

M E M O R A N D U M
ON THE
SUBJECT OF THE PUBLIC LANDS IN THE PROVINCE OF MANITOBA

Approved by His Excellency the Governor General in Council on the 25th April, 1871

System of Survey

1. The system shall be rectangular.
2. The Townships shall consist of 36 Sections of one mile square each, and road allowances, in all cases $1\frac{1}{2}$ chains in width, shall be set out and allowed between all Townships and Sections. Sections shall be numbered as shown in the following diagram:

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

3. The International boundary shall form the base for Townships 1 and 2. The East and West lines between Townships 4 and 5, 8 and 9, 12 and 13, and 16 and 17, shall be base lines or standard parallels in the system.
5. The meridian line run in the Autumn of 1869 for some 90 miles North from the International Boundary, and known as the "Winnipeg Meridian," shall be adopted and continued as the meridian from which the Ranges of Townships shall number East and West in the Province.
6. The "jog" resulting from convergence of meridians shall be allowed and set out on the following lines, that is to say:
 - For Townships 1, 2, 3 and 4, on line between Townships 2 and 3
 - For Townships 5, 6, 7 and 8, on line between Townships 6 and 7
 - For Townships 9, 10, 11 and 12, on line between Townships 10 and 11
 - For Townships 13, 14, 15 and 16, on line between Townships 14 and 15
7. In the survey of any and every Township the deficiency or surplus, as the case may be, resulting from convergence of meridians, shall be set out and allowed in the quarter sections on the west boundary, the area of which shall in the survey be returned accordingly at their actual contents.

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Distribution of the 1,400,000 acres appropriated under the Manitoba Act for The Benefit of the Families of the Half-Breeds.

1. Every half-breed resident in the Province of Manitoba at the time of the transfer thereof to Canada (the fifteenth day of July, A.D. 1870) and every child of every such half-breed resident, shall be entitled to participate in the 1,400,000 acres [amended to read only children of half-breed heads to participate].
2. The most liberal construction shall be put on the word resident.
3. No conditions of settlement shall be imposed in grants made to half-breeds in pursuance of the provisions of the Act referred to, and there shall be no other restrictions as to their power of dealing with their lands when granted than those which the laws of Manitoba may prescribe.
4. The Lieutenant-Governor of Manitoba shall designate the Townships or parts of Townships in which the allotments to the half-breeds shall be made.
5. The mode of allotting these lands shall be as follows:
 - A) If not already obtained, an accurate census shall be taken to determine the number of persons who may be entitled to participate.
 - B) Upon such Census the number of acres to which each may be entitled shall be ascertained.
 - C) The number and area of individual grants having been ascertained, the land selected by the Lieutenant Governor for the purpose shall be divided accordingly.
 - D) Tickets shall be prepared, say on some such form as the following; each to contain thereon a description of the lands intended to satisfy the particular claim for which it may happen to be drawn.

<p>Claim No. 10 (allotment of 1,400,000 acres, Manitoba) Description of Lands S. E. $\frac{1}{4}$ Sec, 14 Tp. 5, 3rd R. W. 160 acres, (Lt.-Gov. initials) A.G.A.</p>

A book of record shall be prepared also in which the names and particulars (see form suggested below) of all admitted claims shall be entered and consecutively numbered.

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- E) Everything being prepared, the tickets may be put into a box, and the Lieutenant Governor shall draw them at random. As drawn they shall be numbered and initialled by the Lieutenant Governor in regular consecutive order, and the land described on a ticket of a certain number shall go in satisfaction of the claim of corresponding number in the Register of Claims, and be entered accordingly.
6. Claimants of the age of 18 and over shall receive their patents without unnecessary delay, and minors on arriving at that age.
7. Recorded claims, when the claimant dies before being entitled by arriving at the age of 18 to receive a patent, shall be deemed real estate, and shall descend according to the laws from time to time in force in the Province of Manitoba. There can be no distinction of sex in making the allotment.

RECORD OF CLAIMS

Allotment of 1,400,000 acres set apart by Manitoba Act

No. of Claim	Particulars of Claimants				Description of Land Drawn			Date of Patent	To Whom issued	Remarks
	Name	Parish	Occupat'n	Age on... day of...	Township	Section	Acres			

Settlement of Crown Lands

The provisions hereinafter contained shall only apply to lands which shall have been surveyed.

Unappropriated public lands shall, until further directions, be open for sale at the rate of one dollar an acre, but no sale of more than a Section shall be made to any one person.

Payments for lands, whether purchased in virtue of pre-emption rights or in the ordinary manner, shall be made in cash.

Pre-Emption Rights

Any person being the head of a family, or a single man above the age of twenty-one years, who has made or shall hereafter make a settlement in person

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on the public lands, and who has inhabited and improved the same, and who has erected or shall erect a dwelling thereon, may have himself entered with the land officer of the Division in which such land is, for any number of acres not exceeding 160 or a quarter section of land, to include the residence of the claimant, and, being a subject of Her Majesty by birth or naturalization, may obtain a patent therefor, upon paying to the Crown the price of such lands.

When two or more persons have settled on the same quarter section of land, the right of pre-emption shall be in him who made the first settlement.

Questions as to the right of pre-emption arising between different settlers, shall be settled by the Land Officer of the Division in which the land is situated.

Before the right of pre-emption may be exercised, proof of settlement and improvement shall be made to the Land Officer by the affidavit of the claimant and the testimony of two credible witnesses.

All assignments and transfers of pre-emption rights prior to the issuing of the patent are null and void.

Before any person shall be allowed to be entered for lands and obtain the right of pre-emption in respect thereof, he shall make oath before the Land Officer of the Division in which the land lies that he has never had the benefit of any right of pre-emption under these regulations--that he has not settled on and improved the lands with a view to selling them on speculation, but in good faith for his own use and benefit.

The person who receives the oath shall file a certificate thereof in the Land Office for the Division, which shall be evidence that such oath was duly administered. In case a person entitled to claim pre-emption rights dies before giving effect to his claim, the representatives of the deceased person may complete the same. But the entry in such case shall be made in favor of "the Heirs" of the deceased person, and the patent shall issue and the title shall ensure to the heirs as if their names has been specially mentioned.

Homestead Rights

1. Any person who is the head of a family, or has attained the age of twenty-one years, shall, after the first day of May, 1871, be entitled to be entered for one quarter section, or a less quantity of unappropriated public lands, for the purpose of securing a homestead right in respect thereof.

Each officer and man who is or has been in the first or Ontario, or in the second or Quebec Battalion of Rifles, now stationed in Manitoba (whether

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in the service or depot companies, and who has not been dismissed therefrom), shall be entitled to a free grant, without actual residence, of one quarter section.

No other person shall be entitled to more than one homestead right.

Persons owning and occupying 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 160 acres.

A person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit that he is over 21 years of age, and that the application is made for his exclusive use and benefit, and that the entry is made for the purpose of actual settlement.

Upon making this affidavit and filing it with the Land Officer, and on payment to him of \$10 (for which he shall receive a receipt from the officer), he shall be permitted to enter the land specified in the application.

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 bona fide improvement and cultivation of it must be shown for the period required by these regulations.

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

At the expiration of three years, or within two years thereafter, the settler or his widow, her heirs or devisees, upon proof, to the satisfaction of the Land Officer, that he or they have resided upon or cultivated the land for the three years next after the filing of the affidavit for entry, and upon his or their affidavit that no part of the land has been alienated, the settler, or his representatives, shall be entitled to a patent for the land. Provided such patentee is then a subject of Her Majesty by birth or naturalization.

When both parents die, leaving a child or children under age, the executors or guardians may sell the lands for the benefit of the infant child or children, but for no other purpose.

The purchaser, in such case, shall acquire the absolute title by the purchase, and be entitled to obtain a patent for the land from the Crown upon payment of the office fees, &c.

The title to lands to be acquired under the above provisions, remains in

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the Crown until the issue of the patent therefor, and such lands are not therefore liable to be taken in execution before the issue of the patent.

In case it is proved to the satisfaction of the Land Officer that the settler has abandoned the land entered by him for more than six months at any time, then the land shall revert to the Crown.

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

Proof of actual settlement and cultivation is made by the affidavit of the claimant, made before the proper Land Officer, corroborated by the testimony of two credible witnesses.

All assignments and transfers of homestead rights prior to the issuing of the patent are null and void, but will be deemed prima facie evidence of abandonment and give cause for the cancellation of the claim.

A settler relinquishing or abandoning his claim cannot thereafter make a second entry.

A person who has settled on a tract, and filed his application for pre-emption right may at any time substitute therefor an application for a homestead right.

Exemption of Certain Lands

The following lands shall not be the subjects of pre-emption or homestead rights nor of ordinary sales under these regulations:

Lands allotted to the Hudson's Bay Company under the terms of the transfer of the North-West Territory to Canada.

Lands reserved for Schools.

Wood lands set apart as such for supplying settlers with building materials, fuel and fencing, and pine lands.

Portions of the public lands selected as the sites of towns or villages.

Lands actually settled and occupied for the purposes of trade.

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Mineral lands.

Mill sites.

Reservation for Inter-Oceanic Railway

At any time after the first day of May, A.D. 1874, the Governor in Council may, subject to then existing rights, withdraw from the operation of the above system land to the width of three full Townships on each side of the line finally sanctioned for the Inter-Oceanic Railway, and may also terminate, after the same day, the free homestead system above provided for.