

6-7 ELIZABETH II.

CHAPTER 48.

An Act to amend The Lake of the Woods Control Board Act, 1922

Assented to March 27th, 1958.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Lake of the Woods Control Board Act, 1922* is repealed and the following substituted therefor: 1922, c. 21, s. 2,
re-enacted
 2. — (1) The Board called “The Lake of the Woods Control Board” created by *The Lake of the Woods Control Board Act, 1921* (Canada) and by *The Lake of the Woods Control Board Act, 1922* is continued and shall consist of four members and four alternate members who shall be duly qualified engineers and of whom one member and one alternate member shall be appointed by the Governor-General in Council, two members and two alternate members by the Lieutenant-Governor of Ontario in Council, and one member and one alternate member by the Lieutenant-Governor of Manitoba in Council and each of the persons so appointed shall hold office during the pleasure of the Governor-General in Council, the Lieutenant-Governor of Ontario in Council or the Lieutenant-Governor of Manitoba in Council, respectively, and any vacancy on the Board shall be filled by the Governor-General in Council or the Lieutenant-Governor in Council who appointed the person who formerly occupied the vacant appointment. Constitution of
Board
1921, c. 10 (Can.)
 - (2) An alternate member is entitled to sit and vote only during the absence of the member for whom he was appointed as alternate. Voting by
alternates
2. — (1) The second clause *b* of section 3 of *The Lake of the Woods Control Board Act, 1922* is repealed and the following substituted therefor: 1922, c. 21, s. 3,
cl. *b*, re-enacted
 - (*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, the Lieutenant-Governor of Ontario in Council and the Lieutenant-Governor of Manitoba in Council, and to regulate and control the flow into Lac Seul through the Lake St. Joseph diversion works at such times as the level of Lac Seul rises above elevation 1169 feet during the months of January and June, above elevation 1168 feet during the months of February, March, April and May and above elevation 1170 feet during the months of July, August, September, October, November and December, or above such higher elevations as are authorized by the Board from time to time.

(2) Clause *d* of the said section 3 is amended by striking out “and the Lieutenant-Governor in Council may both” in the third and fourth lines and inserting in lieu thereof “the Lieutenant-Governor of Ontario in Council and the Lieutenant-Governor of Manitoba in Council may”, so that the clause shall read as follows:

1922, c. 21, s. 3,
cl. *d*, amended

(*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, the Lieutenant-Governor of Ontario in Council and the Lieutenant-Governor of Manitoba in Council may agree to place under the jurisdiction of the said Board. Save and excepting the control and operation of all dams and regulating works extending across the International Boundary and the dam and regulating works across the Canadian channel at Kettle Falls.

(3) The said section 3 is further amended by adding thereto the following subsection:

1922, c. 21, s. 3,
amended

(2) In this section, any reference to water elevations shall be related to mean sea level (Geodetic Survey of Canada. Adjustment previous to that of 1923). Referred to brass cap bench mark Number 988-A, elevation 1183.075.

Interpretation

3. Section 5 of *The Lake of the Woods Control Board Act, 1922* is amended by inserting after “Canada” in the fourth line “and by any Act passed by the Legislature of Manitoba” and by inserting after “Ontario” in the sixth line “or of Her Majesty’s Court of Queen’s Bench for Manitoba”, so that the section shall read as follows:

1922, c. 21, s. 5,
amended

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 Parliament of the Dominion of Canada and by any Act passed by the Legislature of Manitoba 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 or of Her Majesty’s Court of Queen’s Bench for Manitoba 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.

Enforcement of
order

4. Section 9 of *The Lake of the Woods Control Board Act, 1922* is repealed and the following substituted therefor:

1922, c. 21, s. 9,
re-enacted

9. The expenses of the Board, including the remuneration of the members or alternate members of the Board, shall be paid out of such funds as may be appropriated by the Parliament of Canada and the Legislatures of Ontario and Manitoba respectively for paying expenses incurred for the purposes of this Act in such proportions as the Governor-General in Council and the respective Lieutenant-Governors in Council may agree.

Expenses of Board

5. Subsection 1 of section 10 of *The Lake of the Woods Control Board Act, 1922* is amended by striking out “Lieutenant-Governor” in the second line and inserting in lieu thereof “respective Lieutenant-Governors”, so that the sub-section shall read as follows:

1922, c. 21, s. 10,
subs. 1, amended

(1) The Governor-General in Council and the respective Lieutenant-Governors 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**

6. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. **Commencement**

7. This Act may be cited as *The Lake of the Woods Control Board Amendment Act, 1958*. **Short title**

NOTES:

- 1) The format of this copy is similar to the version printed by: Baptist Johnston, Printer to the Queen's Most Excellent Majesty, Toronto, 1958.
- 2) This Act came into effect by proclamation on September 17, 1958.