

11-12 GEORGE V.

CHAP. 10.

An Act respecting The Lake of the Woods Control Board.

[Assented to 3rd May, 1921.]

WHEREAS it has been agreed by and between the Government of the Dominion of Canada and the Government of the Province of Ontario that the powers hereinafter mentioned shall be vested in a Board consisting of four members, two to be appointed by the Governor General in Council and two by the Lieutenant Governor in Council and that the necessary legislation to authorize the same shall be enacted by the Parliament of Canada and the Legislature of Ontario respectively: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble

1. This Act may be cited as *The Lake of the Woods Control Board Act, 1921*.

Short title

2. There shall be a Board to be called “The Lake of the Woods Control Board”, which shall consist of four members, who shall be duly qualified engineers, two of whom shall be appointed by the Governor General in Council and two of whom shall be appointed by the Lieutenant Governor of Ontario in Council, and each of the persons so appointed shall hold office during the pleasure of the Governor General in Council or of the Lieutenant Governor in Council, respectively, and any vacancy on the said Board shall be filled by the Governor General in Council or by the Lieutenant Governor in Council, according as the previous appointment to such position was made by the Governor General in Council or the Lieutenant Governor in Council.

Creation of Board

Members, appointment and tenure of office

Vacancies

3. It shall be the duty of the Board to secure severally and at all times the most dependable flow and the most advantageous and beneficial use of,—

Purposes

(a) the waters of the Winnipeg river; and

(b) the waters of the English river, and

for these purposes the Board shall have power—

Powers

(a) to regulate and control the outflow of the waters of the Lake of the Woods so as to maintain the level of the Lake between the elevations that have been recommended by the International Joint Commission in their final report of the 12th June, 1917, or between such elevations as may be agreed upon by the United States and Canada;

As to Lake of the Woods

(b) to regulate and control the outflow of the waters of Lac Seul so as to maintain the level of the Lake between such elevations as the Board may from time to time recommend and which shall be approved by the Governor General in Council and the Lieutenant Governor in Council;

As to Lac Seul

(c) to regulate and control the flow of the waters of the Winnipeg river between its junction with the English river and the Lake of the Woods, and also the flow of the water in the English river between its junction with the Winnipeg river and Lac Seul;

As to Winnipeg river and English river

(d) to regulate and control the level and flow of such other waters of the watershed of the Winnipeg river as the Governor General in Council and the Lieutenant Governor in Council may both agree to place under the jurisdiction of the said Board, save and excepting the operation and control of all dams and regulating works extending across the international boundary, and the dam and regulating works across the Canadian channel at Kettle Falls.

As to other waters

4. In addition to any other legal or other proceedings that may be taken to enforce any order of the said Board, every person violating or refusing to obey any order of the said Board, or obstructing or preventing the carrying out and enforcement of any order made by the said Board shall be liable, upon summary conviction, to a fine not exceeding one thousand dollars, or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment, and shall also be liable to a further penalty not exceeding five hundred dollars for each day on or during which any such offence continues or is repeated.

Penalties for contravening Board's orders

5. The said Board shall have all the powers necessary for effectively carrying out the authority and control vested in it by this Act and by any Act passed by the Legislature of the Province of Ontario, and any order made by the said Board may be made a rule, order or decree of the Exchequer Court of Canada or of the Supreme Court of Ontario, and shall be enforced in the same manner as any rule, order or decree may be enforced in the Court in which such proceeding is taken.

General powers

Enforcement of orders by rules of court

6. (1) When any person or corporation neglects or refuses to obey or carry out any order of the Board, the Board in addition to any other remedy provided by this Act, may from time to time enter upon and take such complete or partial possession of any mill, dam, plant, works, machinery, land, waters or premises, and may do all such acts and things, as the Board may deem necessary for the due enforcement and carrying out of such order, and may retain possession and control of any such mill, dam, plant, works, machinery, land, waters or premises for such period as the Board may deem necessary for that purpose.

Enforcement of orders by taking possession of property

(2) All expenses incurred by the Board under subsection one of this section shall constitute a debt due from such person or corporation to the Board and shall be recoverable by the Board with costs in any court of competent jurisdiction.

Recovery of expenses

7. (1) The Board shall have power to appoint such inspectors and other officers or employees as the Board may deem necessary for the purposes of this Act.

Appointment of officers

(2) Any inspector or other officer when so authorized by the Board, may enter upon any land, works or plant constructed or installed upon any of the waters mentioned in section three, or in or by which any such waters are used or diverted, and take all such measurements and do all such acts and things as may be necessary for the information of the Board as to the use or diversion of such waters by the person or corporation owning or controlling such land, works or plant.

Entrance upon property for survey

(3) Every person who hinders or obstructs any such inspector or officer in the performance of his duties under subsection two of this section shall incur the penalties mentioned in section four.

Penalty for obstruction

8. The Board and the members thereof, and its officers and employees, shall not be liable to any action for acts done by them or any of them under the authority of this Act.

Immunity from actions

9. The expenses of the Board, including the remuneration of the members of the Board, shall be paid out of such funds as may be appropriated by the Parliament of Canada and the Legislature of Ontario respectively for paying expenses incurred for the purposes of this Act in such proportions as the Governor General in Council and the Lieutenant Governor in Council may agree. **Mode of payment of Board's expenses and remuneration**

10. (1) The Governor General in Council and the Lieutenant Governor in Council may make such regulations, including provisions as to what shall constitute a quorum of the Board and how orders of the Board shall be signed as they may agree to be necessary for carrying out the provisions of this Act. **Regulations**

(2) All regulations made hereunder shall be published in *The Canada Gazette*. **Publication**

11. This Act shall come into force on a day to be named by the Governor General by his Proclamation. **Date of operation**

NOTE:

The format of this copy is similar to the version printed by: Thomas Mulvey, Law Printer to the King's most Excellent Majesty, Ottawa, 1921.