



## 42 VICTORIA.

### CHAP. 31.

An Act to amend and consolidate the several Acts respecting the Public Lands of the Dominion.

[Assented to 15th May, 1879.]

NOTE.—The date in the margin opposite any provision, is the year in which it was made, by this Act (1879) or by an Act amending that of 1872, and repealed by section 129 of this Act, when there is no date mentioned, the provision is part of the Act 35 V., c. 23, 1872.

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

#### PRELIMINARY—INTERPRETATION.

1. This Act shall apply exclusively to the lands included in Manitoba and the several Territories of the Dominion, which lands shall be styled and known as *Dominion Lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act, 1879*;" and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:—

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

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

3. The term *Agent or Officer* means any person or officer, employed in connection with the administration, and man- "Agent," "Officer."

Acc. No. 33431

agement, sale or settlement of Dominion lands ; and the term *Local Agent* means the Agent for Dominion lands employed as aforesaid, with respect to the lands in question ; and the term *Land Office* means the office of any such Agent.

" Dominion  
Land Sur-  
veyor."

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

" Crown  
Timber  
Agent."

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

" Island."

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

" Belt."

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

" Section."  
" Sub-sec-  
tion."

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

" Canada  
Gazette."

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

#### DOMINION LANDS OFFICE.

Administra-  
tion and  
management  
of Dominion  
Lands.

2. The Department of the Minister of the Interior of Canada shall be charged with the administration and management of the Dominion lands.

Office.

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

Copies of  
documents  
certified to be  
evidence.

2. Copies of any records, documents, plans, books or papers belonging to, or deposited in, the said office, attested under the signature of the Minister of the Interior or of the Surveyor-General, and of plans or documents in any Dominion lands or Surveys office in Manitoba or the North-West Territories, attested under the signature of the Agent or Inspector of Surveys, as the case may be, in charge of such office, shall be competent evidence in all cases in which the original records, documents, books, plans or papers could be evidence.

Employees

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

of an Order in Council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other person in such behalf.

#### SYSTEM OF SURVEY.

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

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

2. The sections shall be bounded and numbered as shewn by the following diagram. Sections.

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

W. E.

3. The township therefore will, subject to deficiency or surplus from converging or diverging meridians, as the case may be, measure on each side, from centre to centre of the road allowances bounding the same, four hundred and eighty-nine chains: Provided that the Governor in Council may hereafter, should the same be deemed expedient, reduce the width of the road allowances on township and section lines in that part of the territory lying north of the line between townships eighteen and nineteen, and east of the tenth range east of the principal meridian, and west of the fourteenth range west of the said meridian. Townships to measure on each side 489 chains.  
Proviso: as to reduction of width of road allowances, in certain places.

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

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

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

Other governing or guide meridians.

**6.** In the territories east and west of Manitoba such other governing or guide meridians may be adopted and confirmed by the Governor in Council as may, from time to time, become expedient.

Townships to be 499 chains wide on the base lines

**7.** The townships shall be laid out the precise width of four hundred and eighty-nine chains, as aforesaid, on the base lines hereinafter mentioned, and the meridians between townships shall be drawn from such bases, north or south, to the depth of two townships, that is to say, to the correction lines hereinafter mentioned.

Base lines for townships.

**8.** The said forty-ninth parallel, or international boundary, shall be the first base line, or that for townships one and two. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession.

Correction lines, what township lines to be.

**9.** The correction lines, or those upon which the "jog" resulting from the want of parallelism of meridians shall be allowed, will be as follows, that is to say:—on the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words, they will be those township lines running east and west which are equi-distant from the bases, at the depth of two townships.

Division of sections.

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

Allowances for deficiency or surplus in survey of townships.

**11.** In the survey of any and every township, the deficiency or surplus, as the case may be, resulting from convergence or divergence of meridians shall be allowed in the range of quarter-sections adjoining the west 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.

Dimensions and area of irregular quarter sections, how to be returned.

**12.** The dimensions and area of irregular quarter-sections resulting from the provision in the next preceding clause, whether the same be deficient or in excess, shall, in all cases, be returned by the surveyor at their actual measurements and contents.

**13.** Preliminary to the sub-division into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, and east and west meridian boundaries of each block : Country to be laid out into blocks of four townships each in the first instance, and how.

1. On these lines, at the time of the survey, all township section and quarter-section corners shall be marked, which corners shall govern, respectively, in the subsequent sub-division of the block. Corners.

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

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

**14.** The township sub-division surveys of the Dominion lands, according to the system above described, shall be carried out and shall be performed by contract at a certain rate per mile or per acre, fixed from time to time by the Governor in Council. Surveys to be performed by contract. (1872 & 1874.)

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

1. A section or 640 acres ;
- A half-section or 320 acres ;
- A quarter-section or 160 acres ;
- A half quarter-section or 80 acres ;
- A quarter quarter-section or 40 acres.

Quarter-  
quarter  
sections.

2. To facilitate the descriptions for letters patent of less than a half quarter section, the quarter sections composing every section in accordance with the boundaries of the same as planted or placed in the original survey, 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 the above proposed sub-divisions of a section.

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.  
(1872 & 1874.)

3. The area of any legal sub-division as above set forth, in letters patent, shall 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.

Proviso: as  
to the laying  
out and des-  
cription of  
lands in cer-  
tain localities

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

## DISPOSAL OF THE DOMINION LANDS.

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

Recital.

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

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

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

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

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

19. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bonâ fide* settled on under the authority of any Order in Council, or of this Act, then, if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

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

The Company to be paid one-twentieth of the revenues from timber limits in unsurveyed territory within the fertile belt.

Proviso : as to lands denuded of timber.  
(1872 & 1874.)

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

Title to lands to pass to Company without Patent in certain cases, and under Patents in other cases.

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

#### EDUCATIONAL ENDOWMENT.

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

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

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

1. The sections so dedicated shall be designated " school lands," and shall be dealt with in manner as hereinafter provided, and the same are hereby withdrawn from the operation of the clauses in this Act relating to purchase by private entry and to homestead right, and it is hereby declared that no such right of purchase by private entry or homestead right shall be recognized in connection with the said sections or any part or parts thereof :



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 conforming 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* :

Proviso : if such sections are found settled on and improved.

3. Provided further, that the land found to have been settled upon and improved as above is not embraced within the class of lands reserved from the operation of the Homestead provisions of this Act by sub-section eighteen of section thirty-four thereof.

Proviso : Homestead lands, (1879.)

#### DISPOSAL OF SCHOOL LANDS.

23. The school lands shall be administered by the Governor in Council, through the Minister of the Interior :

How to be administered. (1879.)

1. Provided that all sales of school lands shall be at public auction, and that in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands may be situate :

Sales to be by auction ; upset price limited.

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

Terms of payment.

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

Investment of moneys arising from sales ; disposal of interest on securities.

#### MILITARY BOUNTY LAND CLAIMS.

24. In all cases in which land has heretofore been or shall hereafter be given by the Dominion for military services, warrants shall be granted in favour of the parties entitled to such land by the Minister of Militia and Defence, and such

Warrants to be granted for lands given for military services.

warrants shall be recorded in the Dominion Lands Office in books to be kept for the purpose, and shall be located as hereinafter provided, and patents for the lands so located shall be issued accordingly.

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

Proviso.

As to warrants accepted as purchase money.

As to locating warrants.  
(1872 & 1876)

Assignments of Military Bounty Land Warrants.

Warrant or patent to issue in favour of legal representatives of deceased officer or soldier.

1. Such warrants may be located by the owners thereof, in any of the Dominion lands open for sale, or may be received in payment for a homestead claim for the same number of acres, or in payment in part or in full, as the case may be, for the purchase at public or private sale of Dominion lands, at the value shewn upon their face, estimating the number of acres in the warrant at the price mentioned therein: Provided always, that no greater area than twenty per cent. of the land, exclusive of school and Hudson's Bay Company's land, in any township, shall be open for entry by Military Bounty warrants issued after the passing of this Act.

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

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

**25.** Assignments of Military Bounty land warrants duly made and attested before any person entitled by law to take affidavits shall be recognized as conveying the beneficial interest therein, but no assignment of the interest of the original owner (except in the case of Red River soldiers' warrants as hereinafter mentioned) will be held as transferring such interest, unless the assignment be endorsed on the back of the warrant; and in subsequent assignments the warrant, unless the same has been lost (as hereinafter mentioned), must be attached to and form part of the claimant's or locatee's papers.

**26.** In all cases where an officer or soldier entitled to Military Bounty land dies before the issue of the warrant, or between the issue of the warrant and the location thereof, the warrant or the patent, or both, as the case may be, shall issue in favour of the legal representatives of such deceased officer or soldier, according to the law of the Province or Territory where the lands in question lie, who shall be ascertained in such manner and by such court, commissioners or other tribunal, as the Legislature of such Province shall prescribe by any Act passed for that purpose, and shall be certified to the Governor under such Act,—or if the lands

be in any territory in which there is then no Legislature, then in such manner and by such commissioners as the Governor in Council may, from time to time, direct,—and any Order in Council in that behalf may vest in any commissioners under it power to summon witnesses and examine them on oath and to compel the production of documents, and generally may vest in them all such powers, and impose upon all other persons all such obligations, as the Governor in Council may deem necessary in order to ascertain and certify to the Governor the person or persons to whom the patent ought to issue,—and on any such certificate under this clause the patent shall issue in accordance therewith :

2. Provided that in the absence of any court, commissioners, or other tribunal established by the Legislature of the Province or Territory within which the lands in question lie, to determine the legal representatives of such deceased officer or soldier, the Minister of the Interior may refer any case arising under the provisions of this section to the court authorized to be established under the Act passed in the thirty-sixth year of Her Majesty's reign, chapter six, intituled "*An Act respecting claims to Lands in Manitoba for which no Patents have issued*;" and the provisions thereof shall be and are hereby declared to be in this respect applicable to cases arising under this section.

Provision in case of there being no Court to determine the legal representative. 36 V., c. 6, cited.

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

New warrant in case of one lost or destroyed.

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

Recital.

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

Free grants under Order in Council confirmed.

Assignments  
of interest in  
Government  
grants recog-  
nized.

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

#### ORDINARY PURCHASE AND SALE OF LANDS.

Surveyed  
Dominion  
Lands open to  
purchase at  
\$1 per acre.

Proviso.

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

Proviso  
added. (1879.)

2. Provided further, that any legal sub-division or other portion of unappropriated Dominion land which may include a water power, harbour or stone-quarry, shall not be open for purchase at the rate of one dollar per acre, but the same shall be reserved from ordinary sale, to be disposed of in such manner, and on such terms and conditions, as may be fixed by the Governor in Council on the report of the Minister of the Interior.

#### PAYMENTS FOR LANDS.

Payments in  
cash.  
Exceptions.

**31.** Payments for lands, purchased in the ordinary manner, shall be made in cash, except in the case of payment by scrip or in Military Bounty warrants as hereinbefore provided.

#### TOWN PLOTS, ETC.

Minister may  
reserve tracts  
for Towns or  
Village plots.

**32.** The Minister of the Interior shall have power, from time to time, to set apart and withdraw from purchase and from the homestead clauses of this Act, any tract or tracts of land which it may be considered by him expedient to lay out into town or village plots, and to cause the same to be

surveyed and laid out, and the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction.

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

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

#### HOMESTEAD RIGHTS OR FREE GRANT LANDS.

**34.** Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall be entitled to be entered for one hundred and sixty acres, or for a less quantity, of unappropriated Dominion lands, for the purpose of securing a homestead right in respect thereof. (Form A.)

Entry for homestead right. (1876.)

But a person obtaining such homestead entry shall be liable to the forfeiture thereof should he not become a *bonâ fide* occupant of the land so entered within two months of the date of entry, and thenceforth continue to occupy and cultivate the same as hereinafter provided.

Proviso: as to settlers under Act of 1874. (1879.)

1. The entry of a person as aforesaid for a homestead right shall entitle him, on payment of a fee equal in amount to that hereinafter prescribed for such homestead entry, to receive at the same time therewith an entry for any adjoining one hundred and sixty acres, or less quantity, of Dominion land then unclaimed, and such entry shall entitle such person to take and hold possession of and cultivate such land so entered in addition to his homestead, but not to cut wood thereon for sale or barter, and, at the expiration of the period of three years, or upon the sooner obtaining a patent for the homestead under the fifteenth sub-section of this section, shall entitle him to a pre-emption of the said land so entered at the Government price of one dollar per acre; but the right to claim such pre-emption shall cease and be forfeited, together with all improvements on such land, upon any forfeiture of the homestead right under this Act:

Right obtained by entry.

(1876.) Amended.

Forfeiture in certain cases.

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

When two or more claim.

If both have improved.

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

Interfering claims, how settled.

4. Questions as to the homestead right arising between different settlers shall be investigated by the Local Agent of the division in which the land is situated, whose report and recommendation, together with the evidence taken, shall be referred to the Minister of the Interior for decision.

Homestead claims on surveyed land.

On unsurveyed land. (1876 & 1879.)

5. Every person claiming a homestead right on surveyed land must, previously to settlement on such land, be duly entered therefor with the Local Agent within whose district such land may be situate; but in case of a claim from actual settlement in then unsurveyed lands, the claimant must file such application within three months after due notice has been received, at the local office, of such land having been surveyed and the survey thereof confirmed; and proof of settlement and improvement shall be made to the Local Agent at the time of filing such application,—whereupon such claimant shall be allowed to enter, to the extent of one hundred and sixty acres, as a homestead, the land as the same may have been surveyed and laid out, upon which he may be resident, in such manner as to cover his most valuable improvements: Provided that on the survey of a township being made, the Government shall not be bound to protect any person found to have settled on land which, by law, or by allotment duly made, may be claimed by the Hudson's Bay Company.

Occupants of contiguous lands.

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

Entry of contiguous lands. (1872 & 1876.)

7. In entries of contiguous lands, the settler must describe in his affidavit the tract he owns and is settled upon as his original farm. Actual residence on the contiguous land entered is not required, but *bonâ fide* improvement and cultivation of it must be thereafter shown for the period required by the provisions of this Act.

Affidavit to be made in form B (1876.)

8. A person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit before the Local Agent according to the form B in the Schedule to this Act.

9. Upon making this affidavit, and filing it with the Entry, Local Agent, and on payment to him of an office fee of ten (1872 & 1876.) dollars, for which he shall receive a receipt from the agent, he shall be permitted to enter the land specified in the application.

10. No patent shall be granted for the land until the No patent for expiration of three years from the time of entering into three years. possession of it, except as hereinafter provided.

11. At the expiration of three years the settler, or his Rights of re- widow, her heirs or devisees, or if the settler leaves no presentatives of settlers, widow, his heirs or devisees, upon proof to the satisfaction after three of the Local Agent, that he, or his widow or his or her years. representatives as aforesaid, or some of them, have (except in the case of entry upon contiguous lands as hereinbefore provided) resided upon and cultivated the land for the three years next after the filing of the affidavit for entry, or in the case of a settler on unsurveyed land, who may, upon the same being surveyed, have filed his application as provided in sub-section five, upon proof, as aforesaid, that he or his widow, or his or their representatives, as aforesaid, or some of them, have resided upon and cultivated the land for the three years next preceding the application for patent, shall be entitled to a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization :

Provided always, that the right of the claimant to obtain Proviso. a patent under the said sub-section as amended, shall be (1876.) subject to the provisions of section fifteen of this Act :

Provided further that, in the case of settlements being Proviso : as formed of immigrants in communities (such for instance as to settlements those of Mennonites or Icelanders), the Minister of the by communi- Interior may vary or waive, in his discretion, the foregoing ties. (1876.) requirements as to residence and cultivation on each separate quarter-section entered as a homestead.

12. When both parents die without having devised the When both land, and leaving a child or children under age, it shall be parents die lawful for the executors (if any) of the last surviving parent, intestate. or the guardian or guardians of such child or children, with (1872 & 1876.) the approval of a judge of a superior court of the Province or Territory in which the lands lie, to sell the lands for the benefit of the infant or infants, but for no other purpose; and the purchaser, in such case, shall receive a patent for the land so purchased.

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

Settler abandoning his claim. (1876.) 14. In case it is proved to the satisfaction of the Minister of the Interior that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him for more than six months in any one year without leave of absence from the Minister of the Interior, then the right to such land shall be liable to forfeiture, and may be cancelled by the said Minister; and the settler so relinquishing or abandoning his claim shall not be permitted to make more than a second entry.

Patent before end of three years on payment of price, &c. 15. Any person who has availed himself of the foregoing provisions may, before the expiration of the three years, obtain a patent for the land entered upon by him, including the wood lot, if any, appertaining to the same, as hereinafter provided, on paying the Government price thereof at the date of entry, and making proof of settlement and cultivation for not less than twelve months from the date of entry.

Proof of improvement. 16. Proof of actual settlement and cultivation shall be made by affidavit of the claimant, before the Local Agent, corroborated on oath by two credible witnesses.

Inspection by order of Minister. (1872 & 1874.) The Minister of the Interior may, at any time, order an inspection of any homestead or homesteads in reference to which there may be reason to believe the foregoing provisions, as regards settlement and cultivation, have not been, or are not being carried out, and may, on a report of the facts, cancel the entry of such homestead or homesteads.

Provision in case of a cancelled homestead. (1876.) And in the case of a cancelled homestead, with or without improvements thereon, the same shall not be considered as of right open for fresh entry, but may be held for sale of the land and of the improvements, or of the improvements thereon, in connection with a fresh homestead entry thereof, at the discretion of the Minister of the Interior.

Assignments void. 17. All assignments and transfers of homestead rights before the issue of the patent, except as hereinafter mentioned, shall be null and void; but shall be deemed evidence of abandonment of the right; and the person so assigning or transferring shall not be permitted to make a second entry.

Proviso: for special case. (1874) Provided that a person whose homestead may have been recommended for patent by the Local Agent (the conditions in connection therewith having been duly fulfilled), may legally dispose of, and convey, assign or transfer his right and title therein.

Homestead to give certain rights. (1876.) Any person who may have obtained a homestead entry, shall be considered, unless and until such entry be cancelled, as having an exclusive right to the land so entered as against any other person or persons whomsoever, and may bring and



maintain actions for trespass committed on the said lands or any part thereof.

18. The above provisions relating to homesteads shall only apply to agricultural lands,—that is to say, they shall not be held to apply to lands set apart as timber limits, or as hay lands, or to those lands on which coal or other valuable mineral is, at the time, known to exist, or to lands valuable for stone or marble quarries, or to those having water power thereon which may be useful for driving machinery.

Certain provisions to apply only to agricultural lands. (1876 & 1879.)

#### GRAZING LANDS.

35. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons whomsoever, for such term of years, and at such rent in each case, as may be deemed expedient; but every such lease shall, among other things, contain a condition by which, if it should thereafter be thought expedient by the Minister of the Interior to offer the land covered thereby for settlement, the said Minister may, on giving the lessee two years' notice, cancel the lease at any time during the term.

Special provision as to leases of grazing lands. (1876.)

#### HAY LANDS.

36. Leases of unoccupied Dominion lands, not exceeding in any case a legal sub-division of forty acres may be granted for the purpose of cutting hay thereon; to any person or persons whomsoever being *bona fide* settlers in the vicinity of such hay lands, for such term and at such rent, fixed by public auction or otherwise, as the Minister of the Interior may deem expedient; but such lease, except as may be otherwise specially agreed upon, shall not operate to prevent, at any time during the term thereof, the sale or settlement of the lands described therein under the provisions of this Act, —the lessee being paid in such case by the purchaser or settler, for fencing or other improvements made on such land, such sum as shall be fixed by the Local Agent, and allowed to remove any hay he may have made.

Leases of hay lands for purpose of cutting. (1876.)

Proviso: not to prevent settlement. (1876.)

#### MINING LANDS.

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

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

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

Any person may explore and purchase mining lands.

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

**Proviso:** as to rich mineral lands. 1. Provided further that in case of certain lands proving to be rich in minerals, the Minister of the Interior shall have the power to withdraw such lands from sale, and in lieu thereof institute a system of lease:

**Proviso for rent.** 2. The rent payable to the Crown under any such lease shall be a royalty, not to exceed two and a-half per cent. on the net profits of working:

**Proviso: sale when no prior right.** 3. Provided further, that when there are two or more applicants for the same tract, and a prior right in either or any of the applicants is not established to the satisfaction of the Minister of the Interior, the same may be tendered for by the claimants on stated terms of lease, and sold to the highest bidder:

**Further provision for reservation.** 4. Provided also that, in territory supposed to contain minerals, the Minister of the Interior may, in his discretion, reserve from sale alternate locations or quarter-sections or other legal sub-divisions, with the view of subsequently offering the same either for sale or lease at public competition.

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

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

**Proviso.**

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

Exemption of certain lands from preceding provisions.

Governor in Council to regulate.

#### INDIAN TITLE.

43. None of the provisions of this Act respecting the settlement of agricultural lands, or the lease of timber lands, or the purchase and sale of mineral lands, shall be held to apply to territory the Indian title to which shall not, at the time, have been extinguished.

As to lands still under Indian title.

#### COAL LANDS.

44. Coal lands, designated by the Government as such, are hereby withdrawn from the operation of this Act as regards the rights of squatters to homesteads on the Dominion lands in advance of the surveys.

Excepted from homestead claims.

45. The Minister of the Interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the local agent to purchase such land; such application must be accompanied by a description by a Dominion Land Surveyor setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall be in the discretion of the Minister, but shall in no case exceed three hundred and twenty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same,—and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for:

Provision as to working coal mines.

Filing application.

Patent. (1874.)

Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections

Proviso: as to H. B. Co.

Further proviso. (1874.) eight and twenty-six as hereinbefore enacted: Provided further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained :

Proviso for continuous working. (1874.) Provided further that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior, during the interim between the application and the survey; but if the same should, at any time during such interim, cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase-money which may have been paid to the Government on account thereof.

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

## TIMBER AND TIMBER LANDS.

### TIMBER IN TOWNSHIPS SURVEYED FOR SETTLEMENT.

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

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

Proviso : as to school sections. 2. Provided, that neither the sections and parts of sections in each township vested in the Hudson's Bay Company by

this Act nor those sections set apart herein for schools, shall be subject in any way to the operation of the next preceding sub-section :

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

Marking out wood lots.

4. Provided, that in case an Island or Belt of timber be found in the survey of any township to lie in a quarter-section or several quarter-sections, but in such manner that no single quarter-section shall have more of such timber than twenty-five acres, such timber shall be taken to be appurtenant to such quarter-section or quarter-sections, and shall not be further divided into wood lots :

Proviso in case of island or belt of timber.

5. The Local Agent, as settlers shall apply for homestead rights in the township, and in the same order as such applications shall be made, shall, if so requested, apportion a wood lot to each quarter-section so applied for, not having thereon more than ten acres of timber, and such wood lot shall be paid for by the applicant at the rate of one dollar per acre, and shall be entered on the Local Agent's books, and be returned by him as in connection with the homestead so entered ; and on such 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-section five of section forty-six of "*The Dominion Lands Act of 1872*," having duly fulfilled the conditions of such homestead grant required by the said Act, shall receive a patent for such wood lot as a free grant, as provided in the said sub-section, notwithstanding the repeal of the said sub-section by the Act of 1874 : Provided further, that the cancellation of a homestead shall carry with it the cancellation of the wood lot which may have been apportioned thereto, and also the forfeiture of the purchase money of such wood lot :

Apportionment of wood lots to settlers. (1874.)

Proviso : wood lots to be free grants in certain cases. (1879.)

Proviso. (1876 & 1879.)

6. Provided, that any homestead claimant, who, previous to the issue of the patent, shall sell any of the timber on his claim, or on the wood lot appertaining to his claim, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister of the Interior, shall be guilty of a trespass, and may be prosecuted therefor before a Justice of the Peace, and upon conviction thereof, shall be subject to a fine or imprisonment, or both ; and further, such person shall forfeit his claim absolutely.

Proviso : against sale of timber to saw-millers, &c. (1872 & 1879.)

## TIMBER AND TIMBER LANDS.

- Reservation of timber lands.** 48. Any tract of land covered by forest timber may be set apart as timber lands, and reserved from sale and settlement.
- Timber limits.** 49. Except where it may be thought expedient by the Minister of the Interior to divide a township into two or more timber limits, the several townships composing any such tract shall each form a limit.
- Word "timber" defined.** 50. In the enactments and provisions under the present heading "*Timber and Timber Lands*," the word "timber" includes all lumber, and all products of timber hereinafter mentioned, or of any other kind whatever, including fire-wood or bark.
- Right of cutting to be sold.** 51. The right of cutting timber on such limits shall be put up at a bonus per square mile, varying according to the situation and value of the limit, and sold to the highest bidder by competition, either by tender or at public auction.
- Purchaser to have lease.** 52. The purchaser shall receive a lease granting the right of cutting timber on the land for twenty-one years, and containing the following conditions, with such others as shall have been embodied in the notice of sale, that is to say:—
- Conditions of lease.** 1. The lessee to erect a sawmill or mills in connection with such limit and lease, and subject to any special conditions which may be agreed upon and stated in the lease,—such mill or mills to be of capacity to cut at the rate of a thousand feet, board measure, in twenty-four hours, for every two and a half square miles of limits in the lease, or shall establish such other manufactory of wood goods as may be agreed upon as the equivalent of such mill or mills, and the lessee to work the limit, in the manner and to the extent provided in the lease, within two years from the date thereof, and during each succeeding year of the term ;
- Mills.**
- To take all timber.** 2. To take from every tree he cuts down all the timber fit for use, and manufacture the same into sawn lumber or some other such saleable product as may be provided in the lease or by any regulations made under this Act ;
- To prevent destruction.** 3. To prevent all unnecessary destruction of growing timber on the part of his men, and to exercise strict and constant supervision to prevent the origin or spread of fires ;
- To make monthly returns.** 4. To make returns to the Government monthly, or at such other periods as may be required by the Minister of the Interior, or by regulations under this Act, sworn to by him or by his agent or employee cognizant of the facts, declaring the quantities sold or disposed of as aforesaid, of all sawn

lumber, timber, railway-car stuff, ship timbers and knees, shingles, laths, cordwood or bark, or any other product of timber from the limit, in whatever form the same may be, sold or otherwise disposed of by him during such month or other period, and the price or value thereof;

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

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

7. The lease shall describe the lands upon which the timber may be cut, and shall vest in the lessee during its continuance, the right to take and keep exclusive possession of the lands so described, subject to the conditions hereinbefore provided or referred to; and such lease shall vest in the holder thereof all right of property whatsoever in all trees, timber, lumber and other products of timber cut within the limits of the lease during the continuance thereof, whether such trees, timber and lumber or products be cut by the authority of the holder of such lease or by any other person, with or without his consent; and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit, at law or in equity, against any party unlawfully in possession of any such timber, or of any land so leased, and to prosecute all trespassers thereon and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any; and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired: Rights of the lessee.

8. Such lease shall be subject to forfeiture for infraction of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister of the Interior shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled: Provided, that the Minister of the Interior, if he sees fit, may refrain from forfeiting such lease for non-payment of dues, and may enforce payment of such dues in the manner hereinafter provided. Forfeiture of the lease.

9. The lessee who faithfully carries out the above conditions shall have the refusal of the same limits, if not Renewal of lease.

required for settlement, for a further term not exceeding twenty-one years, on payment of the same amount of bonus per square mile as was paid originally, and on such lessee agreeing to such conditions, and to pay such other rates as may be determined on for such second term :

Leases to cut  
timber on  
unsurveyed  
lands.

10. Provided, that in cases where application may be made for limits on which to cut timber in unsurveyed territory, the Governor in Council may, on the recommendation of the Minister of the Interior, authorize the same to be leased for such bonus as may be deemed fair and reasonable, —such leases to be subject nevertheless to the foregoing conditions of this section, except as to that part of sub-section one, which provides for the erection of mills, which provision, in respect to limits in unsurveyed territory may, if considered expedient by the Minister of the Interior, be dispensed with :

What may be  
considered  
surveyed  
territory.

Licenses for  
unsurveyed  
from year to  
year. (1879.)

Provided also, that territory in which the block outlines only of townships may have been run and marked, shall be considered surveyed territory for the purposes of this section ; and provided further, that the Governor in Council may, on the recommendation of the Minister of the Interior, in special cases where the same may be deemed expedient, grant licenses in either surveyed or unsurveyed territory, as the case may be, to cut timber for one year, and renewable from year to year, in the discretion of the Minister of the Interior, at such ground rent as the Minister may deem fair and reasonable, —such license to be subject in all respects to the other provisions of this section, except where the same may be inconsistent herewith.

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

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

#### FURTHER OBLIGATIONS OF PARTIES OBTAINING LICENSES.

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

54. Any ground-rent, royalty or other dues to the Crown, on timber cut within any such limit, which are not paid at the time when they become due and payable, shall bear interest at the rate of six per cent. per annum, until paid, and shall be a lien on any timber cut within such limits. And whenever the ground-rent on any limit, or any royalty on any timber is not paid within three months after it becomes due under the lease or regulations in that behalf, the Crown timber agent may, with the sanction of the Minister of the Interior, seize so much of the timber cut on such



limit, and in the possession of the lessee or on his premises, whether sold or unsold, as will, in his opinion, be sufficient to secure the payment of such rent and royalty on the timber seized and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof; and if such payment be not made within three months after such seizure, the Crown timber agent may, with such sanction as aforesaid, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon, and expenses aforesaid, he shall pay over the balance, if any, to the lessee or owner of the timber.

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

Timber cut  
under lease  
liable for  
dues.

**56.** And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded, and any expenses incurred by such officer or the Government, in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on Dominion lands by the same lessee or by his authority, and be levied and collected or secured on such timber, together with such last-mentioned dues, in the manner provided by section fifty-four; or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law, in the name of the Minister of the Interior or his resident agent, in any court having jurisdiction in civil cases to the amount.

Enforcement  
of payment  
in case of  
removal of  
timber out of  
Canada.

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

Bonds may  
be taken for  
dues, without  
prejudice to  
lien.

## LIABILITY OF PERSONS CUTTING WITHOUT AUTHORITY.

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

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

Seizure on  
affidavit.

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

If the timber  
has been  
mixed with  
other timber.

2. And where the timber so reported or known to have been cut without authority, has been made up with other timber into a crib, dram or raft, or in any other manner has been so mixed up, at any mill or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority, from the other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder.

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

Timber may be released on security given.

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

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

Officer seizing may call in assistance.

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

Carrying away timber seized, without permission, a felony.

61. All timber seized under this Act on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown timber agent or officer under whose authority the seizure was made, that he claims or intends to claim the same,—pending which the officer or agent seizing shall report the facts to the Minister of the Interior, who may order the sale of the said timber, by the said officer or agent, after a notice on the spot, or at the residence or office of the person from whom it was seized, of at least thirty days; or if, within fifteen days after the claim has been put in, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure; or if the decision of the court be against him; or should the claimant fail duly to prosecute such proceedings in the opinion of the judge before whom such case may be tried (and who may for that cause dismiss the suit on the

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

expiration of three months from the date on which it was instituted,—anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Minister of the Interior, after notice on the spot of at least thirty days: **Provido.** Provided, nevertheless, that in certain cases of timber being ascertained to have been cut without authority on any of the Dominion lands, or admitted to have been so cut by the holder thereof, the Minister of the Interior, should he see cause for doing so, may impose and receive for the Crown a fine or penalty, to be levied on such timber, in addition to all costs incurred, and in default of such fine or penalty and costs being paid forthwith, may sell such timber by public sale after a notice of fifteen days, and may retain the whole proceeds of such sale, or the amount of the penalty and costs only, at the discretion of the Minister of the Interior.

Minister may impose and receive a penalty in addition in certain cases. (1872 & 1879.)

#### GENERAL PROVISIONS.

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

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

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

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

#### SLIDES, &c.

Right to slides, &c., not to be

**64.** No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier or boom, or

other work for the purpose of facilitating the descent of timber or saw-logs, previously constructed on such land, or on any stream passing through or along such land, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom or other work is intended to be thereby sold or granted.

affected by sales or grants of land unless expressly mentioned.

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

Free use of slides not affected.

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

Free use of streams and lakes not affected.

#### FOREST TREE CULTURE.

66. Any person, male or female, being a subject of Her Majesty by birth or naturalization, and having attained the age of eighteen years, shall be entitled to be entered for one legal sub-division, not in any case, however, exceeding one hundred and sixty acres, of unappropriated Dominion lands as a claim for forest tree planting.

Entry for tree planting. (1875 & 1876.)

67. Application for such entry shall be made in Form F in the schedule hereto, and the person so applying shall make an affidavit before the local agent according to Form G in the schedule hereto, and shall pay at the time of applying an office fee of ten dollars, in case such legal sub-division is one of one hundred and sixty acres, or of five dollars, in case such legal sub-division is one of eighty acres, or of two and a-half dollars, in case such legal sub-division is one of forty acres, for which fee he or she shall receive a receipt and also a certificate of entry, and shall thereupon be entitled to enter into possession of the land.

Form of applications, affidavit and fee. (1876 & 1879.)

When only  
patent may  
issue.  
(1876 & 1879.)

**68.** No patent shall issue for the land so entered until the expiration of eight years from the date of entering into possession thereof, and any assignment of such land shall be null and void unless permission to make the same shall have been previously obtained from the Minister of the Interior.

Patent after  
six years on  
certain condi-  
tions.  
(1876 & 1879.)

**69.** At the expiration of eight years or at any time within five years after the expiration of the said term, as hereinafter provided, the person who obtained the entry, or, if not living, his or her legal representative or assigns, shall receive a patent for the land so entered on proof to the satisfaction of the local agent as follows :—

Five acres to  
be broken up.

1. That five acres of the land so entered, in case the same consists of a legal sub-division of one hundred and sixty acres, shall be broken or ploughed the first year after entry, and an equal quantity during the second year after entry ;

And planted.

2. That the five acres of the land entered, which have been broken or ploughed during the first year, shall be cultivated to crop during the second year, and the five acres broken or ploughed during the second year shall be cultivated to crop during the third year ;

Cultivating  
the timber.

3. That the five acres broken or ploughed during the first year, and cultivated to crop during the second year as above provided, shall be planted in trees, tree-seeds or cuttings during the third year, and the five acres broken or ploughed during the second year, and cultivated to crop during the third year as above provided, shall be planted in trees, tree-seeds or cuttings during the fourth year :

Proviso.

Provided that in cases where the land entered consists of a legal sub-division less than one hundred and sixty acres, then the respective areas requiring to be broken or ploughed, cultivated to crop and planted, under this sub-section and the two sub-sections next preceding, shall be proportionately less in extent :

Proviso.

Provided also, that the Minister of the Interior, in his discretion, and on his being satisfied that any trees, tree-seeds or cuttings may have been destroyed from any cause not within the control of the person holding the tree-claim, may grant an extension of time for carrying out the provisions of the three sub-sections next preceding :

Proviso.

Provided also, that at the expiration of the said term of eight years, or at any time within five years thereafter, the person obtaining such tree-claim, on proving to the satisfaction of the Minister of the Interior that he or she has planted not less than two thousand seven hundred trees on

each acre of the portion broken or ploughed and cultivated to crop as hereinbefore provided, and that at the time of applying for a patent for the tree-claim, there are then growing thereon at least six hundred and seventy-five living and thrifty trees to each acre, the claimant shall receive a patent for the legal sub-division entered.

**70.** If at any time the claimant fails to do the breaking up or planting or either, as required by this Act, or any part thereof, or fails to cultivate, protect and keep in good condition, such timber, then and upon such event the land entered shall be liable to forfeiture in the discretion of the Minister of the Interior, and may be dealt with in the same manner as homesteads which may have been cancelled for non-compliance with the law, as set forth in sub-section sixteen of section thirty-three of this Act.

Forfeiture for non-compliance with conditions.

**71.** Provided that no person who may have obtained pre-emption entry of a quarter-section of land in addition to his homestead entry under the provisions of sub-section one, of section thirty-four of this Act, shall have the right to enter a third quarter-section as a tree-planting claim; but such person, if resident upon his homestead, may have the option of changing the pre-emption entry of the quarter-section, or of a less quantity of such quarter-section, for one under the foregoing provisions, and on fulfilling the preliminary conditions as to affidavit and fee, may receive a certificate for such quarter-section, or for such quantity thereof as may have been embraced in the application; and thereupon the land included in such change of entry shall become subject in all respects to the provisions of this Act relating to tree-planting.

Proviso: who may not obtain land for planting.

Option of changing pre-emption entry. (1876.)

**72.** Any person who may have been entered for a tree-planting claim under the foregoing provisions, and whose right may not have been forfeited for non-compliance with the conditions thereof, shall have the same rights of possession, and to eject trespassers from the land entered by him, as are given to persons on homesteads under sub-section seventeen of section thirty-four of this Act; and the title to land entered for a tree-planting claim shall remain in the Government until the issue of a patent therefor, and such land shall not be liable to be taken in execution before the issue of the patent.

Rights of persons entered for tree planting. (1876.)

**73** Persons who may have been entered under the provisions of the Act thirty-ninth Victoria, chapter nineteen, for land as a claim for tree-planting, may, if they choose to do so, avail themselves of the provisions of this Act in that behalf.

And under former Act. (1879.)

## PATENTS.

Deputy  
Governor for  
signing  
patents.

74. A Deputy Governor may be appointed by the Governor General, who shall have the power, in the absence or under instructions of the Governor General, to sign letters patent of Dominion lands; and the signature of such Deputy Governor to such patents shall have the same force and virtue, as if such patents were signed by the Governor General.

Patent issued  
in error may  
be cancelled.

75. Whenever a patent has been issued to, or in the name of, a wrong party, or contains any clerical error, misnomer, or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister of the Interior may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead,—which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent.

Remedy in  
cases of sales  
or patents  
inconsistent  
with each  
other.

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

Remedy in  
case of defi-  
ciency of  
quantity  
mentioned in  
patent.

77. Whenever by reason of false survey, or error in the books or plans of the Dominion Lands Office, any grant, sale or appropriation of land is found to be deficient, the Minister of the Interior may order a free grant, equal in value to the ascertained deficiency, at the time such land was granted or sold; or in case any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Minister of the Interior 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 application therefor, to be paid back to the purchaser; or if the land has passed from the original purchaser, then the purchase-money which the claimant (provided



he was ignorant of the deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon, from the time of the application therefor, to be paid to him in land or in money, as he, the Minister of the Interior, may direct ; or, in case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant, at the time such grant was made ; but no such claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted. **Proviso.**

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

**79.** When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion land, and refuses to vacate or abandon possession of the same, the Minister of the Interior may apply to a judge of any court having competent jurisdiction in cases respecting real property in the Province or place in which the land lies, for an order in the form of a writ of ejectment or of *habere facias possessionem*, and the said judge, upon proof to his satisfaction that such land was so forfeited and should properly revert to the Crown, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Minister of the Interior or person by him authorized to receive such possession ; and such order shall have the same force as a writ of *habere facias possessionem*, and the Sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or petitory action. **Remedy in case of refusal to deliver up possession of forfeited land or to vacate land wrongfully held.**

**80.** The Minister of the Interior shall keep a book for registering, at the option of the parties interested, any assignment of rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignment is in conformity with this Act ; and every assignment so registered shall be valid against any other previously made but subsequently registered, or unregistered ; but any assignment to be registered must be unconditional, **Assignments of Dominion lands to be registered.**

and all conditions on which the right depends must have been performed, or dispensed with by the Minister of the Interior, before the assignment is registered.

Patent may  
issue in favour  
of legal repre-  
sentative of  
party dying  
entitled  
thereto.

**81.** On any application for a patent by the heir, assignee, devisee or legal representative of a party dying entitled to such patent, the Minister of the Interior may receive proof of the facts in such manner as he may see fit to require, and, upon being satisfied that the claim has been justly established, may allow the same and cause a patent to be issued accordingly; but nothing in this section shall limit the right of the party claiming a patent to make his application as provided for in section twenty-six of this Act.

Entry receipt,  
&c., to give  
right to  
maintain  
suits. (1879.)

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

## SURVEYS AND SURVEYORS.

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

Qualifications  
required of  
Dominion  
Land Sur-  
veyors.

**83.** No person shall act as surveyor of Dominion lands unless he shall, before the fourteenth day of April, 1872, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth.

Official name.  
(1872 & 1874.)

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

### BOARD OF EXAMINERS.

To consist  
of Surveyor  
General and  
eight col-  
leagues.

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

Meetings.

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

Members to be sworn.

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

Secretary.  
(1872 & 1876.)

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

Examination for articles as pupils.

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

Notice to Secretary.  
(1876.)

87. 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.

Transfer of a pupil.

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

Completion of term with another master.

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

Duplicate of articles of clerkship to be transmitted to Secretary within three months after their date.

90. No pupil shall be entitled to be examined before such Board unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form D, duly executed before two witnesses, as pupil to a Dominion Land Surveyor,

Conditions precedent to examination for commission.

nor unless he shall produce a certificate from such surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety.

As to admission of persons commissioned as surveyors of Crown Lands in any Province on certain conditions.

Proviso ; Board to judge of qualification in such Province.

Proviso for reciprocity of admission by such Province.

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

Examination in certain cases. (1879.)

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

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

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

Graduates of Colleges may be examined after one year's service. (1872 & 1879.)

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

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

94. Every person desiring to be examined before the said Board shall give due notice thereof in writing to the Secretary at least one month previous to the meeting of the Board, enclosing with such notice the fee hereinafter prescribed. Notice to Secretary.  
Fee.  
(1872 & 1879.)

95. No person shall receive a commission from the said Board authorizing him to practice as a Dominion Land Surveyor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said Board on the following subjects : that is to say :—Euclid, first four books, and propositions first to twenty-first of the sixth book ; plane trigonometry, so far as it includes solution of triangles ; the use of logarithms, mensuration of superficies, including the calculation of the area of right-lined figures by latitude and departure, and the dividing or laying off land ; a knowledge of the rules for the solution of spherical triangles, and of their use in the application to surveying of the following elementary problems of practical astronomy :— Examination for admission as Surveyor. (1876.)  
In Mathematics. (1876.)

1. To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star ; In practical astronomy. (1876.)

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

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

He must be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments, and must also be perfectly conversant with the system of survey as embodied in the "*Dominion Lands Acts*," and with the manual of standing instructions and regulations published from time to time for the guidance of Dominion Land Surveyors. Surveying operations and use of instruments. (1876.)  
System of Dominion surveys. (1876.)

96. 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. Board may examine on oath.

Successful candidates to receive commission; and give security and take oath of office.

**97.** Each person passing the examination prescribed by this Act shall receive a commission from the Board in accordance with Form E in the Schedule of this Act constituting him a Dominion Land Surveyor, and shall, jointly and severally with two sufficient sureties to the satisfaction of the Board, enter into a bond in the sum of one thousand dollars, to Her Majesty, Her Heirs and Successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the Board of Examiners,—any one of whom is hereby empowered to administer the same:—

The 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 favour, affection or partiality. So help me God.”

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

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

Deposit of bond.

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

Voluntary examination in higher branches of study. (1876 & 1879.)

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

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

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

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

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

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

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

Methods of determining latitude—

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

Determination of azimuth—

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

Determination of time—

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

Determination of differences of longitude—

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

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

8. Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the Mineralogy and geology.

**Geology of N. America.** mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence; the ores of the common metals and the classification of rocks; and the geology of North America so far as to be able to give an intelligent outline of the leading geological features of the Dominion.

**Designation of those who pass the higher examination.** **99.** Persons who pass the above mentioned examination in the higher branches of surveying, shall have the fact certified by the Board, and shall be designated Dominion Topographical Surveyors.

**Tariff of fees. (1876 & 1879.)** **100.** The following fees shall be paid under the provisions of this Act:—

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

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

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

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

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

6. To the Secretary of the Board, as an admission fee by any candidate receiving a commission, twenty dollars, which sum shall also cover the certificate by the Board in the case of a candidate passing the higher examination; but such amount, as also the ten dollars required to be paid under subsection two of this section, shall be paid to the Receiver-General to the credit of Dominion lands.

**Allowances to members of the Board of Examiners. (1872 & 1876.)** **101.** Each of the members in attendance at the said Board during examinations, and the Secretary shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance; and the Minister of the Interior is hereby authorized and required to pay such sums: Provided that no member of the Board, if at the time of the meeting he be over one hundred miles distant from the place of meeting, shall receive any allowance for being present at such meeting, unless such member shall have been pre-



viously specially notified to attend the same by the Secretary ; and in the case of the examination of a pupil previous to being articulated, by a member of the Board, or by a surveyor deputed by the Board for such purpose, such member or such surveyor shall be paid five dollars for such examination.

For special examination of a pupil. (1872 & 1876.)

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

Board may suspend or dismiss negligent or corrupt surveyor. (1872 & 1879.)

#### STANDARD OF MEASURE.

**103.** The measure of length used in the surveys of Dominion lands, shall be the English measure of length, and every Dominion Land Surveyor shall be in possession of a subsidiary standard thereof,—which subsidiary standard tested and stamped as correct by the Department of Inland Revenue, shall be furnished him by the said department, on payment of a fee of three dollars therefor ; and all Dominion Land Surveyors shall, from time to time, regulate and verify by such standard the length of their chains and other instruments for measuring.

Standard of English measure of length.

Copies to be procured by D. L. Surveyors.

#### HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

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

Provision in case where the original mound, post or monument cannot be found.

shall renew such township or section line (as the case may be) and shall draw and define the same on the ground, in such manner as to leave each and every of the adjoining sections or other legal sub-divisions (as the case may be) of a width and depth proportionate to that severally returned for such section or legal sub-division in the original survey, and shall erect, plant or place such intermediate mounds, posts or monuments as he may be required to erect, plant or place, in the line so ascertained, having due respect to any allowance for a road or roads, and the corner, or division, or limit so found shall be the true corner, or division, or limit of such section or other legal sub-division, or wood lot.

#### HOW LEGAL SUB-DIVISIONS ARE TO BE SURVEYED AND LAID OUT.

Method of proceeding by Dominion Land Surveyor in laying out a half-section or quarter-section.

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

#### TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

Dividing lines to be drawn, from original corners.

**106.** The dividing lines or limits between legal sub-divisions or wood lots 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 such sub-division or wood lot, at right angles to such section line.

#### ORIGINAL BOUNDARY LINES.

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

**107.** 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, and all mounds, posts or monuments, run and marked, erected, placed or planted at the angles of any townships, towns, villages, sections or

other legal sub-divisions, blocks, gores, commons and lots or parcels of land, under the authority of this Act or of any Order of the Governor in Council, shall be the true and unalterable boundaries of such townships, towns and villages, sections or other legal sub-divisions, blocks, gores, commons and lots or parcels of lands respectively, whether the same, upon admeasurement, be or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal sub-division, block, gore, common, lot or parcel of land.

**108.** Every township, section or other legal sub-division, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively, so erected, marked, placed or planted as aforesaid, at the several angles thereof, and no more or less,—any quantity or measure expressed in the original grant or patent thereof notwithstanding.

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

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

As to aliquot parts of townships, &c.

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

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

**111.** For better ascertaining the original corner or limits of any township, section or other legal sub-division, lot or tract of land, every Dominion Land Surveyor acting in that capacity, may administer an oath or oaths to each and every person whom he may examine concerning any corner mound, post, monument or other boundary, or any original landmark, line, limit or angle of any township, section or other

D. L. Surveyors may examine witnesses on oath.

legal sub-division, lot or tract of land which such Dominion Land Surveyor is employed to survey.

#### EVIDENCE BEFORE SURVEYORS.

How D. L. Surveyors shall proceed to ascertain boundaries when doubtful.

Subpoena may be issued.

How served.

Penalty for disobeying it.

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

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

1. Such *subpoena* shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original:

2. If the person commanded to appear by such *subpoena*, after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the *subpoena*, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, a warrant by the justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of such justice.

**113.** All evidence taken by any Dominion Land Surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person, or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same as 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 relates are situate, subject to be produced thereafter in evidence in court.

**114** 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 Government line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person.

Power to enter upon private lands.

#### PROTECTION TO SURVEYORS.

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

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

**116.** If any person knowingly and wilfully pulls down, defaces, alters, or removes any mound, post or monument, erected, planted or placed in any original survey under the provisions of this Act, or under the authority of any Order in Council, such person shall be deemed guilty of felony; and if any person knowingly and wilfully defaces, alters or removes any other mound or land-mark, post or monument placed by any Dominion Land Surveyor to mark any limit, boundary or angle of any township, section or other legal sub-division, lot or parcel of land in Manitoba or the North-West Territories, such person shall be deemed guilty of a misdemeanour, and being convicted thereof before any competent court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such court,—such fine not to exceed one hundred dollars and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: Provided that nothing in this Act shall extend to prevent Dominion Land Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

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

Proviso: as to examining posts.

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

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

Allowances to D. L. Surveyor for attendance as a witness.

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

#### ASSIGNMENTS.

Surveyor General to keep a register of assignments.

**119.** The Surveyor-General shall keep a book for registering, at the option of the parties interested, the particulars of any assignment made, as well by the original nominee, purchaser, or locatee or lessee of Dominion lands, or his heir or legal representative, as by any subsequent assignee; and upon such assignment being produced with the affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, the said Surveyor-General shall cause the material particulars of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration; and every such assignment so registered shall be valid against any one previously executed, and subsequently registered or unregistered; but all assignments to be registered must be unconditional, and all the conditions of sale, grant or location, must have been complied with, or if dispensed with, then so dispensed with by the Minister of the Interior, before such registration is made.

If any subscribing witness cannot be found. (1874.)

**120.** If any subscribing witness to any such assignment is deceased or cannot be found, the said Surveyor-General may register such assignment on the production of an affidavit proving the death or the absence of such witness and the hand-writing of the party making such assignment.

#### TARIFF OF FEES.

Fees for documents furnished

**121.** The Governor in Council may establish a tariff of fees to be charged for all copies of maps, township plans, field notes and other records, also for registering assign-



ments; and all fees received under such tariff shall be accounted for by the Surveyor-General, and shall form part of the revenue from Dominion lands. from Surveyor General's office. (1876.)

#### TOWNSHIP PLANS AND PATENT LISTS.

**122.** The Surveyor-General shall transmit to the Registrar of every county, and registration district and division in Manitoba and the North-West Territories, a copy of the plan of each township or parish within such county, district or division, which has been previously surveyed, and the survey of which has been confirmed, and shall also at the same time transmit a list of all Dominion lands within such county, district or division, for which patents may have previously issued; and further, shall, as early as possible in each year thereafter, transmit to such Registrar a copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a list of the lands in such county, district or division, patented during such year. All of such copies of plans, maps and lists of lands patented, shall be certified by the Surveyor-General. Surveyor General to transmit certain information to registrars of counties. (1874.) Certified plans. (1874.)

#### LAND SCRIP.

**123.** Whereas by the fifth sub-section of the thirty-second section of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay held and enjoyed by the settlers in the Province of Manitoba, may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land, is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, the Orders of the Governor in Council, dated respectively the sixth day of September, one thousand eight hundred and seventy-three, and the seventeenth day of April, one thousand eight hundred and seventy-four, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed. Certain Orders in Council authorizing the issue of scrip for land rights confirmed. (1874.)

**124.** The Governor in Council may, if deemed by him expedient, satisfy any claim which may hereafter arise to grants of Dominion lands, by an issue of scrip redeemable only by its receipt in payment for such land. Further authority to issue scrip. (1874.)

#### GENERAL PROVISIONS.

**125.** The following powers are hereby delegated to the Governor in Council:— Governor in Council may withdraw Indian Reserves and half-breed lands from the

a. To withdraw from the operation of this Act, subject to their existing rights as defined or created under the

operation of  
this Act, and  
may alter  
price of lands  
and terms of  
sale and  
settlement  
thereof.  
(1879.)

This sub-section is substituted for S. 105, of 35 V., c. 23. (1879.)

same, such lands as have been reserved for Indians, or such as may be required to satisfy the half-breed claims created under section thirty-one of the Act thirty-three Victoria, chapter three ;

b. To reserve from general sale and settlement, Dominion lands to such an extent as may be required to aid in the construction of railways in Manitoba or in the Territories owned by the Dominion, and to provide for the disposal of such lands, notwithstanding anything contained in the said Act, in such manner and on such terms as may be deemed expedient ;

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

d. To grant land—in no case, however, to exceed in extent nine hundred and sixty acres—to any person or persons who will establish and keep in operation thereon for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, adapted for thirty pupils, with the approval and to the satisfaction of the Minister of the Interior ;

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

f. To investigate and adjust claims preferred to Dominion land situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, eighteen hundred and seventy, and to grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to, and, being by themselves or their servants, tenants or agents, or those through whom they claim, in actual peaceable possession thereof at the said date, so much land in connection with and in satisfaction of such claims, as may be considered fair and reasonable.

g. To make such orders as may be deemed necessary from time to time to carry out the provisions of the said Act according to their true intent, or to meet any cases which may arise and for which no provision is made in the said Act ; and further to make and declare any regulations which may be considered necessary to give the provisions in this



section contained full effect; and from time to time to alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead; and such orders or regulations shall be published in the *Canada Gazette* and in such newspapers as the Minister of the Interior may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof.

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

Affidavits, &c., before whom to be made.

**127.** In any case where an affidavit or oath is required by this Act, a solemn affirmation may be administered and made instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath.

Affirmation in lieu of oath.

#### PREVIOUS ORDERS IN COUNCIL.

**128.** All proceedings properly taken under the respective Orders in Council, on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May following the said date, are hereby confirmed; and the said respective orders, except the provision therein respecting pre-emption rights, which is hereby repealed and done away with (and except such of the provisions thereof as may be inconsistent with the provisions of this Act, and which are hereby revoked), shall be and remain in force: Provided that this enactment shall in no way affect the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-eight.

Proceedings under certain Orders in Council confirmed.

**129.** Subject to the provisions hereinafter made, the Act passed in the thirty-fifth year of Her Majesty's reign and intituled "*An Act respecting the Public Lands of the Dominion*," and the Act passed in the thirty-seventh year of Her Majesty's Reign, and intituled "*An Act to amend the Dominion Lands Act*," and the Act passed in the thirty-ninth year of Her Majesty's Reign, and intituled "*An Act to amend the Dominion Lands Acts*," are hereby repealed, and this Act is substituted for them: 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

Acts 35 V., c. 23, (1872.)

37 V., c. 19. (1874.)

39 V., c. 19, repealed. (1876.)

Proviso: as to effect of such repeal. (1879.)

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 said repealed Acts, subject to the amendments hereby made and incorporated with them; and any thing heretofore done under any provision in any of the said repealed Acts which is repeated without alteration in this Act, may be alleged or referred to as having been done under the Act in which such provision was made, or under this Act.

---

### SCHEDULE.

---

FORM A.—*See Section 34.*

#### APPLICATION FOR A HOMESTEAD RIGHT.

I, \_\_\_\_\_ of \_\_\_\_\_ do hereby apply to be entered, under the provisions of the "*Dominion Lands Act, 1878*," for quarter quarter-sections, numbers \_\_\_\_\_ and \_\_\_\_\_ forming part of section number \_\_\_\_\_ of the Township of \_\_\_\_\_ containing \_\_\_\_\_ acres, for the purpose of securing a homestead right in respect thereof.

---

FORM B.—*See Section 34, Sub-section 8.*

#### AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT.

I, A. B., do solemnly swear (or affirm as the case may be) that I am over eighteen years of age, that I have not previously obtained a homestead under the provisions of the *Dominion Lands Acts*, that the land in question belongs to the class open for homestead entry; that there is no person residing or having improvements thereon, and that the application is made for my exclusive use and benefit, with intention to reside upon and cultivate the said land. So help me God.

---

FORM C.—*See Section 84, Sub-section 1.*

#### OATH OF MEMBERS 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

## 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

the one part, and C. D., of the said C. D., of the other part, witness :—

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

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

And that he, the said E. F., shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A. B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last-mentioned covenant, or, if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehaviour, neglect or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof.

And further, that the said E. F. shall, at all times, keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all matters and things, and from time to time pay all moneys

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

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

In consideration whereof, and of \_\_\_\_\_ of lawful money by the said C. D. to the said A. B., paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B., for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he, the said A. B., will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed by section ninety-five of the "*Dominion Lands Act, 1879*," 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, give to the said E. F., a certificate of servitude and use his best means and endeavours, 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 of Dominion Land Surveyors ; Provided the said E. F., shall have well, faithfully and diligently served his said intended pupilage.

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

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

A. B. (Seal.)

C. D. (Seal.)

E. F. (Seal.)

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF

G. H.

J. K.

---

FORM E.—See Section 97.

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 Sur-  
veyor, 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.

---

FORM F.—See Section 67.

APPLICATION FOR LAND FOR FOREST TREE CULTURE.

I, A. B., do hereby apply to be entered under the provisions  
respecting forest tree culture of "*Dominion Lands Act, 1879.*"  
for the                      Section in Township number                      , in the  
of the                      Range  
Meridian, for the purpose of cultivating forest trees thereon.

## FORM G.—See Section 67.

AFFIDAVIT IN SUPPORT OF CLAIM FOR FOREST TREE  
CULTURE.

I, A.B., do solemnly swear (*or affirm, as the case may be*), that I am over eighteen years of age ; that I have not previously obtained an entry of land for forest tree culture, the extent of which, added to that now applied for, will exceed in all one hundred and sixty acres ; that the land now in question is open prairie and without timber, and is unoccupied and unclaimed, and belongs to the class open for entry for tree culture (*or, instead of the above, after the word "question," as the case may be, say,* consists of the quarter-section heretofore entered by me as a pre-emption right, under the provisions of sub-section one of section thirty-three of the "*Dominion Lands Act*,") and that the application is made for my exclusive benefit. So help me God.