and that the said Rural Municipality do pay to the person or persons entitled to receive the same the sum of $10 cts per acre and no more

6 That the Rural Municipality of Sifton do obtain from the owner or owners of the portion of the North half of Section 36 included in the aforesaid new road a conveyance of the same in fee simple free from encumbrance to the Rural Municipality aforesaid and that the said Rural Municipality do pay to the person or persons entitled to receive the same the sum of $7.00 per acre and no more

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7 That the Rural Municipality of Sifton do obtain from the owner or owners of the portion of the South East-quarter of Section 35 aforesaid included in the aforesaid new road a conveyance of the same in fee simple free from incumbrance to the said Rural Municipality and that the said Rural Municipality do pay to the person or persons entitled to receive the same the sum of 3^{00} per acre and no more

8 That the Rural Municipality of Sifton do obtain from the owner or owners of that portion of the South West-quarter of Section 26 aforesaid included in the aforesaid new road a conveyance of the same in fee simple free from incumbrance to the said Rural Municipality and that the said Rural Municipality do pay to the person or persons entitled to receive the same the sum of 7^{00} per acre and no more

9 That the Secretary Treasurer of the Rural Municipality of Sifton do and shall forthwith and immediately after the passing of this By-Law by this Council apply to the Lieutenant Governor in Council for the approval of this By-Law in accordance

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with the provisions of Sub section C of Section 645 of the Municipal act

Done and passed in Council at the Deputed village of Oak Lake within the Rural Municipality of Sifton in the Co of Dennis and Province of Manitoba this 22nd day of December A.D. 1894

Signed J.B. Long
Chairman

W.J. Hellimell Sec Treas

I do hereby certify that this and the preceding Eight pages is a true copy of By Law No 184 and passed by the Council of the Rural Municipality of Sifton

W.J. Hellimell
Sec Treas
Mcty of Sifton

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Address your reply
"To the Secretary
Department of the Interior,
Ottawa."
Do not write about more than one subject in the same letter.
Write legibly your full name and address.
If you reply to this letter quote its file number.

L

LETTER

FILE 386075.

Department of the Interior,

Ottawa, 19th August, 1895.

Sir,

With further reference to your letter of the 23rd ultimo, respecting By-Law No. 184 of the Municipality of Sifton, I am directed to say that as you neglected to enclose a copy of the By-Law, it is impossible to know what Road Allowance is involved.

I am, Sir,
Your obedient servant,

W. J. Helliwell, Esq.,
Secretary Treasurer of the
Municipality of Sifton,
Oak Lake, Man.

LYNDWODE PEREIRA.

Assistant Secretary.

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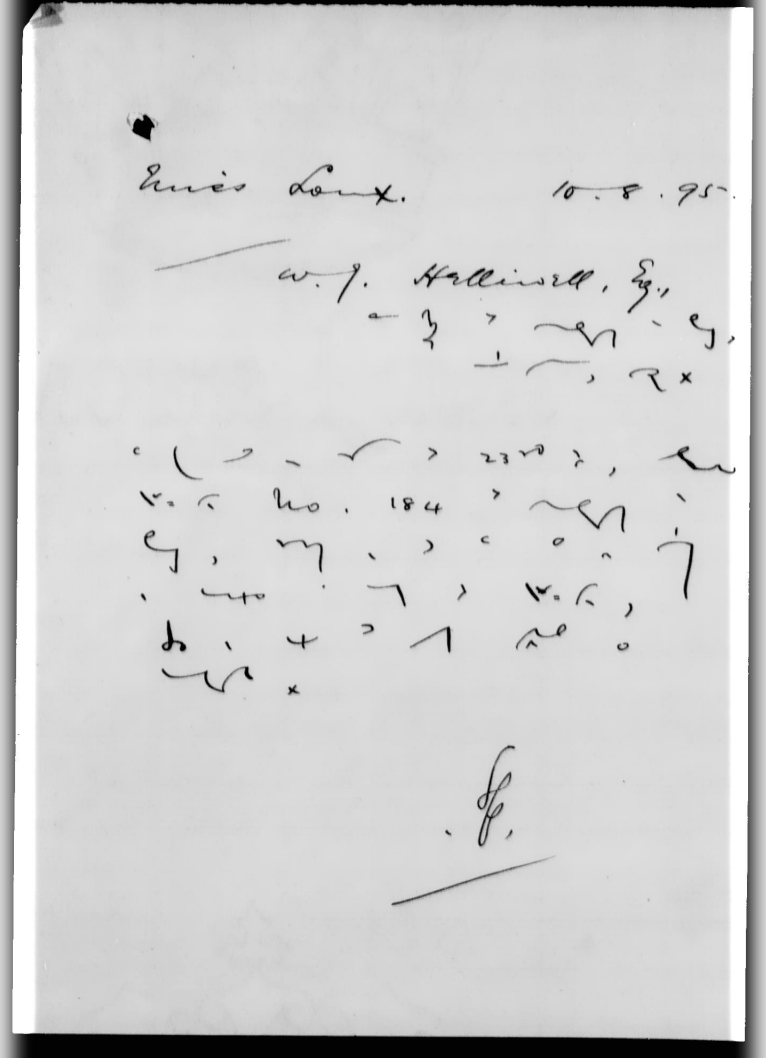

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W. Pearce.

Department of the Interior,
Dominion Lands Office,
Ottawa, 16th August 1895.

MEMO.

How does this man expect us to obtain the authority of Council to close a road when he does not even say what road it is or where it is. Why does not he send a copy of their by-law?

J.C.

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Write legibly your full name and address.
If you reply to this letter quote its file number.

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LETTER.....

FILE.....386075.....

Department of the Interior,

Ottawa,.. 24th August, 1905.

Sir,

I am directed to acknowledge your letter of the 22nd ultimo, and the accompanying copy of a Report of the Executive Council of Manitoba respecting By-Law No. 194 of the Municipality of Sifton.

I am, Sir,
Your obedient servant,

W. J. Hilliwell, Esq.,
Secretary Treasurer of the
Municipality of Sifton,
Oak Lake, Man.

LYNDWODE PEREIRA
Assistant Secretary.

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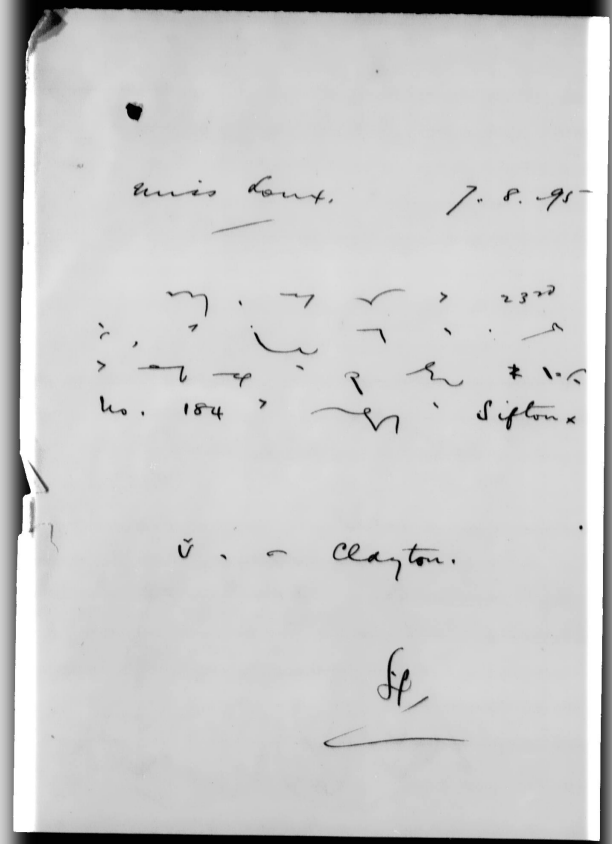

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Mr Henry

Henry

DEPT OF THE INTERIOR
RECEIVED
AUG 1895
OTTAWA

Oak Lake (Manitoba)
July 23/95

Hon Minister of the Interior
Ottawa. Ot

Dear Sir

I enclose copy of Report of a Committee of the Executive Council of Manitoba re By Law 184 of the Mty Sifton I understand it requires the assent of the Gov General in Council kindly get his approval

Yours truly
W. J. Halliwell
Sec Mass
Mty Sifton

Please return enclosed copy
W. J. H

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DEPT. OF THE INTERIOR RECEIVED AUG 1895 OTTAWA

Copy of a Report of a Committee of the Executive Council, approved by His Honor the LIEUTENANT-GOVERNOR on July 19th.1895.

On the recommendation of the Honourable the Municipal Commissioner, Committee advise,

That assent be given to the closing of the Road allowance described in By-law, No.184 of the Rural Municipality of Sifton, (hereto annexed) by the Governor-General-in-Council pursuant to the provisions of Section 6 of Chapter 40 of the Revised Statutes of Canada,- all the requirements of the Municipal Act, Revised Statutes of Manitoba having been substantially complied with.

Certified,

C. Graham

Clerk Executive Council.

Winnipeg, Man:
July 19th.1895.

(Hon.Mr.McMillan in the chair)

The Honourable

The Municipal Commissioner.

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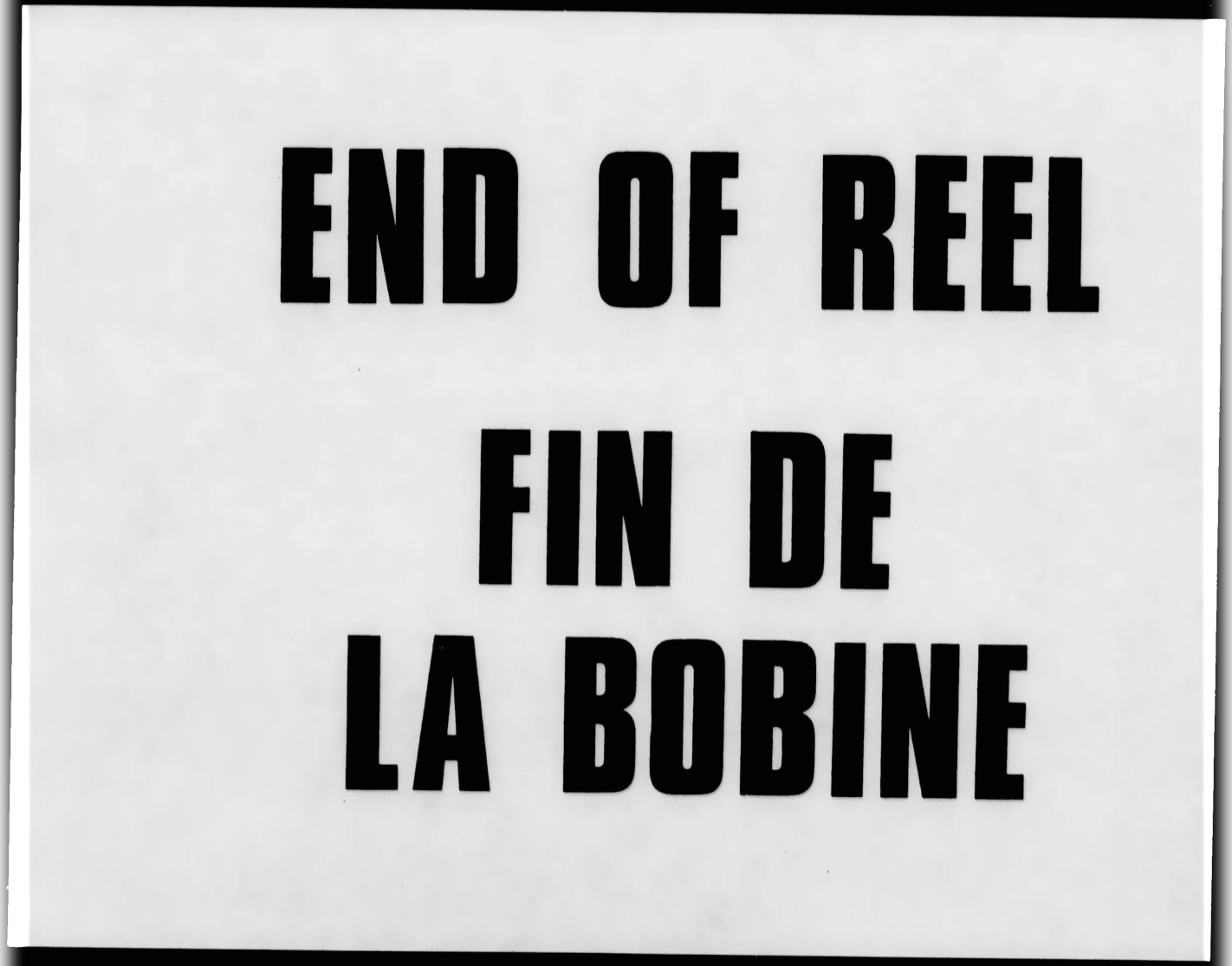
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