MEMORANDUM OF AGREEMENT

Made this 5th day of March, 1938,

BETWEEN:

THE GOVERNMENT OF THE DOMINION OF CANADA, represented herein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,

OF THE FIRST PART,

- and -

THE GOVERNMENT OF THE PROVINCE OF MANITOBA, represented herein by the Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources,

OF THE SECOND PART.

WHEREAS the Agreement entered into between the parties hereto on the 14th day of December, 1929, (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930", assented to on 10th July, 1930, being chapter twenty-six of the Imperial Statutes, 20-21 George V:

AND WHEREAS by paragraph twenty-four of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province:

AND WHEREAS the said Natural Resources Transfer Agreement came into force, pursuant to the provisions thereof, on the 15th day of July, 1930:

AND WHEREAS the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines and minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties upon and subject to the terms and conditions therein set forth:

AND WHEREAS doubts have been entertained on the part of the province whether the interest of the Crown in the waters and water powers within the Province under the Irrigation Act, and the Dominion Water Power Act, was transferred to and vested in the Province under the terms of the Natural Resources Transfer Agreement, the same not having been specifically mentioned in the description of the natural resources transferred to the Province as hereinafter recited, and for the quieting of such doubts it is expedient that the transfer to the Province of the interest of the Crown in the waters and water powers aforementioned should be confirmed:

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph 1 of the said Natural Resources Transfer Agreement is amended by inserting after the word "province" in the sixth line thereof and words "and the interest of the Crown in the waters and water powers within the Province under the Irrigation Act, and the Dominion Water Power Act", being chapter sixty-one of the Revised Statutes of Canada, 1906, as amended by chapter thirty-eight, 7-8 Edw. VII, and chapter thirty-four, 9-10 Edw. VII, and under the Dominion Water Power Act; and after the word "royalties" in the seventh line thereof the words "or for interests or rights in or to the use of such waters or water powers"; and the amendments to said paragraph 1 hereinbefore provided shall have effect, and said paragraph 1 shall be read and construed as if it contained the said amendments, as from the coming into force of the said Natural Resources Transfer Agreement, subject nevertheless to the other provisions of the said Natural Resources Transfer Agreement and to the exception of all such interests in or rights to the use of the waters and water powers within the Province as continue, in virtue of such provisions, to belong to or to be administrable by the Crown in the right of Canada, and of all sums due or payable for such interests or rights.
2. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Manitoba, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

IN WITNESS WHEREOF the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources, has hereunto set his hand on behalf of the Province of Manitoba.

T. A. CRERAR.

Signed on behalf of the Government of Canada by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources in the presence of:

W. C. BETHUNE.
J. S. McDIARMID.

Signed on behalf of the Government of Manitoba by the Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources in the presence of:

MARY A. ZAKUS.