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[2191]

At the Government House at Ottawa, Saturday, the 27th day of October 1923.

Present: His Excellency the Governor General in Council

Whereas the Acting Minister of the Interior reports that Victoria Harbour, Selkirk Water, Victoria Arm, Portage Inlet and the coastal waters of the southeast shore of Vancouver Island are the resort of many valuable and interesting species of migratory birds;

And whereas the Government of the Province of British Columbia has created a Bird Sanctuary at this point;

And whereas the question of the legality of provincial jurisdiction over tidal waters has been raised in connection with this sanctuary;

And whereas the creation of a sanctuary, on these areas, under the provisions of the Migratory Bird Convention Act would provide the protection needed for these migratory birds, particularly those frequenting the tidal waters on which the jurisdiction of the province has been questioned;

And whereas the Department of Public Works and the Department of Marine and Fisheries do not object to the creation of a sanctuary in this area which is largely under the control of the Federal Government;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of the Interior and pursuant to the provisions of the Migratory Birds Convention Act, is pleased to order that the killing, capturing, taking, injuring, or molesting of migratory game, migratory insectivorous, or migratory non-game birds, or the taking, injuring, destruction or molestation of their nests or eggs, shall be and the same is hereby prohibited at all times within the following areas, which areas will then be known as the Victoria Harbour Bird Sanctuary, Namely: -

Commencing at high-water mark on Cadboro Point (commonly called Ten-Mile Point), near the city of Victoria, British Columbia; thence in a south-easterly direction to the most southerly point of Trial Island; thence westerly to Brotchie Ledge; thence to high-water mark on Macauley Point; thence along high-water mark on the shores of Vancouver Island to point of commencement; including all areas below high-water mark in Victoria Harbour, Selkirk Water, Victoria Arm and Portage Inlet.

E.J. Lemaire,
19-4 Clerk of the Privy Council