



# The Canada Gazette.

PUBLISHED BY AUTHORITY.

OTTAWA, SATURDAY, MAY 15, 1886.

## DOMINION OF CANADA.



### APPOINTMENTS.

#### DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.

HIS EXCELLENCY THE GOVERNOR GENERAL has been pleased to make the following appointments, viz:—

OTTAWA, 7th May, 1886.

E. J. MAJOR, Esquire; to be Inspector of Pot Ashes and Pearl Ashes, under the provisions of the Act 37 Vic., chap. 45, and Acts amending the same, *vice* J. S. Dyde, Esquire, deceased.

11th May, 1886.

WILLIAM C. MILNER, Esquire, Collector of Customs at the Port of Sackville, in the Province of New Brunswick; to be a Measuring Surveyor of Shipping, under the provisions of the Imperial Colonial Shipping Act of 1868, and the Canadian Act, 36 Vict., chap. 128.

*Erratum.*—In the *Canada Gazette* of the 8th May instant, *re* appointment of Boards of Examiners for Public Analysts, read as follows:—

27th April, 1886.

HIS EXCELLENCY THE GOVERNOR GENERAL has been pleased, under the provisions of the Act 49th Vict., chap. 67, section 29, intituled "An Act respecting the adulteration of Food, Drugs and Agricultural Fertilizers," to appoint THOMAS MACFARLANE, Esquire,

F.R.S.C., Chief Analyst, &c., for the Dominion of Canada, the Reverend CALISTIN FLAVIN MARSAN, Professor of Chemistry, University College of Ottawa, and G. PROUT GIRDWOOD, Esquire, Professor of Practical Chemistry, Medical Faculty of McGill University; to be a Board of Examiners to examine applicants for appointment as Public Analysts or Assistant Analysts.

For R. McADAM, to be Harbour Master of Sarnia, in *Gazette* of 8th May, read R. MACADAM.

### PROCLAMATIONS.

#### LANSDOWNE.

[L.S.]

#### CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.:

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING:

#### A PROCLAMATION.

GEO. W. BURBIDGE, [W]HEREAS it is in Deputy of the Minister of the [W] and by the Act Justice, Canada, passed in the thirty-seventh year of Our Reign, chapter thirty-four, and intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," amongst other things in effect enacted, that the said Act shall apply to the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island, and to such ports and such parts only (except the ports of Quebec and Montreal in the Provinces of Quebec, and Toronto in the Province of Ontario) in either of the said Provinces as shall from time to time be designated for that purpose by proclamation under an Order or Orders of the Governor in Council;

AND WHEREAS Orders of the Governor in Council were passed on the twenty-first day of December in the year of Our Lord one thousand eight hundred and eighty-five and on the third day of May in the year of Our Lord one thousand eight hundred and eighty-six respectively designating the Port of St.

Acts amending the same shall apply, and declaring the limits of the said Port to be as follows: All the waters in the several branches of the Harbor, and for the distance of three miles east and three miles west of the entrance, and half a mile south along the shore.

Now Know Ye, that We do hereby, and by virtue of the authority vested in Us by the said Act and Order in Council respectively, proclaim and declare that the Act hereinbefore mentioned and intitled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia, and New Brunswick" and the Acts amending the same, shall hereafter apply to the Port of River Bourgeois, in the County of Richmond, in the Province of Nova Scotia.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Right Trusty and Entirely Beloved Cousin, the Most Honourable Sir HENRY CHARLES KEITH PETTY-FITZMAURICE, Marquis of Lansdowne, in the County of Somerset, Earl of Wycombe, or Chipping Wycombe, in the County of Bucks, Viscount Calne and Calnstone in the County of Wilts, and Lord Wycombe, Baron of Chipping Wycombe in the County of Bucks, in the Peerage of Great Britain; Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw, and Dunkerron, in the Peerage of Ireland; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Governor General of Canada, and Vice Admiral of the same.

At Our Government House, in our CITY of OTTAWA, this NINETEENTH day of APRIL, in the year of Our Lord one thousand eight hundred and eighty-six, and in the Forty-ninth year of Our Reign.

By Command,

J. A. CHAPLEAU,  
Secretary of State.

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LANSDOWNE.

[L.S.] CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING:

#### A PROCLAMATION.

GEO. W. BURBIDGE, } WHEREAS it is, in Deputy of the Minister of Justice, Canada, } and by the Act passed in the session of the Parliament, held in the thirty-sixth year of Our Reign, chaptered nine and intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick," amongst other things in effect enacted, that the said Act shall apply to the Provinces of Nova Scotia and New Brunswick only, and to such ports and such ports only (except the ports of Halifax and Pictou, in Nova Scotia, and Saint John, in New Brunswick), in either of the said Provinces, as shall from time to time be designated for that purpose by proclamation under an Order or Orders of the Governor in Council:

AND WHEREAS an Order of the Governor in Council was passed on the nineteenth day of April, in the year of Our Lord one thousand eight hundred and eighty-six, designating the Port of Little Shippegan and Miscou Gully, in the county of Gloucester in the Province of New Brunswick, as a port to which the said Act, and the Acts amending the same shall apply, and declaring the limits of the said Port to be as follows:—All the waters eastward of a line drawn south-west, magnetic, from Herring Point including Miscou Gully, and extending along

the coast of the Gulf of St. Lawrence two miles north and south of the point on the north side of the entrance to the said Gully.

Now Know Ye that We do hereby, and by virtue of the authority vested in Us by the said Act and Order in Council respectively, proclaim and declare that the Act hereinbefore mentioned and intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick" and the Acts amending the same, shall hereafter apply to the Port of Little Shippegan and Miscou Gully, in the County of Gloucester, in the Province of New Brunswick.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Right Trusty and Entirely Beloved Cousin the Most Honourable Sir HENRY CHARLES KEITH PETTY-FITZMAURICE, Marquis of Lansdowne, in the County of Somerset, Earl of Wycombe, of Chipping Wycombe, in the County of Bucks, Viscount Calne and Calnstone in the County of Wilts, and Lord Wycombe, Baron of Chipping Wycombe in the County of Bucks, in the Peerage of Great Britain; Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw, and Dunkerron, in the Peerage of Ireland; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Governor General of Canada, and Vice Admiral of the same.

At Our Government House, in our CITY of OTTAWA, this NINETEENTH day of APRIL, in the year of Our Lord one thousand eight hundred and eighty-six, and in the Forty-ninth year of Our Reign.

By Command,

J. A. CHAPLEAU,  
Secretary of State.

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## ORDERS IN COUNCIL

GOVERNMENT HOUSE, OTTAWA,

Tuesday, the 11th day of May, 1886.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL  
IN COUNCIL.

ON the recommendation of the Minister of the Interior, and under the provisions of the Act 47th Vic., chap. 6, intituled "An Act respecting the Vancouver Island Railway, the Esquimalt Graving Dock, and certain Railway lands of the Province of British Columbia, granted to the Dominion,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order and it is hereby ordered, that the provisions of clauses numbered thirteen to twenty-four, both inclusive, of the Regulations for the disposal of Dominion Lands within the Railway Belt in the Province of British Columbia, established by the Order in Council of 20th April, 1885, be, and the same are hereby continued in force until the first day of July, 1887.

JOHN J. MCGEE,  
Clerk, Privy Council.

REGULATIONS for the disposal of Dominion Lands within the Railway Belt in the Province of British Columbia. Authorized by Order in Council of 20th April, 1885, as amended by the Order in Council of 16th July, 1885.

#### Homestead Rights.

13. Any person, male or female, who is the sole head of a family, or any male who has attained the

Railway Belt OIC

Dated May 11, 1886

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ago of eighteen years, shall, on making application in the form A in the schedule of these Regulations, be entitled to obtain homestead entry for any quantity of land not exceeding one quarter section, and being of the class of land open under the provisions of these Regulations, to homestead entry:

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

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

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

15. The person who shall have first *bona fide* settled and made improvements on Dominion lands before such confirmed survey as aforesaid, may stake out the land so settled upon in the following manner: It shall be in the form of a square, and its area shall not exceed one hundred and sixty acres. Its boundaries shall be north and south, east and west lines. At each angle a post at least four inches square and standing four feet above the ground, shall be planted and plainly marked with scribing iron or knife to designate the angle of the claim, and shall also have in same manner the name of claimant marked thereon. Between the posts at the angles, if in timber, a line shall be well cut out and marked. He shall also, with his application to the local agent accompanied with a fee of ten dollars furnish an intelligible sketch, showing the nature and shape of the claim, the timber, if any thereon; also all streams, roads, hay lands, water powers, quarries, &c.; and if it shall afterwards be found that the applicant has suppressed any information in said sketch, the right of claimant shall be voided in every respect; and after the land shall have been so staked out he shall, in addition to the prior right of obtaining homestead entry granted by the last preceding section, be entitled (if he shall have continuously resided on such land), to bring such actions of trespass and ejectment as he would be entitled to bring were he the owner in fee of the same land: Provided always, that nothing in these Regulations contained shall give, or be construed to give, any such person any rights whatever against the Crown.

16. To obtain homestead entry it shall be necessary for the person applying therefor to appear and make affidavit before the local agent according to form B, C, or D, in the schedule to these Regulations, as the circumstances of the case require. Upon filing such affidavit with these local agent, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the local agent according to the form F in the schedule to these Regulations; and such receipt shall be a certificate of

entry, and shall be authority to the person obtaining it to go into possession of the land described in it;

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

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

(4.) Persons occupying land owned by them may obtain homestead entry for any contiguous land open to the same; but the whole extent of land, including that previously owned and occupied, must not exceed one quarter section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23. Any assignment or transfer of homestead right or any part thereof, and any agreement to assign or transfer any homestead right or any part thereof after patent which shall have been obtained, made or entered into before the issue of the patent, shall be null and void; and the person so assigning or transferring or making an agreement to assign or transfer shall forfeit his homestead right and shall not be permitted to make another homestead entry: Provided, that a person whose homestead may have been recommended for patent by the local agent and who has received from such agent a certificate to that effect in the form L, in the schedule to these

Regulations, countersigned by the Commissioner of Dominion Lands, may legally dispose of and convey, assign or transfer his right and title therein.

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

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

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

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

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

(2) If an immigrant to whom an advance has been made, as in this clause provided, and by whom or for whom a homestead entry has been obtained, forfeits such entry under the provisions of these Regulations, the Minister of the Interior may, in his discretion, treat the person by whom such advance was made as if he were the person who had obtained such entry, or his legal representatives, and as if, up to the time of his being so treated, no forfeiture of the entry had taken place; and if, under like circumstances, the immigrant by or for whom a homestead entry has been obtained has acquired a right to receive a patent for the land forming the subject of such entry after three years' residence, and does not apply for the issue of the same, the person or persons by whom the advance was made may obtain such patent or certificate for patent in the name of the person so entitled to obtain the same, or of his legal representatives, and thereupon the advance made shall be a statutory mortgage on such homestead. 46-3

At a meeting of the Pilot Commissioners, being the Pilotage Authority for the Pilotage District of "Victoria and Esquimalt," in the Province of British Columbia, Dominion of Canada, duly convened, regularly held and assembled in the City of Victoria at the office of said Commissioners on the 17th day of March, 1886, a full Board being present, the following Resolution was agreed upon and passed unanimously:—Resolution,—“That Sub-section 5 of Rule XVII of the By-Laws be hereby amended, and that in future Foreign Tug Boats be charged half Pilotage outwards, in accordance with clause 57 of the Pilotage Act, whether spoken in accordance with the By-laws or not.”

(Sig'd) ROD'K FINLAYSON,  
W. R. CLARKE,  
R. P. RITHET,  
Commissioners.

Attest:—  
(Sd.) HERBERT E. JONES,  
Act. Sec'y.

Victoria, B.C., 15th April, 1886.

PRIVY COUNCIL.  
OTTAWA, 11th May, 1886.

I hereby certify that the foregoing "Resolution," passed by the Pilotage Authority for the Pilotage District of "Victoria and Esquimalt," in the Province