

IF YOU LOSE THIS, WRITE TO YOUR DOMINION LANDS  
AGENT FOR ANOTHER COPY.

THE  
**SETTLER'S GUIDE**  
OR THE  
HOMESTEADER'S HANDY HELPER



HANG THIS UP IN A HANDY PLACE.

KEEP HANDY FOR CONSTANT REFERENCE.

THIS SIDE UP EVERY TIME. KEEP DRY AND HANDY.

THE  
SETTLER'S GUIDE

OR THE  
HOMESTEADER'S HANDY HELPER.

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USEFUL HINTS AND INFORMATION.

HOW TO AVOID MISTAKES IN TIME.

PREVENTION IS BETTER THAN CURE.

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HANDY GUIDE TO EARNING A FREE HOME.

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Montreal :  
WILLIAM FOSTER BROWN & CO., PUBLISHERS.

1894.

# CONTENTS.

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|                    |           |
|--------------------|-----------|
| INTRODUCTION ..... | PAGE<br>5 |
|--------------------|-----------|

## INSTRUCTIONS.

|   |    |
|---|----|
| Different systems of homesteading .....           | 9  |
| Locating the homestead .....                      | 10 |
| Three year system .....                           | 10 |
| Residence, nature of explained .....              | 12 |
| Two mile radius system .....                      | 12 |
| Five year system .....                            | 16 |
| Homesteading of cancelled pre-emptions .....      | 16 |
| Second homesteads .....                           | 17 |
| Second homesteading of pre-emptions .....         | 19 |
| Counting the homestead year .....                 | 20 |
| Keeping a diary .....                             | 21 |
| When the homestead year commences .....           | 21 |
| Leave of absence .....                            | 22 |
| Notice of application for patent .....            | 23 |
| Application for patent .....                      | 23 |
| Limit of time for applying for patent .....       | 24 |
| Assignment before recommendation for patent ..... | 24 |
| Assignment after recommendation for patent .....  | 25 |
| Naturalization .....                              | 26 |
| Exchange of entry .....                           | 26 |
| Twelve months purchase clause .....               | 27 |

|  | PAGE |
|--|------|
| Pre-emption or purchase of lands.....        | 27   |
| Payments .....                               | 28   |
| Interest .....                               | 29   |
| School lands .....                           | 29   |
| Railway lands.....                           | 30   |
| Hudson's Bay Company's lands.....            | 30   |
| Taxes.....                                   | 31   |
| Cancellation proceedings . .....             | 31   |
| Post Office address .....                    | 32   |
| Patents .....                                | 34   |
| Cancellation of patents.....                 | 35   |
| Fees .....                                   | 35   |
| Settlers' effects.....                       | 36   |
| Advances to settlers .....                   | 37   |
| Settlers' heirs.....                         | 37   |
| Homestead exemption act .....                | 39   |
| Hay lands.....                               | 40   |
| Grazing lands.....                           | 40   |
| Fuel for settlers.....                       | 40   |
| Correspondence with the Department.....      | 41   |
| Entry by agent or attorney.....              | 42   |
| Powers of the Minister of the Interior ..... | 42   |
| Settlers as Immigration Agents.....          | 43   |
| Dominion Lands Agencies.....                 | 44   |
| British Columbia Lands .....                 | 45   |

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refe  
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the  
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|          |
|----------|
| PAGE     |
| ..... 27 |
| ..... 28 |
| ..... 29 |
| ..... 29 |
| ..... 30 |
| ..... 30 |
| ..... 31 |
| ..... 31 |
| ..... 32 |
| ..... 34 |
| ..... 35 |
| ..... 35 |
| ..... 36 |
| ..... 37 |
| ..... 37 |
| ..... 39 |
| ..... 40 |
| ..... 40 |
| ..... 40 |
| ..... 41 |
| ..... 42 |
| ..... 42 |
| ..... 43 |
| ..... 44 |
| ..... 45 |

## INTRODUCTION.

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**READ THIS CAREFULLY. ITS PERUSAL WILL  
REPAY YOU.**

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This little work is meant to serve not only as a guide for intending settlers, but particularly, as its title, "THE SETTLER'S GUIDE OR THE HOMESTEADER'S HANDY HELPER," indicates, as a book of reference for those who have made their homestead entries and are just about commencing the duties required to be done in order to entitle them to free patents for their lands. Particularly has it been the object of the compiler to place his suggestions in such plain language as will enable the reader to understand the practical meaning of Acts of Parliament and Departmental regulations affecting him as a homesteader.

It is to be distinctly understood that this book is not intended to answer every possible point which may come up in connection with the homesteader's work during the whole period of his earning his title, but to give him information on a great number of points respecting his settlement duties, the possession of which in advance will save him from much correspondence with the Department and from many annoying mistakes.

It will have been observed by many settlers that while the information contained in the printed pamphlets and other documents which

are so widely distributed by the Government is exceedingly full and valuable, its main object has been to direct the attention of the intending emigrant to the free homes in the Canadian North-West; but, having attained that object, it leaves the settler there, to fulfil his homestead duties to the best of his ability so far as he is able to understand them from the technical language of an Act of Parliament, a task often sufficiently difficult for a skilled lawyer to cope with.

Ready as the officers of the Department of the Interior always are to furnish the fullest possible information to homesteaders it is manifest that if that information is placed in the settler's hands, in the shape in which this pamphlet gives it, he will be saved a great deal of trouble in advance.

The homestead conditions and duties are laid down in the Dominion Lands Act and in the Homestead Regulations; and while the settler may rest assured that these have been framed by the Government of Canada with the single view of enabling him to obtain a home of his own, in one of the most beautiful countries under the sun, upon the easiest and most reasonable terms consistent with the object of obtaining a permanent resident upon the land, it is of the utmost importance to himself that the homesteader should understand from the very outset exactly what the law requires him to do.

It is a most discouraging and disappointing thing for the homesteader to find, when he imagines his duties have been fulfilled and he makes his application for patent at the end of three, four, five or more years, that for want of knowing or sufficiently understanding the exact nature of the conditions he was required to comply with, he has fallen short in those conditions, perhaps to the extent of a month's or even a week's residence,—perhaps to the extent of an acre or two of cultivation, and he is thereby delayed in obtaining a Crown title to the land.

The conditions imposed on settlers on Dominion lands in the Canadian North-West are by no means hard to comply with; they are immeasurably easier than those relating to settlement in the United States. The least easy method of earning title to the land is perhaps that which requires *not less than six months' residence and some cultivation of the homestead* in each of three successive years. And

where is the man,—be he a farmer, a trader, or engaged in any other sort of business who can hope to make a success of it if he is away from it for *more* than six months in each year? Indeed, in what business, can any man hope to prosper if he is away for even three months in the year?

The record of the Canadian North-West for the past few years has proved beyond all question three world-stirring truths:—

1st. That Canada embraces within her three and a half million square miles of territory the fairest and most attractive field in the whole world for settlers;

2nd. That the Canadian North-West can accommodate thousands upon thousands of families,—those who are crowded out from the older and more densely settled centres of population and from the worked-out farm lands of Europe and the Eastern portions of the United States, as well as the young men who are just starting out in life to make independent homes for themselves and prospective families, and that Canada is ready and willing to accommodate them and find each of them a free home of a quarter of a square mile in extent upon easier settlement conditions than prevail in any other country in the world;

3rd. That farming in the Canadian North-West *pays*.

The man who wants to make money, however, either at farming or at anything else, has no time to waste in doing things twice over in order to rectify mistakes which might easily have been avoided had the proper information been at his hand in time. The man who has to go over the ground twice in these times is assuredly going to be left behind.

*Forewarned is forearmed*, and this little work is intended, as far as possible, to help the settler on Dominion lands to avert the disappointments and delays which he may, for want of such forewarning, encounter; and its suggestions being based on the experience of many years of observation and correspondence respecting matters interesting to settlers, will, it is hoped by the compiler, go far, if kept in a

handy place for ready and constant reference, to show the settler how to avoid the difficulties which beset his path from the day that he makes his entry until the day when he holds in his hand the Crown title to his land, and becomes the absolute owner, and his heirs and assigns after him for ever, of his free home of a quarter of a square mile of land which cannot be surpassed in the world.

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# THE SETTLER'S GUIDE

— OR —

## THE HOMESTEADER'S HANDY HELPER.

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### INSTRUCTIONS.

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#### **Different Systems of Homesteading Explained.**

It is presumed that before making entry for his homestead, the settler has well-considered the different systems by which he may, under the Dominion Lands Act, earn a title to the land, and has decided to take advantage of that particular system which appeared best suited to his circumstances. If, however, he finds, after having exercised the utmost possible care and forethought, that it would be more advantageous to him to do his homestead duties under another system from the one first chosen he should write to the Commissioner of Dominion Lands at Winnipeg, explaining fully the reasons which necessitate the change; and his request will, as a rule, be readily granted.

As the two mile radius and five year systems ceased on the 1st January, 1894, the above instructions will of course apply only to entries which may have been made prior to that date under one or other of those two special systems.

### Locating the Homestead.

In the great majority of cases the intending settler has made a personal inspection of his land, before making entry, and has ascertained its exact boundaries and general characteristics. Where, however, entry has been made for him by his agent or attorney, it may be that he has seen the land for the first time when he reached it for the purpose of commencing his settlement duties. Should he then have any difficulty in locating his land, he should promptly advise the local Agent of Dominion Lands. The diagram hereunder, showing a surveyed township, will serve as a guide to indicate the position of his land in the township, and it will be an extreme case where, assisted by the neighbouring settlers and the township corner posts and section posts, he will find any great difficulty in discovering the boundary lines of his homestead. In no case, however, should he commence his work until he has satisfied himself that he is actually on the quarter section of land for which he has made homestead entry.

The following diagrams show a township divided into sections, a section subdivided into quarter sections of 160 acres each, and a section subdivided into legal subdivisions of 40 acres each:—

|   |         |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |   |   |    |    |    |   |   |   |   |   |   |  |  |         |         |  |  |         |         |   |  |  |  |    |    |    |    |    |    |    |   |   |   |   |   |   |   |   |   |
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| 31  | 32      | 33 | 34 | 35 | 36 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |   |   |    |    |    |   |   |   |   |   |   |  |  |         |         |  |  |         |         |   |  |  |  |    |    |    |    |    |    |    |   |   |   |   |   |   |   |   |   |
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| 5   | 6       | 7  | 8  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |   |   |    |    |    |   |   |   |   |   |   |  |  |         |         |  |  |         |         |   |  |  |  |    |    |    |    |    |    |    |   |   |   |   |   |   |   |   |   |
| 4   | 3       | 2  | 1  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |   |   |    |    |    |   |   |   |   |   |   |  |  |         |         |  |  |         |         |   |  |  |  |    |    |    |    |    |    |    |   |   |   |   |   |   |   |   |   |
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### The Three Year System.

The first system of earning the patent for the homestead is that which requires not less than six months' residence upon the homestead in each of three consecutive years, and cultivation of the land during that period.

After making his entry the settler has six months from the date of that entry before he is required to commence his duties by going into actual residence on the homestead, or, as it is termed, "perfecting" his entry, and beginning the cultivation of the land.

In case, however, his entry is made on or after the 1st of September, and the six months' grace expires before the 1st of June of the following year, he is allowed until that date—the 1st of June in the following year—to "perfect" his entry as above; while, if he is a settler coming from anywhere else than from this North American continent—that is to say, from one of the European countries, for instance—the Governor in Council can grant him a whole year's grace in which to "perfect" his entry. In this latter case—that is, where the settler requires the year's grace—he should write to the Minister of the Interior at Ottawa, and the necessary authority of the Governor in Council will, if sufficient cause be given, be applied for.

In any case, therefore, the homesteader has ample time to complete any arrangements he may have to make for moving his family up to the North-West, disposing of his present home or business, and attending to any other matters which he may desire to close up before actually settling upon his homestead.

He is not compelled to take advantage of the six or twelve months' grace, but may commence his duties the same day as he makes his entry, if he finds it convenient to do so; and, of course, the sooner he gets to work the sooner will he become entitled to his patent.

He is not, under ordinary circumstances, entitled to credit for residence before entry, and in no event can he become entitled to claim recommendation for a free patent earlier than three years after the date of "perfecting" his entry. Thus, if in his third year his required six months' residence and cultivation are done during the first half of the year, he must still wait for the further six months before he is eligible to make application for patent.

The six months' residence need not necessarily be six consecutive months, but may be made up of broken periods, of a month or more at a time, so long as the settler can establish, when he comes to make application for patent, that those broken periods amount to not less than the six months within each of three years. Three months' resi-

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dence in one year and nine months' residence in the following year would not, however, be a compliance with the law for the first year. And, indeed, the settler who intends to make farming a success should make up his mind that it will take him all the year round to look properly after his farm.

The number of acres of cultivation required under the ordinary three year system is not laid down in the Act, which merely requires that there shall be some cultivation in each of three years; but it is held that a settler should have at least fifteen acres under cultivation at the end of the three years, and he can hardly be considered a *bona-fide* farmer who is unable or unwilling to cultivate at least that area out of the 160 acres comprised in the homestead.

In the purely stock-raising portions of the North-West, where it is an injury rather than an advantage to the settler to require him to break up for grain-growing land which he can much more profitably employ for cattle-raising, it is the custom of the Department to accept the stock and the permanent buildings necessary for the housing of such stock in part place of grain cultivation; but even in this case there must, to comply with the strict letter of the law, be some cultivation, if only an acre or two.

#### **Residence.**

By "residence" is meant in every case under the Dominion Lands Act, the actual, personal, *bona-fide* residence of the homesteader himself on the land, and not the residence of an agent or even his family alone in his behalf.

It is also important for the settler to know that a house built across the dividing line between two homesteads will not meet the requirements of the law for both homesteaders; each must have a separate house built wholly on his own homestead.

#### **The Two Mile Radius System.**

*Note.*—This system having been abolished on the 1st January, 1894, applies only to entries made under it prior to that date.

The two mile radius system of earning the homestead patent enables

the settler to reside anywhere *within* a radius or circle of two miles from the homestead for not less than six months in each of the three years after he has perfected his entry. The rule for reckoning the two mile radius is that a straight line two miles long drawn from any part of the quarter section on which the homesteader is living, must intersect and pass beyond the nearest line of the homestead quarter section.

It is not enough that a two mile line drawn from the nearest point of the quarter section on which the settler is living shall just touch the nearest point of the homestead quarter section; the law requires the residence to be *within* two miles.

The settler should, therefore, be careful that in measuring the two mile radius by simply counting the quarter sections, he does not include a road allowance, which might bring him just outside the proper distance.

Neither is it sufficient for the radius line to intersect the settler's pre-emption or sale quarter section, if he have one, unless it also intersects the homestead line.

The cultivation required under the two mile radius system is, unlike that required under the three year system, strictly laid down in the Act as so many acres, and the Act further specifies the dates between which the different areas of cultivation shall be done.

In the *first year* the settler has to break and prepare for crop 10 acres;

In the *second year* he has to crop this 10 acres and break and prepare for crop a further 15 acres;

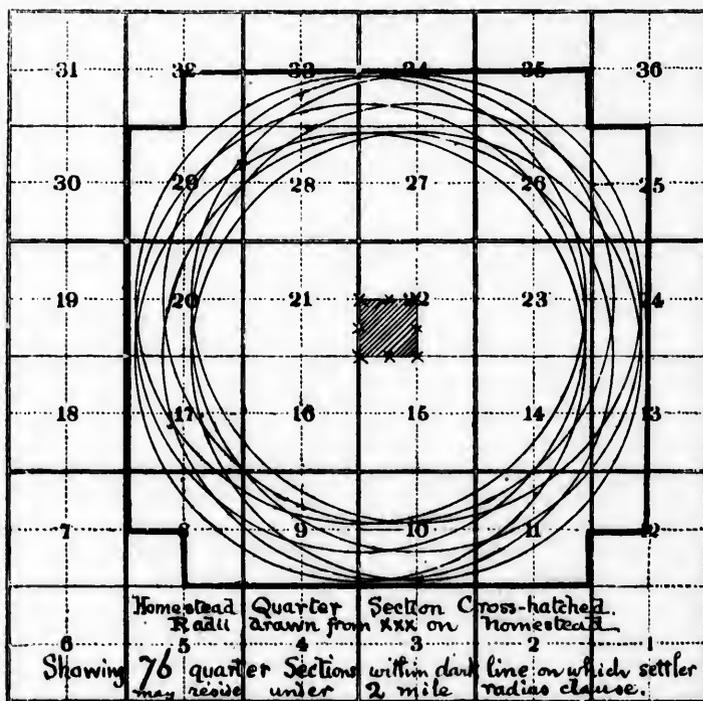
In the *third year* he has to crop the 25 acres and break and prepare for crop another 15 acres.

So that at the end of the three years he will have 40 acres broken and prepared for crop, 25 of which 40 acres were cropped in the third year.

This total area of 40 acres amounts to only one-fourth of the whole area of the homestead, and seeing the convenience and advantage which the settler derives from being able, under the two mile radius

system, to live with neighbours or relatives for the greater part of the time during which he is doing his homestead duties under this system, is a most moderate requirement.

The diagram hereunder illustrates the different quarter sections on which a homesteader may reside and be *within* a radius of two miles of his homestead.



Many settlers, however, are under the impression that if they are short of the required cultivation in one year they can make it up in the following year. This is a mistake which should be carefully

guarded against, for though there may be some special circumstances in the case which would justify the issue of the patent, the law states the exact area to be cultivated in each year, and anything less cannot strictly be counted as a performance of that year's duties. For instance, if the settler in his first year breaks only 9 acres instead of 10, and in the second year breaks 16 acres instead of 15, while the total area of the two years would be 25 acres, it could not be accepted as sufficient compliance with the law, and the settler would therefore lose a whole year's time, as the cultivation of the first year would go for nothing.

Again, his 10 acres of breaking could not be made up of 5 acres broken in one year and another 5 acres broken in the next year. The total area defined by the Act must be cultivated within each year, the year in all cases being calculated from the date when the homesteader first began his duties by taking up his residence within the two mile radius.

In cases where the settler takes up land which has already been homesteaded, and on which the required breaking, or part of it, has already been made by the previous settler, it will be sufficient for him to summer-fallow the previous breaking, so long as the required area is so summer-fallowed in each year, and provided that the total area of 40 acres is summer-fallowed, or broken and summer-fallowed, in the third year.

Under the two mile radius system, of course, stock-raising could not be accepted in place of the cultivation, and the settler desiring to perform his duties under this system should therefore satisfy himself at the earliest possible moment that there is at least 40 acres of cultivable land on his homestead.

To entitle him to a patent under this clause the settler must erect a habitable house upon the quarter section, and must reside therein for three months before making application for patent and after the cultivation duties have been performed. A habitable house is held to be a permanent residence in which a person could live all the year round, and not a mere shack in which it would only be possible to exist for perhaps a few months in the milder periods of the year. The assump-

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tion is that by the time he is required to reside on his homestead the settler will be prepared to make it his permanent home, which will, of course, require a permanent residence.

### **The Five Year System.**

*Note.*—This system having been abolished on the 1st January, 1894, applies only to entries made under it prior to that date.

The five year system is a combination of the two mile radius, and ordinary three year systems.

In the *first year* the settler is required to break and prepare for crop 5 acres.

In the *second year* he has to crop that 5 acres, break and prepare for crop a further 10 acres, and erect a habitable house upon the homestead.

In each of the *third, fourth and fifth years* he has to cultivate this 15 acres and reside in his house for not less than six months in each of those years.

The directions given above as to the non-acceptance of stock in place of cultivation under the two mile radius system, and as to the six months' residence being allowed to be in broken periods so long as those periods aggregate six months' residence in each of the three years under the ordinary three year system, apply to this five year system also.

It will be observed that under this five years' system, the settler can, for the first two years, reside anywhere he chooses.

### **Homesteading of Cancelled Pre-emptions.**

Special conditions are fixed for the homesteading of cancelled or abandoned pre-emptions. The reason of this is that when the Government decided to open them to homestead entry, they having hitherto been held for sale exclusively, it was considered desirable to do so on such conditions as would ensure there being a settler in actual *bonâ-fide* residence upon the land.

While the conditions are slightly in excess of those attached to the ordinary three year system, the settler has the advantage of obtaining a homestead in a locality where the adjoining lands must have been settled for some three or four years at least, the neighbourhood being to that extent in any case more desirable for the incoming settler.

The conditions attached to these entries are as follows :

The settler is required to perfect his entry by erecting a habitable house upon the land and commencing to reside therein within six months from the date of his entry, and to continue to reside there for at least six months in each of the next three years. The conditions as to residence, it will be seen, are much the same as those attached to the ordinary three year system entries.

The cultivation is not required to be any specified number of acres, but the settler is required to have, before his application for patent can be accepted, permanent improvements on the land to the aggregate value of not less than \$1.50 per acre, which is equal to \$240 for the quarter section, not a very large amount as the result of the three years' work on the farm.

The above conditions do not apply to the cases of settlers who take up their pre-emptions as their second homesteads, which cases are dealt with in the paragraph following that which deals with second homesteads.

#### **Second Homesteads.**

The privilege of second homesteading ceased on the 2nd of June, 1886; was subsequently extended for one year to the 2nd of June, 1887, and still further extended to the 2nd of June, 1889, the latter extension being intended to cover all cases of those who had made entry at the time of the abolition of the privilege in 1886, and who, on account of the law as it existed at the date of their entry supposedly giving them that privilege, might be held to have an equitable right to take a second homestead as soon as they had earned their first according to law.

While the privilege of second homesteading no longer exists as regards entries made after the 2nd of June, 1886, there may still be some settlers who have not yet availed themselves of the right, and some explanation of the matter will be of service to those particular persons.

Any settler who had his homestead duties so completed as to entitle him to receive a recommendation for patent, or who received his recommendation for patent, for his first homestead, prior to the 2nd of June, 1889, is entitled to obtain a second homestead.

As the settler may elect to take such second homestead in some other district than that in which his first was situated, the Land Agent to whom he applies for such second homestead may not have any information in his possession to show whether the applicant is properly entitled to get it.

The evidence as to whether he is so entitled is recorded in the Department of the Interior at Ottawa, in the application for patent for the first homestead. The settler should, therefore, write to the Secretary of the Department at Ottawa, and ask to be informed if he is entitled to take a second homestead. His previous application for patent will be examined, and if it is found that he is, a letter will be sent to him to that effect, which letter he can file with any Agent of Dominion Lands, who will accept it as his authority for granting the second entry.

#### **Important.**

An important point in connection with the privilege of taking a second homestead is the fact that the duties on the first homestead must have been done entirely subsequent to the date of entry.

In some cases a settler will have performed part of his duties before, through no fault of his own, he has been able to obtain an entry. In such cases, the Minister of the Interior will, as a matter of grace, allow the settler to count the duties performed before entry when he is making his application for patent, so that he will not be obliged either to lose the benefit of the duties performed before entry, or to wait for the full three years after his entry.

The Minister of Justice has, however, decided that the duties put in before entry, while they may as a matter of grace be counted for patent for the first homestead, cannot be allowed to count so as to entitle the homesteader to obtain a second homestead; and this is a point on which the Minister of the Interior has no discretionary power, as it is merely a question of dates and facts, which he cannot alter.

### Second Homesteading of Pre-emptions.

Settlers who are entitled to a second homestead may, if they hold a pre-emption not yet paid for and patented to them, take that pre-emption as their second homestead, and thus obtain a fine large farm of 320 acres in one compact block.

As this provision was only made at the Session of Parliament of 1892, there are many cases in which settlers entitled to second homesteads had taken them at a distance from their first, and had also partly paid for their pre-emptions in addition.

In such cases the Department has, if they so desire, allowed them to abandon the second homesteads and take up their pre-emptions instead. The second homestead duties have, however, as a matter of course to be commenced all over again, as residence on one piece of land cannot be sworn to by the settler as residence upon another; a fresh entry fee has to be paid, and, if any payment has been made on account of the pre-emption, it has to be forfeited. There are few settlers, however, who would not be glad to take their pre-emptions as second homesteads even on those conditions.

When taking up his pre-emption as his second homestead the settler is not required (although he may do so if he chooses) to go to the double expense of building another house, but may reside in the house which he has already erected on his first homestead. He is, however, required to put in not less than six months' residence on the first homestead (or on the second homestead if he prefers it) in each of the three years after the date of his second homestead entry.

A specified area of cultivation of the second homestead is required in each of the above three years, as follows:

First year—Fifteen acres to be broken and prepared for crop in the first year after the date of his second homestead entry.

Second year—The above 15 acres to be cropped and an additional 15 acres to be broken and prepared for crop in the second year, making 30 acres under cultivation.

Third year—The above 30 acres to be cropped and an additional 10 acres to be broken and prepared for crop in the third year, making 40 acres in all under cultivation.

# How the Homestead Year is Counted.

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## IMPORTANT.

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### **Pay Particular Attention to This.**

One of the things which, for want of proper explanation beforehand, the settler finds a difficulty in understanding, and which in a great many cases causes him annoyance, delay and loss of years of labour, is his not knowing how the homestead year is reckoned.

The settler should bear in mind that there is a great difference between the *making* of a homestead entry and the *perfecting* of it. In the majority of cases it would be almost impossible for a settler to begin his duties on the day on which he made his entry. The Government have therefore provided so many months' grace during which his entry for the land shall hold good against all comers, and at the same time enable him to settle up his affairs and place his family upon the land.

This period of grace is under each system six months from the date of entry, and for those whose entries are made on or after the 1st of September in any year and whose six months' grace would expire before the 1st of June following, till the latter date (1st June following); while, as already explained, settlers from elsewhere than this North American continent can, by authorization of the Governor General in Council, obtain twelve months' grace.

Should the settler fail to perfect his entry before or by the expiration of his period of grace, his entry is actually void, and the Minister of the Interior can make other disposition of the land. The settler should, therefore, take great care to perfect his entry *within the period of grace* allowed him; for, although the Department may not in every case strike the entry off the books, were another intending settler to apply for the cancellation of the land with a view to obtaining entry for it himself, they would have no option in the matter.

### Keep a Diary.

Every settler should keep a diary. This will enable him to substantiate the dates of his perfecting his entry and the different periods of his residence on and absence from his homestead and the area and dates of cultivation. He will then not be troubled with the delay consequent on the correspondence with the Department when more information is required as to particular dates and other facts.

Appended will be found specimen sheets of diaries as they should be kept under the different systems, as well as blank sheets for the settler to use.

### When the Homestead Year Begins.

The *perfecting* of the entry consists of going into actual *bonâ-fide* residence upon the land under the ordinary three year system, and by commencing the residence and cultivation duties required under the two mile radius and the cultivation under the five year systems; and *the homestead year begins in every case from the date of the perfecting of the entry.*

For instance, if the settler perfects his entry under the ordinary three year system by commencing *bonâ-fide* residence on the homestead on, say, the 1st of July in any year, he must put in six months' residence between that date and the 1st of July of the following year; and so on between the 1st of July in each year and the 1st of July in the next following year until his three years from the date of perfecting his entry are completed.

Supposing a settler perfected his entry on the 1st of July, 1890, completed his six months' residence between that date and the 1st of July, 1891, but for some reason or other was unable to be in residence on his land in his second year until, say, the 1st of April, 1892, it is clear that it would be impossible for him to get in more than three months' residence (April, May and June) before the 1st of July, 1892, so that he would thus lose his second year.

It would not be allowable for him to take the second year as commencing from the 1st of April, 1892, and make up the required six months between that date and the 1st of April, 1893.

The above rule will also apply to the dates between which the cultivation must be done under the two mile radius and five year systems.

#### **Leave of Absence.**

A settler may, on application, obtain leave of absence from his homestead on account of illness or for other good cause, without risking the loss of his entry, and while he is absent on such authorized leave the Department will not entertain any application to cancel his entry. The period for which the settler is absent on such leave cannot be counted as part of the residence required under the Act, the authority for the leave of absence being simply intended to protect the settler's entry while he is away. As a settler can be absent from his homestead for six months of the homestead year without forfeiting his entry, it is clear that if he has to obtain leave of absence in any year, it will leave him less than six months in that year in which to perform his residence, and that he will necessarily, therefore, lose that year in reckoning his time when he comes to apply for his patent. The settler will, however, have had the satisfaction of knowing that his entry was perfectly safe while he was absent from his land on leave from the Department.

On no account should the settler absent himself from his homestead for more than the six months, without first making application and obtaining the permission of the Department to do so; otherwise cancellation proceedings may be instituted by some other settler looking for land, and at the very least the homesteader will be put to much incon-

venience and annoyance in connection with such proceedings, even if he does not eventually lose his land.

### **Notice of Application for Patent.**

(*Note.*—It is possible that this provision of the Act may be abolished during the current year, 1894.)

The settler is required to give six months' notice to the Commissioner of Dominion Lands at Winnipeg that he intends to apply for his patent.

The reason for this is that there may be ample time allowed before the expiry of the six months for the Homestead Inspector to visit the land and inspect the improvements.

In some cases the settler will have completed his six months' residence during the first half of the final year, and if he then gives the required six months' notice of his intention to apply for his patent, his application, which will probably be taken by the Homestead Inspector when the latter visits the land, can, if satisfactory, be approved at the expiry of the homestead year, whereas if the settler did not give the notice till the end of the homestead year, it would necessitate his waiting probably a further six months before his application for patent would be approved.

The settler should keep a memorandum of the date on which he sends the notification to the Commissioner, as he is required to produce evidence to the officer who receives his application for patent that such notification has been sent.

The settler may also be required to furnish, before his application is recommended, a supplementary declaration to show that he has not in the meantime assigned his homestead right, the reasons for this being fully explained in the paragraph under the heading of "Assignments before Recommendation for Patent."

### **Application for Patent.**

It is often an inconvenient and expensive matter for a settler to travel to the Land Office, with his witnesses, in order to make application for patent before the Agent of Dominion Lands, and for this reason the Homestead Inspectors have been given authority to take

applications. For this a fee of \$5 is charged, and the application, if the fee should not be paid to the Inspector at the time, will not be approved until the fee is paid.

The above arrangement is of much advantage to the settler, especially to the settler living far away from the Land Office, and saves him both time and money. Moreover, the witnesses who are required to corroborate his evidence in support of his application for patent are, as a rule, his nearest neighbours, and can be more conveniently found at or near home when the Homestead Inspector comes along than taken a long distance to the local Land Office.

#### **Limit of Time for Applying for Patent.**

It has been customary with some settlers to put off making application for their patents for an indefinite period, for various reasons, one of which was, no doubt, the wish to escape the supposed liability to taxation, judgments and executions to which the land might become subject after the issue of the Crown patent. This delay on the part of the settler had the effect in many cases of making it difficult, after the lapse of many years, to secure satisfactory evidence that the duties had been performed; and it is now necessary for the homesteader to make application within five years from the date of his entry; otherwise his entry is liable to forfeiture, in the discretion of the Minister of the Interior.

#### **Assignment Before Recommendation for Patent.**

The settler should be most careful not to enter into any agreement of any nature whatever to assign or transfer or sell his homestead or any part of it until he has secured his recommendation for patent duly countersigned by the Commissioner of Dominion Lands.

It is not sufficient that the settler should have completed his duties; he must also have received his countersigned recommendation for patent. Then, and then only, is he legally entitled to dispose of his homestead.

The Dominion Lands Act is very particular in regard to this matter, and any contravention of this clause, even to the extent of agree-

ing to sell when the recommendation for patent has been received, forfeits the entry, and the Minister of the Interior has no power, as the Act stands, to overlook a breach of the law in this regard.

This provision may seem somewhat harsh at first sight, but it has been framed largely in the interests of the settler himself, as a protection to him against fraudulent inducements to dispose of his homestead right for a nominal or worthless consideration; and, be it remembered, any settler violating this provision of the law is absolutely debarred from obtaining another homestead.

Sometimes a settler, knowing that he has completed his duties properly, and having made application and been told that it is sure to pass the Commissioner of Dominion Lands and be countersigned by him, applies to some loan company for an advance on the security of his homestead, and executes the papers before receiving his certificate of recommendation. This is quite enough to void his entry, even though the money may not have been paid over. The settler should defer all such negotiations until he has received his certificate of recommendation.

#### **Assignment AFTER Recommendation.**

If, after the settler has received his recommendation for patent, he desires to have the patent issued direct to the assignee, he should get some lawyer of good standing to draw up an unconditional assignment of the land to the assignee. This assignment should then be forwarded to the Department of the Interior at Ottawa, to be registered there, and should be accompanied by a registration fee of \$2, and, if the land is situated in the Province of Manitoba, by an abstract of title down to date, which the lawyer will procure, to show that the settler has not made any other disposition of the land than that covered by the assignment.

In case the patent has already issued before the assignment reaches the Department, the assignment and fee will be returned to the settler, as the patent, once having issued, cannot be cancelled, except in certain cases, of which this is not one, and which will be found more particularly set forth under the heading of "Cancellation of Patents."

### Naturalization.

While a foreigner may take up land for a free homestead, a *patent for such free homestead* can only be issued to a British subject by birth or naturalization.

If the settler is not already a British subject, he should take early steps to become naturalized, and so save the delay consequent on having to take out naturalization papers after his application for patent has been made and recommended.

A settler not already a British subject may become naturalized in Canada after three years' residence in the country.

To do this he should make application to one of the following persons:—A Judge of a Court of Record in Canada; a Commissioner authorized to administer oaths in any Court of record in Canada; a Commissioner authorized by the Governor General to take oaths under the Naturalization Act; a Justice of the Peace of the county or district where the alien resides; a Notary Public; a Stipendiary Magistrate or a Police Magistrate.

From the above list it will be seen that the settler should have little difficulty in finding some one in his neighbourhood who is authorized to take his application for naturalization.

If that application is granted, the settler will receive from the Police Magistrate, or other person to whom he may have made application, a certificate of application, and the said person will also instruct him as to the proper Court or person to whom such certificate of application is to be presented for record and for the issue of the Certificate of Naturalization.

### Exchange of Entry.

It happens not infrequently that a settler finds after a year or two's trial that he has unfortunately settled upon a piece of land which is not suitable for farming and out of which he cannot reasonably hope to make a living. Out of the millions of acres of land open for settlement in the North West it would be strange indeed if such spots did not occur here and there.

When the settler is quite satisfied, after giving the land every chance, that it is no use wasting any further time and labour upon it, he should write to the Commissioner of Dominion Lands at Winnipeg, explaining fully his trouble, and he will have no difficulty in obtaining the necessary permission to abandon his present homestead and select one elsewhere, better suited for farming. He will, however, be required to pay a fresh entry fee for the new homestead entry.

Where a settler holds a pre-emption, or an adjoining quarter of the section as a purchase, it sometimes happens that he finds the pre-emption or sale quarter section much better adapted for his residence and cultivation than the homestead itself. If that be the case, he should apply to the Commissioner to be allowed to *interchange* his entries, and where the reasons given are satisfactory, he will receive the necessary permission, on payment, as in the first case, of a fresh homestead entry fee.

It may seem a matter of small consequence to the settler whether he is living on the homestead or on the pre-emption quarter section, so long as he is living on some part of the half section; but the Act requires that he shall, when applying for his patent, make affidavit that he has resided on the *homestead*, and nothing short of this will suffice.

#### **Twelve Months Purchase Clause.**

Where the settler finds it would be more convenient to take out his patent before the end of the three years, the Dominion Lands Act makes provisions for his doing so upon his proving that he has put in twelve months' actual residence upon the homestead and brought at least 30 acres under cultivation, and upon paying the regulation price for the land at the time when he makes application to purchase under this provision of the Act. This twelve months' residence may be made up of broken periods aggregating the full twelve months.

#### **Pre-emption or Purchase of Land.**

Those settlers who hold pre-emptions which are still unpaid for in part or in whole, should make a strong effort to pay up for them in full. The rapidly increasing demand for land for settlement in all

parts of Manitoba and the North-West daily increases the obligation of the Government to collect the overdue amounts or to cancel the pre-emption entries and throw the lands open for homestead entry by a new settler. Remember that a good settler and his family represent far more in actual value to the country than the few hundred dollars which you have undertaken to pay for your pre-emption.

A settler may, *after he has received recommendation for patent for his homestead*, dispose of his right to his pre-emption; so that if he finds himself unable to pay for it, he need not absolutely lose all benefit which he could derive from it. It is also better for him to dispose of it in this way and obtain an additional neighbour, than to try and hang on to it when he finds he cannot pay for it, and finally lose it by cancellation. The only right in the pre-emption which he can dispose of, however, is the right to purchase it from the Government at the regulation price.

The old time pre-emption privilege no longer exists, but the settler may, if he has not already done so, purchase from the Government at the ruling rate, which at present is \$3.00 per acre, one of the adjoining quarters of the section, on which his homestead is situated, provided it is vacant and available. He is, however, required to pay one-fourth of the money down at the time of purchase, and the balance in three equal annual instalments, with interest at 6 per cent per annum. The payment of this instalment down is an advantage to himself as well as to the Government; it leaves a smaller amount to pay in the future; it reduces the amount of interest he is required to pay each year; it gives him a transferrable right in the land, and it prevents him from attempting to acquire a larger area of land than he can economically afford to hold.

#### **Payments.**

Payments on account of Government lands should only be made to authorized Government Agents. If the settler is within convenient reach of a Land Office, he should pay his money direct to the Agent of Dominion Lands, who will give him an official receipt therefor, upon a form with which the Agent is supplied for this special purpose.

If the settler cannot go to the Land Office, he should send the money, either by post office order or by registered letter to the Agent.

In case a payment is required to be made direct to Ottawa, the registered letter, post office order or cheque, as the case may be, should be sent to and made payable to "The Deputy of the Minister of the Interior."

#### Interest.

A settler should pay up as promptly as he possibly can his instalments on purchases of land from the Government. The prices of Dominion Lands at the present time are away down below what the same or adjoining lands could be purchased for from the Railway and Land Companies or from private individuals, and nothing is gained by deferring the payment.

Many homesteaders are under the impression that it makes no difference to the Government so long as they pay for the land some day. The consequence is that when, several years after an instalment is due, they make enquiry at the Department about it, they find to their dismay that a large amount of interest has piled itself up in the course of time, even at the moderate rate of 6 per cent per annum; and they further find, in answer to their application to have the interest knocked off, that it is out of the power of the Minister of the Interior to grant their request, as the interest, being a debt due to the Crown, can be remitted under the authority of Parliament alone.

#### School Lands.

The School Lands are sections 11 and 29 in each surveyed township, and have been set apart to be sold from time to time to create a fund for educational purposes. The fund thus created will, in course of time, become a grand endowment for the education of the present and future generations of children in the North-West. This fund will not, however, exceed the requirements of the country when it is fully settled up, and it is the duty of every settler, as it is in the interest of himself, his children and children's children, to help to protect the School Lands, to refrain from and discourage squatting on them, and to prevent their being despoiled of the hay and timber which may be on them.

School Lands are not for sale like ordinary Dominion lands. They

can only be disposed of by public auction. It is useless, therefore, for a settler to apply to acquire them on any other conditions, as no matter how advantageous his offer the Minister of the Interior has no power to accept it.

School Lands in the Territories may, however, be leased to the extent of 640 acres, and not less than 160 acres, for the hay, for a term of five years, at the rate of 25 cents an acre, and a settler desiring such a lease should make application to the local Agent of Dominion Lands therefor.

The terms of payment for School Lands are at least one-fifth in cash at the time of purchase and the balance in four equal annual instalments, with interest at 6 per cent. per annum on the unpaid balances. The upset prices of these lands are fixed by the Governor in Council from time to time, and sales are widely advertised beforehand.

#### **Railway Lands.**

The different railways in Manitoba and the North-West Territories having been constructed for the greater part by the aid of land subsidies granted by Parliament, the Companies which undertook the construction of those railways have many millions of acres which they are offering for sale at reasonable figures. These lands, consisting as they do of the alternate odd-numbered sections, become yearly more valuable as the adjoining even-numbered sections are settled upon by homesteaders.

Any settler who desires to extend his farming operations by acquiring some of the adjoining railway lands, will find full information at the end of this book in regard to the different Companies to which he should make application.

#### **Hudson's Bay Company's Lands.**

The Hudson's Bay Company have also a large area of land throughout Manitoba and the North-West Territories, granted them in compensation for the relinquishment of their trading rights there.

These lands comprise one-twentieth part of all the surveyed townships, and consist of sections 8 and three-quarters of 26 in each such township.

Information as to the purchase of these lands can also be found at the end of this book.

### **Taxes.**

Many homesteaders are under the impression that the Dominion Lands Act relieves them of all responsibility for the payment of Municipal and other taxes so long as they have not taken out their patents.

It is important for the settler to know that the Act simply provides that the homestead "shall not be liable to be taken in execution before the issue of the patent." The reason of this is that the title to the land remains in the Crown until the issue of the patent, and that the lands of the Crown are not liable to taxation or execution; but this provision of the Dominion Lands Act was never intended to encourage or assist the settler to avoid paying taxes. It is the duty of every good and true man in the community to cheerfully contribute his fair share towards the cost of schools, roads, bridges and other Municipal and local improvements of which he is reaping the benefit. If every settler would bear his proper share of this taxation, the sum which each would require to contribute would be much less.

### **Cancellation Proceedings.**

In the early days of the North-West, when the country was first opened for settlement, many vexatious cases of cancellation occurred; but the system of procedure which has since been adopted by the Department, while causing no very lengthy delay to the applicant for the land, gives the settler whose entry is threatened with cancellation ample time to fyle his defence with the Commissioner of Dominion Lands, and ensures his being protected in his entry if the circumstances which he is able to lay before the Commissioner justify that course.

The settler who has friends desiring to join him will often find that it is impossible to obtain for them, in the immediate neighbourhood, land which has not already been entered for. Enquiry respecting the adjoining homestead lands leads to the discovery that one of the settlers has been absent for a lengthy period from his home, so long perhaps as to indicate that he has practically abandoned it.

Application should be made to the local Agent of Dominion Lands, who will send the applicant a form of "Application for cancellation," which the latter should fill up and return to the Agent.

On the receipt of this formal application, the Agent sends to the homesteader the cancellation of whose land is applied for, a notice to show cause within 60 days why his entry should not be cancelled for non-fulfilment of his duties.

Immediately on receipt of this notice to show cause the homesteader should send to the Agent of Dominion Lands as full a statement as possible in his defence, supplementing it with the statements of any neighbours whose knowledge of the facts may be of use in the matter. The homesteader whose entry is threatened should not delay by writing to the Department at Ottawa. The proper person to write to in this case is the local Agent, who, on receipt of the homesteader's defence, will transmit all the papers to the Commissioner of Dominion Lands at Winnipeg, for submission to the Land Board.

Should the Board consider the defence satisfactory, cancellation will be refused.

Should the Board decide otherwise, however, cancellation will be ordered. It will be time enough then for the settler, should he feel dissatisfied with the decision of the Board, to appeal to the Minister at Ottawa.

In case the homesteader files no defence, the Agent will, at the expiration of the 60 days, cancel the entry without further notice.

Where improvements have been made by the homesteader, the value of them is ascertained by a Homestead Inspector, and the settler who makes re-entry for the land is required to pay the amount of the valuation into the hands of the Agent at the time of making entry.

The disposition of this amount is decided by the Land Board, and it is, according to the circumstances of the case, paid over to the original homesteader, or held for the benefit of the Government.

#### **Post Office Address.**

The settler will find it to his advantage not to go away from his homestead without first leaving his new address with the Postmaster

of the post office at which he has been accustomed to have his letters directed, or with the local Agent of Dominion Lands, or both. A post card will always reach either the Postmaster or the Agent, and it may save the settler a great deal of trouble.

For example: John Smith, a settler on a homestead within a couple of miles of Regina, has been accustomed to come into Regina once a week with produce, to purchase supplies, and go to the post office for his letters. In the third year of his homestead duties, after having been away south for three months working for a neighbour, and having then resided on his homestead for two months, he is offered a good job at railway work about 50 miles north of Regina, and goes off at once to the work. After two months' steady work on the railway he makes up his mind to take advantage of a cheap trip to Ontario to fetch his family up to the North-West, reckoning that he still has five months of the homestead year left in which to put in the remaining four months' residence required to complete his duties. Now, mark what happens. When he reaches Ontario, he finds one of his parents dangerously ill, and not liking to leave home under the circumstances, he is unexpectedly and unavoidably detained in Ontario for nearly three months, and is thus in any case left with insufficient time to complete his six months' residence within the homestead year. But that is not the whole of the trouble.

Perhaps it occurs to him to write to the Department at Ottawa to enquire how his absence will affect him, in answer to which enquiry he finds that an application to cancel his homestead entry has been filed. Upon receipt of this alarming news, he hurries back to the North-West, to learn that an incoming settler looking round for land, had found no one in residence upon his (John Smith's) homestead, and on hearing from the neighbours that he (Smith) had been away for some six months, has made application in the usual course to cancel the entry; that the local Agent of Dominion Lands has sent him (Smith) the regulation notice addressed to him as usual at Regina to show cause why his entry should not be cancelled for non-fulfilment of his duties, and that no response having been received within the regulation time of 60 days, the notice still lying at the Regina post office, the entry had been cancelled by default.

If the new homesteader has gone into occupation and commenced

his improvements, it is impossible to disturb him ; but perhaps it may happen that he has not yet taken possession of the land, and is willing to forego his right to it. In such case, Smith may, by permission of the Minister, be reinstated ; but it is the invariable custom of the Department to require the payment of a fresh entry fee for such reinstatement.

And all this trouble and expense would have been saved if the homesteader had simply taken the precaution to send the Postmaster or Dominion Lands Agent a post card notifying them of his temporary whereabouts, when the notice respecting the application to cancel his entry would have reached him at once, and he would have had plenty of time to put in his defence, explain the reasons of his absence, and save his homestead from cancellation.

#### Patents.

For land in Manitoba the settler will obtain an original Crown patent from the Department. This document he should place away as safely as possible, as, although its loss cannot affect his right to and ownership of the land, he would be required to produce it whenever he desired to deal with the land, either by sale or by obtaining a loan on it, and if the patent should accidentally be lost or destroyed, a certified copy would have to be obtained from the Department, the cost of which would be \$2.50. In some cases an exemplification or exact reproduction of the patent is necessary, the fee for which is \$10.

In the Territories, a system similar to that known as the "Torrens" system of titles prevails, and instead of the settler receiving the Crown patent itself, that is sent to the Registrar for the District in which the land is situated. The settler is, however, notified immediately the patent is forwarded to the Registrar, and the latter will, when the settler makes application to him therefor, grant him, without charge, if the land is unencumbered when the application is made, a certificate of title showing him to be the owner of the land.

If the settler then desires to dispose of his land, he hands in his certificate of title to the Registrar, through the Solicitor who prepares the deed of sale, and the Registrar issues a new certificate in the name of the purchaser.

### Registrars.

The following is a list of the Registrars in the North-West Territories, and their addresses:

| <i>District.</i>   | <i>Registrar.</i> | <i>Address.</i>      |
|--------------------|-------------------|----------------------|
| Assiniboia,        | G. A. Montgomery, | Regina, Assa.        |
| South Alberta,     | T. A. McLean,     | Calgary, Alta.       |
| North Alberta,     | G. Roy,           | Edmonton, Alta.      |
| West Saskatchewan, | W. J. Scott,      | Battleford, Sask.    |
| East Saskatchewan, | S. Brewster,      | Prince Albert, Sask. |

### Cancellation of Patents.

A patent once issued cannot be cancelled except for "fraud, error or improvidence," and this has to be done by the Courts. If, however, a settler, when he gets his patent, finds some clerical error or omission in it, such, for instance, as his name being wrongly spelled, or one of his Christian names being left out, or the Township or Range in which the land is situated being wrongly described, he should write to the Department at Ottawa, stating what the facts are, and returning the patent, when it will be re-issued, and the clerical error corrected or the omission rectified.

In case, however, the error is the fault of the homesteader, as, for example, owing to his having signed his application for patent "John Thomas Brown," whereas his actual name was "John Joseph Brown," while the original patent will be cancelled and a corrected one issued the settler will be required to pay a patent fee of \$10 before the new patent issues.

The settler should be careful to see that his application for patent is signed exactly as his name is entered in the Homestead Entry receipt.

### Fees.

On making his homestead entry the settler was required to pay to the Agent an office fee of \$10; and, if the land had previously been entered for and the entry had been cancelled, a further cancellation or

inspection fee of \$10 is required where, in connection with such cancellation, an inspection of the land has been made by an officer of the Government.

In addition to the above fees, the settler will be required to pay a fresh entry fee in case he desires to exchange his entry for other land or to interchange the land he has homesteaded for an adjoining quarter of the section which he may have purchased from the Government, and on which he may find it more convenient to make his home and do his cultivation.

If he makes his application for patent before the Homestead Inspector, he is required to pay a fee of \$5 either at the time the application is taken or before the recommendation for patent is issued.

No fee is charged for the Crown patent for a free homestead, but in case any mistake should have been made *by the settler himself*, in regard to the correct spelling of his name for instance, which renders it necessary to cancel the original patent and issue a correct one, he will be required to pay a patent fee of \$10.

In the paragraph relating to application for patent full instructions are given for avoiding such errors.

In case the settler desires, after he has secured his recommendation for patent, and before the patent issues, to assign his right to the land to another person, he must forward a registration fee of \$2 to the Department with the assignment, before the latter can be registered; and the assignment, to be accepted by the Department, must be unconditional.

#### **Settlers' Effects.**

Settlers' effects come into the country with the settler free of duty, and it may be of use to the incoming settler to know that with regard to the matter of stock, the Customs Department allow a settler to bring in free one head of stock for every ten acres that he is taking up, and one head of sheep for each acre. The entry of cattle will, however, of course be subject to whatever quarantine regulations may be in force at the time of entry.

### Advances to Settlers.

Where a settler has, previous to taking up his homestead, obtained an advance of money under the provisions of the Dominion Lands Act, upon the security of his homestead, to enable him to take up his land, he should be careful to keep a memorandum of the amount of such advance and of the date when the payments, principal and interest, become due. If he is in doubt on this point, he can obtain the information on application to the Department of the Interior, where the particulars of the advance are recorded.

In a general way it may be stated that the limit which the Dominion Lands Act authorizes any person or Company to lend to a settler is \$600, and the rate of interest is also limited at 8 per cent per annum. Any person or Company may, however, advance such further sum as they deem proper, but it will be at the lender's risk, as the Department will not recognize such further advance as a charge against the settler's homestead.

### Repayments.

Repayments of advances made to settlers in accordance with the provisions of the Act are fixed as follows:—

**INTEREST.**—The first instalment of interest shall not become payable within less than two years from the establishment of the settler upon his homestead, nor, in any case, earlier than 1st of November in any year, so that the settler may have ample opportunity for providing for his payments by the sale of his farm produce after the harvest.

**PRINCIPAL.**—The settler shall not be bound to pay the capital or any part of it within a period of less than four years from the date of his establishment upon the homestead.

### Settlers' Heirs.

A matter which deserves the careful forethought of every business-like settler is the position of his family in case of his death prior to the issue of the patent for his homestead.

In the past the dealing with lands was an expensive, intricate and cumbersome matter, but under the provisions of the **REAL PROPERTY ACTS**, the matter has been greatly simplified and the expense reduced to a minimum, and those entitled to the settler's estate can acquire title to it the same as if they were buying any other piece of personal property.

### **Real Property Acts.**

The Real Property Act of Manitoba came into force on the first of July, 1885, and the Real Property Act of the North-West Territories came into force on the first of January, 1887, and the requirements under each are practically the same, the difference being merely the date at which they would affect the settler's case.

If the settler had not, at the date of his death, completed his homestead duties, the Dominion Lands Act allows his legal representatives or any of them to complete those duties and make the necessary application for patent, but the patent will still have to issue in accordance with the conditions set forth herunder. In case the legal representative is unable to complete the duties, he may appoint one or more substitutes to do them.

### **In Case of Death Before the Act.**

If the settler had completed his homestead duties at the time of his death, and died before the coming into force of the Real Property Acts, and intestate—that is, without making a will—the patent for the homestead will issue to his heirs, his widow and children, father or other person, as the case may be, and the Department will require to be furnished with a statutory declaration, corroborated by two other persons who are familiar with all the facts, setting forth who are such heirs.

If the settler left a will, the patent will issue in favour of the devisee—that is, the person to whom by that will he leaves his property—and in that case the Department requires a copy of the letters-probate, which copy must certified by the Clerk of the Court which issued such letters-probate.

### In Case of Death After the Acts.

Where the settler has died after the Real Property Acts came into force, the patent will issue to his personal representative.

If he died intestate—that is, without making a will—the administrator of the estate will be the personal representative, and letters of administration will have to be taken out, and a copy, certified by the Clerk of the Court for the Judicial District in which the deceased settler's homestead is situated, must be filed in the Department.

If the deceased made a will, his executor or executors will be the personal representative, and the patent will issue to him or them, upon a copy of the letters-probate, certified by the Clerk of the Court which granted such letters, *and which must be the Court for the District within which the deceased's homestead is situated*, being filed in the Department.

In turn the executor will, after the patent is issued, make a conveyance of the property to the person or persons named in the will.

In Manitoba there is an Official Administrator, whose duty it is to take out letters of administration in cases where, owing to want of means or from other cause, no one of the legal representatives makes application to be appointed administrator.

In all matters relating to this question, however, it is well for the settler's family to consult a respectable solicitor as to the exact form in which the different applications for letters-probate or letters of administration should be made to the several Courts.

### Homestead Exemption Act.

The Homestead Exemption Act provides that 160 acres, be it the settler's Government farm or part of his property otherwise acquired for a home, shall be free from liability to seizure for debts contracted *after* he has brought the land in question under the provisions of the Exemption Act. To do this, it will be well for him to employ a trustworthy lawyer to make the application in proper form. The settler should bear in mind, however, that this Act was not framed for the purpose of relieving him from liability for past indebtedness.

### Hay-Lands.

It is all important to the settler to be able to obtain sufficient hay for his stock. If he has no hay upon his homestead, or an insufficient supply of it, he should make application to the Agent, describing the land by quarter-section, section, township, range and meridian, upon which he desires to cut the hay, and the Agent will advise him whether the land is vacant and available; and the terms on which he may cut what hay he requires. The Department of the Interior annually fixes the date at which the cutting of hay shall commence, so that the hay may not be cut before it is ripe.

Leases of hay-lands can be obtained where the land desired to be leased is in the vicinity of the settler's homestead, of an area not exceeding forty acres, at the rate of 25 cents an acre per annum, the term of the lease being five years.

School Lands, as already stated, can be leased for hay to the extent of 640 acres, and not less than 160 acres, at the above rate, for a term not exceeding five years.

### Grazing Lands.

A Lease may be acquired by an actual settler, of such additional land as he may need *in the vicinity of his homestead* for his stock. The lease does not, however, withdraw the land from homestead entry by another settler, but where entry is made, the rental, which is at the rate of 2 cents an acre per annum, would be reduced accordingly.

### Fuel for Settlers.

Any homesteader having no timber on his homestead may, on application to the local Agent of Dominion Lands, get a permit to cut what he requires for building timber, fencing and fuel for use on his homestead, not exceeding as follows:—

- (a) 1800 lineal feet building timber not exceeding 12 inches at the butt end.
- (b) 400 roof poles.

- (c) 2000 poplar fence rails, no rail to exceed 5 inches at the butt end.
- (d) 30 cords of dry wood.
- (e) Burnt or fallen timber up to 7 inches in diameter, for fuel or fencing.

The office fee for the above permit is 25 cents; and any quantity cut in excess or for other purposes is liable to seizure and double dues.

#### **Correspondence with the Department.**

The Land Agency Offices have been established at the different centres of settlement so as to give the settlers as rapid communication with the Department as possible.

If the settler thinks that the matter is one with which the Agent cannot deal, let him write direct to the Commissioner of Dominion Lands at Winnipeg, who, in his turn, has been located in the North West so as to be conveniently near the settlers.

Should the matter requiring attention be one with which the settler believes the Department at Ottawa is better able to deal than the Commissioner, let him write direct to the Secretary of the Department at Ottawa, observing these rules *as far as he can conveniently do so*, as it will save the Department much trouble, and ensure prompt attention to his letter:—

1. Write on foolscap paper and on one side only.
2. Write the address and date plainly.
3. Sign your name in full and plainly.
4. If you are writing about any matter connected with your homestead or other land, describe the land accurately by quarter section, section, township, range and meridian.
5. As far as possible, confine each letter to one subject.

### **Entry by Agent or Attorney.**

If you have any friends who desire to take up homesteads in your neighbourhood, but who are not in a position to go immediately to the Land Office and make entries on their own behalf, get each friend to make a separate application over his own signature to the Commissioner of Dominion Lands at Winnipeg or to the Department at Ottawa, asking that you may be authorized to make entries in advance on their behalf, and the requisite authority will be sent to them or to yourself direct. This authority will enable you to select the different quarter sections as homesteads for your friends and to make entries at the Dominion Lands Office on their behalf; and they will have the usual six months' grace in which to perfect their entries just the same as if they had made the entries for themselves.

This will be found a very convenient arrangement, as it enables a settler to secure homesteads for his friends near himself before they are all taken up in his immediate vicinity and before his friends can make their arrangements to go to the North-West.

No Agent or other officer of the Government is permitted to act as agent or attorney to make homestead entry in advance for an intending settler.

### **Powers of the Minister of the Interior.**

It is a mistaken though natural idea on the part of many a settler that in numerous cases where he has been unable to comply with the conditions of the homestead law, the Minister of the interior can exercise special prerogative power as a Minister of the Crown, and, by coming to his aid, relieve him from the difficulty into which his non-compliance with the conditions of the Dominion Lands Act may have brought him.

The functions of the Minister of the Interior towards the settler are to see that the law which regulates the settlement of the Dominion Lands is administered by his officers in accordance with the spirit and intent of the Act, and to see that the settlers, as well as being required for their part to do their homestead duties, are afforded every possible facility in complying with the law. But the Minister of the

Interior is bound by that law to exactly the same extent as are the settlers; and has no power whatever to either add to or take away from any of its conditions and provisions.

Remember, then, that no matter what the circumstances may be which have prevented a settler from complying with the homestead conditions, and no matter how much the Minister of the Interior may desire to assist him out of his difficulties, his power is strictly limited to the authority granted to him under the clauses of the Dominion Lands Act, and that while he will always go to the utmost extent to which by the law he is permitted to go to help the *bonâ-fide* settler, he is not permitted to break the law.

#### **Every Settler an Immigration Agent.**

Nothing succeeds like success; and there is little doubt that contentment is one of the most important elements of success.

Owing to the wide extent of the settlement lands in the Canadian North-West, and also on account of the free homestead sections being the alternate ones only, so that a mile intervenes between each, a settler is always glad of additional neighbours, for the closer the settlement the greater are the social and commercial advantages which the individual settler and the community in general derive from such settlement, and the larger number there are to share the Municipal taxation and the Municipal and local improvements.

A contented and successful settler can do almost more than anyone else to induce his friends to come and settle near him, for no one is so well able to speak favourably of a district as the man who has obtained a practical experience of it from residence and work on the ground, and has, as the result of that experience, gained some measure of success. One letter to his friends from the settler who has made a success of farming on a homestead in the North-West will do more than a dozen Government Immigration Agents, armed with pamphlets, to induce them to join him and try his luck in the new land, though under the same old flag.

Every settler who has relations or friends who may be looking to better their condition will be benefiting himself as well as the country

at large by writing them fully as to his own success and as to the prospects offered to others for making independent and comfortable homes in the great Canadian North-West.

At the end of this book will be found some useful particulars in this connection as to the different steamship lines running direct between Europe and Canada.

### Dominion Land Agencies.

On application to the Department at Ottawa, the Commissioner of Dominion Lands at Winnipeg, or to any of the Land Agents, the settler will be furnished with a map showing the different Land Agency Districts, the places at which the Agents' offices are situated, and the townships surveyed and ready for settlement up to the latest date. The boundaries of these Agencies are, of course, subject to alteration from time to time, and to subdivision into smaller districts, but these changes are made at rare intervals and ample notification of such changes is always given by the Department of the Interior, by advertisement in the local newspapers.

Hereunder is a list of the different Land Agencies, with the names of the places at which the Land Offices are situated, and the names of the Agents at each place :

| DISTRICT.                | NAME OF AGENT.        | POST OFFICE ADDRESS.      |
|--------------------------|-----------------------|---------------------------|
| Battleford .....         | E. Brokovski.....     | Battleford...Saskatchewan |
| Calgary .....            | Amos Rowe.....        | Calgary..... Alberta      |
| Coteau.....              | C. E. Phipps.....     | Estevan ..... Assiniboia  |
| Edmonton.....            | Thomas Anderson.....  | Edmonton ..... Alberta    |
| Kamloops.....            | E. A. Nash.....       | Kamloops ..... B.C.       |
| Lake Dauphin (sub-dist.) | R. Gunne.....         | Lake Dauphin..... Man.    |
| Lethbridge .....         | W. H. Cottingham..... | Lethbridge..... Alberta   |
| Little Saskatchewan..... | John Flesher .....    | Minnedosa..... Man.       |
| New Westminster.....     | John McKenzie.....    | New Westminster.... B.C.  |

| DISTRICT.                 | NAME OF AGENT.        | POST OFFICE ADDRESS.       |
|---------------------------|-----------------------|----------------------------|
| Prince Albert.....        | John McTaggart.....   | Prince Albert..... Saskat. |
| Qu'Appelle .....          | W. H. Stevenson.....  | Regina..... Assiniboia     |
| Red Deer (sub-district).. | J. G. Jessup.....     | Red Deer... .. Alberta     |
| Souris .....              | W. H. Hiam.....       | Brandon .....              |
| Swift Current.....        | W. H. Stevenson.....  | Regina .....               |
| Touchwood .....           | F. K. Herchmer.....   | Yorkton... .. Assiniboia   |
| Wetaskiwin (sub-dist.)..  | T. B. Ferguson .....  | Wetaskiwin..... Alberta    |
| Winnipeg.....             | E. F. Stephenson..... | Winnipeg..... Man.         |

In addition to the above the following list of officers of the Department other than those at the Head Office at Ottawa may be found of use :—

H. H. Smith, Commissioner of Dominion Lands and Chief Immigration Officer, Winnipeg, Man.

William Pearce, Superintendent of Mines, Calgary, Alberta.

J. Hoolahan, Immigration Agent, Montreal, P.Q.

P. Doyle, " " Québec, P.Q.

E. M. Clay, " " Halifax, N.S.

John Dyke, " " Liverpool, England.

John Graham, " " Glasgow, Scotland.

#### British Columbia.

The Dominion Lands in British Columbia are situated in a belt lying twenty miles on each side of the Canadian Pacific Railway through that Province.

This belt is divided into two districts, New Westminster and Kamloops, the boundaries of which are indicated on the Land Agency maps referred to in the next preceding section.

In the New Westminster district there are no lands open for homesteading, all the lands there being held for sale exclusively at a minimum rate of \$5 and upwards.

In the Kamloops district the lands are held in the same way for sale at a minimum rate of \$5 and upwards, but are also open for homesteading, on the same conditions as prevail in regard to homesteads in Manitoba and the North-West Territories, with the exception that the settler is required in addition to pay the Government for the land at the rate of \$1 an acre before the issue of the patent.

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DIARY OF PERFORMANCE OF HOMESTEAD DUTIES.

FIVE YEAR SYSTEM.

Settler's Name .....  
 Land entered for .....  
 Date of entry .....  
 Date of perfecting entry .....

| HOMESTEAD YEAR. | DATES AND AREAS OF CULTIVATION AND BUILDING. | PERIODS OF RESIDENCE ON HOMESTEAD. | PERIODS OF ABSENCE FROM HOMESTEAD. | TOTAL RESIDENCE ON HOMESTEAD. | TOTAL CULTIVATION. |
|-----------------|--|------------------------------------|------------------------------------|-------------------------------|--------------------|
| FIRST YEAR.     |  |                                    |                                    |                               |                    |
| SECOND YEAR.    |  |                                    |                                    |                               |                    |
| THIRD YEAR.     |  |                                    |                                    |                               |                    |
| FOURTH YEAR.    |  |                                    |                                    |                               |                    |
| FIFTH YEAR.     |  |                                    |                                    |                               |                    |

SAMPLE SHEET OF DIARY.  
DIARY OF PERFORMANCE OF HOMESTEAD DUTIES.

FIVE YEAR SYSTEM.

Settler's Name..... *George Brown.*  
 Land entered for..... *S.W. 1 4, 16, 8, W. 3rd M.*  
 Date of entry..... *7th Octob-r, 1887.*  
 Date of perfecting entry..... *15th June, 1888.*

| HOMESTEAD YEAR.  | DATES AND AREAS OF CULTIVATION AND BUILDING.   | PERIODS OF RESIDENCE ON HOMESTEAD.  | PERIODS OF ABSENCE FROM HOMESTEAD.   | TOTAL RESIDENCE ON HOMESTEAD. | TOTAL CULTIVATION.                            |
|--|--|---|--|-------------------------------|---|
| FIRST YEAR.<br>15th June, 1888,<br>to<br>15th June, 1889.  | <i>Began breaking 15th June, 1888.<br/>Finished 5 acres 23rd June, 1888.</i>   |   |  |                               | <i>5 acres broken.</i>                        |
| SECOND YEAR.<br>15th June, 1889,<br>to<br>15th June, 1890. | <i>Began breaking 9th June, 1889.<br/>Finished 10 acres 30th June, 1889.<br/>Cropped 5 acres first week in September, 1889.</i>                                |   |  |                               | <i>10 acres broken.<br/>5 acres cropped.</i>  |
| THIRD YEAR.<br>15th June, 1890,<br>to<br>15th June, 1891.  | <i>Sowed 10 acres in April, 1890. Summer-fallowed 5 acres in June, 0-3rd, 1890. Commenced building house July Nov., 1890. Completed house 30th Nov., 1890.</i> | <i>20th June, 1890, to 31st Oct., 1890.<br/>1st Dec., 1890, to 14th June, 1891.</i>   | <i>1st November, 1890, to 30th N v-ember, 1890 in the bush for fuel supply for winter.</i> | <i>11 months.</i>             | <i>15 acres cropped.</i>                      |
| FOURTH YEAR.<br>15th June, 1891,<br>to<br>15th June, 1892. | <i>Sowed 5 acres.<br/>Cropped 15 acres.<br/>Broke 18 acres.</i>  | <i>15th June, 1891, to 31st Dec., 1891.<br/>1st March, 1892, to 14th June, 1892.</i>  | <i>1st J-uary, 1892, to 29th F-bruary, 1892, on trip to Outa-rio.</i>                      | <i>10 months.</i>             | <i>18 acres broken.<br/>15 acres cropped.</i> |
| FIFTH YEAR.<br>15th June, 1892,<br>to<br>15th June, 1893.  | <i>Sowed and cropped 33 acres.</i>   | <i>15th June, 1892, to 31st August, 1892.<br/>1st Nov., 1892, to 14th June, 1893.</i> | <i>1st September, 1892, to 31st Octo-ber, 1892, harvesting and teaming for neighbour.</i>  | <i>10 months.</i>             | <i>33 acres cropped.</i>                      |

15th June, 1892,  
to  
15th June, 1893.

1st Nov., 1892, to 14th June, 1893.

termining for neighbour.

### DIARY OF PERFORMANCE OF HOMESTEAD DUTIES.

#### TWO MILE RADIUS SYSTEM.

Settler's Name.....  
 Land entered for.....  
 Date of entry.....  
 Date of perfecting entry.....

| HOMESTEAD YEAR. | PERIODS AND PLACES OF RESIDENCE WITHIN TWO MILES. | PERIODS OF ABSENCE AND WHERE ABSENT. | DATES AND AREAS OF CULTIVATION. | TOTAL RESIDENCE WITHIN TWO MILES. | TOTAL CULTIVATION. |
|-----------------|---|--------------------------------------|---------------------------------|-----------------------------------|--------------------|
| FIRST YEAR.     |   |                                      |                                 |                                   |                    |
| SECOND YEAR.    |   |                                      |                                 |                                   |                    |
| THIRD YEAR.     |   |                                      |                                 |                                   |                    |

THREE MONTHS' RESIDENCE ON HOMESTEAD : —

SAMPLE SHEET OF DIARY.  
DIARY OF PERFORMANCE OF HOMESTEAD DUTIES.

TWO MILE RADIUS SYSTEM.

Settler's Name..... *William Jones.*  
 Land entered for..... *S. E. 1/4 18, 4, 27, W. 1st M.*  
 Date of entry..... *2nd May, 1888.*  
 Date of perfecting entry..... *15th June, 1888.*

| HOMESTEAD YEAR.  | PERIODS AND PLACES OF RESIDENCE WITHIN TWO MILES.  | PERIODS OF ABSENCE AND WHERE ABSENT.                                 | DATES AND AREAS OF CULTIVATION.  | TOTAL RESIDENCE WITHIN TWO MILES. | TOTAL RESIDENCE WITHIN TWO MILES.     |
|--|--|--|--|-----------------------------------|---------------------------------------|
| FIRST YEAR.<br>15th June, 1888,<br>to<br>15th June, 1889.  | 15th June, 1888, to 30th November, 1888, on S. W. 1/4 20, 4, 27, W. 1st M.<br>1st March, 1889, to 15th June, 1889, on N. E. 1/4 19, 4, 27, W. 1st M.             | 1st December, 1888, to 26th February, 1889, working on railway road. | Began breaking 2nd July, 1888.<br>Finished 10 acres 12th July, 1888.<br>Needed also ten acres in wheat, 9th to 11th April, 1889.         | 9 months.                         | 10 acres broken.                      |
| SECOND YEAR.<br>15th June, 1889,<br>to<br>15th June, 1890. | 15th June, 1889, to 30th September, 1889, on N. E. 1/4 19, 4, 27, W. 1st M.<br>1st M.<br>16th March, 1890, to 15th June, 1890, on N. E. 1/4 19, 4, 27, W. 1st M. | 1st October, 1889, to 15th March, 1890, away East with stock.        | Began breaking 20th June, 1889.<br>Finished 15 acres 2nd July, 1889.<br>Cropped 10 acres third week in August.                           | 6 1/2 months.                     | 10 acres cropped.<br>15 acres broken. |
| THIRD YEAR.<br>15th June, 1890,<br>to<br>15th June, 1891.  | 15th June, 1890, to 30th April, 1891, on S. W. 1/4 20, 4, 27, W. 1st M.  |  | Began breaking 8th August, 1890.<br>Finished 15 acres 20th October, 1890.<br>Cropped 25 acres end of August and first week in September. | 10 1/2 months.                    | 25 acres cropped.<br>40 acres broken. |

THREE MONTHS' RESIDENCE ON HOMESTEAD: — 1st May, 1891, to 31st July, 1891.

DIARY OF PERFORMANCE OF HOMESTEAD DUTIES.

THREE YEAR SYSTEM.

Settler's Name.....  
 Land entered for.....  
 Date of entry.....  
 Date of perfecting entry.....

| HOMESTEAD YEAR. | PERIODS OF RESIDENCE ON HOMESTEAD. | PERIODS OF ABSENCE AND WHERE ABSENT. | TOTAL PERIODS OF RESIDENCE ON HOMESTEAD. |
|-----------------|------------------------------------|--------------------------------------|--|
| FIRST YEAR.     |                                    |                                      |  |
| SECOND YEAR.    |                                    |                                      |  |
| THIRD YEAR.     |                                    |                                      |  |
| FOURTH YEAR.    |                                    |                                      |  |

[NOTE.—This form can also be used for {  
entries on cancelled preemptions.}]

SAMPLE SHEET OF DIARY.  
DIARY OF PERFORMANCE OF HOMESTEAD DUTIES.

THREE YEAR SYSTEM.

Settler's Name..... *John Smith.*  
 Land entered for..... *N. E. 1, 2, 3, 4, W. 5th M.*  
 Date of entry..... *10th March, 1880.*  
 Date of perfecting entry..... *1st July, 1881.*

| HOMESTEAD YEAR.  | PERIODS OF RESIDENCE ON HOMESTEAD.   | PERIODS OF ABSENCE AND WHERE ABSENT.   | TOTAL PERIODS OF RESIDENCE ON HOMESTEAD. |
|--|--|--|--|
| FIRST YEAR.<br>1st July, 1880,<br>to<br>1st July, 1881.  | 1st July, 1880, to 31st October, 1880.<br>1st December, 1880, to 15th February, 1881.<br>10th March, 1881, to 30th June, 1881. | 1st November, 1880, to 30th November, 1880, absent at Lathbridge and Macleod for lumber and supplies.<br>10th February, 1881, to 15th March, 1881, —ditto. | 10 months.                               |
| SECOND YEAR.<br>1st July, 1881,<br>to<br>1st July, 1882. | 1st October, 1881, to 31st January, 1882.<br>1st March, 1882, to 30th June, 1882.  | 1st July, 1881, to 30th September, 1881, working on railway.<br>1st February, 1882, to 30th April, 1882, lumbering below Macleod.                          | 6 months.                                |
| THIRD YEAR.<br>1st July, 1882,<br>to<br>1st July, 1883.  | 1st July, 1882, to 15th September, 1882.<br>1st June, 1882, to 30th June, 1882.  | 15th September, 1882, to 30th May, 1883, in hospital at Macleod, on account of accident. Leave of absence granted by Department.                           | 3½ months.                               |
| FOURTH YEAR.<br>1st July, 1883,<br>to<br>1st July, 1884. | 1st July, 1882, to 31st March, 1883.   | 1st April, 1883, to 30th June, 1883, working on railway near Lathbridge.   | 9 months.                                |

NOTE.—It will be observed that in the third year the homesteader is, as an example, shown to be short in his residence: he therefore loses that year, and has to make it good in the fourth year.