

UNEDITED

The Rupert's Land Act 1868

being

31-32 Victoria, Chapter 105

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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RUPERT'S LAND ACT 1868.

31-32 VICTORIA, CHAPTER 105.

An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of “The Governor and Company of Adventurers of England trading into Hudson’s Bay,” and for admitting the same into the Dominion of Canada.

[July 31, 1868]

Recital of charter of Hudson’s Bay Company, 22 Car. 2

WHEREAS by certain letters patent granted by his late Majesty King Charles the Second in the twenty-second year of his reign certain persons therein named were incorporated by the name of “The Governor and Company of Adventurers of England trading into Hudson’s Bay” and certain lands and territories, rights of government and other rights, privileges, liberties, franchises, powers and authorities were thereby granted or purported to be granted to the said governor and company in his Majesty’s Dominions in North America:

And whereas by *The British North America Act 1867* it was (amongst other things) enacted that it should be lawful for her Majesty by and with the advice of her Majesty’s Most Honourable Privy Council on address from the Houses of the Parliament of Canada to admit Rupert’s Land and the North-Western Territory or either of them into the Union on such terms and conditions as are in the address expressed and as her Majesty thinks fit to approve subject to the provisions of the said Act;

Recital of agreement of surrender

And whereas for the purpose of carrying into effect the provisions of the said British North America Act 1867 and of admitting Rupert’s Land into the said Dominion as aforesaid upon such terms as her Majesty thinks fit to approve it is expedient that the said lands, territories, rights, privileges, liberties, franchises, powers and authorities so far as the same have been lawfully granted to the said company should be surrendered to her Majesty, her heirs and successors upon such terms and conditions as may be agreed upon by and between her Majesty and the said governor and company as hereinafter mentioned:

Be it therefore enacted by the Queen’s most excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

Short title

1 This Act may be cited as “*Rupert’s Land Act 1868.*”

31-32 Victoria, Chapter 105, s.1.

Definition of “Rupert’s Land”

2 For the purposes of this Act the term “Rupert’s Land” shall include the whole of the lands and territories held or claimed to be held by the said governor and company.

31-32 Victoria, Chapter 105, s.2.

Power to her Majesty to accept surrender of lands, etc., of the company upon certain terms

3 It shall be competent for the said governor and company to surrender to her Majesty and for her Majesty by any instrument under her sign manual and signet to accept a surrender of all or any of the lands, territories, rights, privileges, liberties, franchises, powers and authorities whatsoever granted or purported to be granted by the said letters patent to the said governor and company within Rupert's Land upon such terms and conditions as shall be agreed upon by and between her Majesty and the said governor and company;

Provided however that such surrender shall not be accepted by her Majesty until the terms and conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by her Majesty and embodied in an address to her Majesty from both the Houses of the Parliament of Canada in pursuance of the one hundred and forty-sixth section of *The British North America Act 1867*; and that the said surrender and acceptance thereof shall be null and void unless within a month from the date of such acceptance her Majesty does by Order in Council under the provisions of the said last recited Act admit Rupert's Land into the said Dominion;

Provided further that no charge shall be imposed by such terms upon the consolidated fund of the United Kingdom.

31-32 Victoria, Chapter 105, s.3.

Extinguishment of all rights of the company

4 Upon the acceptance by her Majesty of such surrender all rights of government and proprietary rights and all other privileges, liberties, franchises, powers and authorities whatsoever granted or purported to be granted by the said letters patent to the said governor and company within Rupert's Land and which shall have been so surrendered shall be absolutely extinguished:

Provided that nothing herein contained shall prevent the said governor and company from continuing to carry on in Rupert's Land or elsewhere trade and commerce.

31-32 Victoria, Chapter 105, s.4.

Power to her Majesty by Order in Council to admit Rupert's Land into and form part of the Dominion of Canada

5 It shall be competent to her Majesty by any such Order or Orders in Council as aforesaid on address from the Houses of the Parliament of Canada to declare that Rupert's Land shall from a date to be therein mentioned be admitted into and become part of the Dominion of Canada; and thereupon it shall be lawful for the Parliament of Canada from the date aforesaid to make, ordain and establish within the land and territory so admitted as aforesaid all such laws, institutions and Ordinances and to constitute such courts and officers as may be necessary for the peace, order and good government of her Majesty's subjects and others therein:

31-32 Victoria, Chapter 105, s.5.

Jurisdiction of present courts and officers continued

Provided that until otherwise enacted by the said Parliament of Canada all the powers, authorities and jurisdiction of the several courts of justice now established in Rupert's Land and of the several officers thereof and of all magistrates and justices now acting within the said limits shall continue in full force and effect therein.