

# *The North-West Territories Act*

*being*

Chapter 50, *Revised Statutes of Canada, a 1886*, as amended up to the first day of September, 1905, the date of the coming into force of *The Saskatchewan Act*; and as amended by the Statutes of Saskatchewan, [2010, c.28](#).

## **NOTE:**

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.



## THE NORTH-WEST TERRITORIES ACT

An Act respecting the North-West Territories.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

New sections from amending Acts have the numbers bracketed thus: (1).

References at the end of sections or clauses indicate that the section or clause was amended to read as shown, by the enactment referred to.

### SHORT TITLE.

1. This Act may be cited as "*The North-West Territories Act*".

### INTERPRETATION.

2. In this Act unless the context otherwise requires:

(a) the expression "Territories" means the North-West Territories, as defined in this Act;

(b) the expression "The Lieutenant Governor" means the Lieutenant Governor of the North-West Territories;

(c) the expression "The Lieutenant Governor in Council" means the Lieutenant Governor of the Territories by and with the advice and consent of the Executive Council of the Territories or in conjunction with the Executive Council of the Territories, as the case may be;

(60-61 Vic., c.28, s.2).

(d) the expression "Supreme Court" means the Supreme Court of the North-West Territories;

(e) the expression "intoxicating liquor" means and includes all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids;

(f) the expression "intoxicant" includes opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid;

(g) the expression "Legislative Assembly" means the Legislative Assembly of the Territories composed, under the provisions of this Act, of the members elected to represent the several electoral divisions into which the Territories are or from time to time may be divided.

(60-61 Vic., c.28, s.3).

**3.** The Territories formerly known as “Rupert’s Land” and the North-West Territory shall, with the exception of such portions thereof as form the Province of Manitoba and the District of Keewatin continue to be called and known as the North-West Territories.

(But see *The Yukon Territory Act*, 61 Vic., c.6, s.2).

#### THE LIEUTENANT GOVERNOR.

**4.** There shall be for the Territories an officer called the Lieutenant Governor appointed by the Governor in Council by instrument under the Great Seal of Canada who shall hold office during pleasure.

**2.** The Lieutenant Governor shall administer the Government under instructions from time to time given by him the Governor in Council or by the Secretary of State of Canada.

**5.** The Governor in Council may from time to time appoint an Administrator to execute the office and functions of the Lieutenant Governor during his absence, illness or other inability.

**6.** Every Lieutenant Governor or Administrator so appointed shall before assuming the duties of his office take and subscribe before the Governor General or before some person duly authorized to administer such oaths an oath of allegiance and an oath of office similar to those required to be taken by a Lieutenant Governor under *The British North America Act, 1867*.

**(106).** There shall be payable out of the Consolidated Revenue Fund of Canada the following sum annually, that is to say:

To the Lieutenant Governor, not exceeding	\$7,000
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Together with such sums of money as are from time to time fixed by the Governor in Council in respect of travelling allowances.

(51 Vic., c.19, s.17).

(Sections 7 and 8 were repealed by 51 Vic., c.19, s.1.).

#### SEAT OF GOVERNMENT.

**9.** The seat of Government of the Territories shall be fixed, and may from time to time be changed, by the Governor in Council.

(Section 10 was repealed by 51 Vic., c.19, s.1).

## LAWS IN FORCE.

**11.** Subject to the provisions of this Act, the laws of England relating to civil and criminal matters, as the same existed on the fifteenth day of July, in the year of our Lord one thousand eight hundred and seventy, shall be in force in the Territories, in so far as the same are applicable to the Territories, and in so far as the same have not been or are not hereafter repealed, altered, varied, modified or affected by any Act of the Parliament of the United Kingdom applicable to the Territories or of the Parliament of Canada or by any Ordinance of the Lieutenant Governor in Council, or of the Legislative Assembly.

(60-61 Vic., c.28, s.4).

**Repeal of certain provision**

**9 Section 11 of *The North-West Territories Act*, being chapter 50 of the Revised Statutes of Canada, 1886, as it existed on September 1, 1905, is repealed to the extent that it applies to matters within the legislative jurisdiction of Saskatchewan.**

2010, c.28, s.9.

**12.** All laws and Ordinances in force in the Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Legislative Assembly under the authority of this Act.

(60-61 Vic., c.28, s.5).

## THE LEGISLATIVE ASSEMBLY

**(2).** There shall be a Legislative Assembly for the Territories which shall be composed of twenty-six members elected to represent the electoral districts set forth in the schedule to this Act until the said Legislative Assembly otherwise provides.

(57-58 Vic., c.17, s.15).

**(3).** Every Legislative Assembly shall continue for four years from the date of the return of the writs for choosing the same; but the Lieutenant Governor may at any time dissolve the Assembly and cause a new one to be chosen.

(54-55 Vic., c.22, s.3; 57-58 Vic., c.17, s.16).

**(4).** There shall be a session of the Legislative Assembly convened by the Lieutenant Governor at least once in every year so that twelve months shall not intervene between the last sitting of the Assembly in one session and its first sitting in another session; and such Assembly shall sit separately from the Lieutenant Governor, and shall present Bills passed by it to the Lieutenant Governor for his assent, who may approve or reserve the same for the assent of the Governor General.

(54-55 Vic., c.22, s.4).

(By 54-55 Vic., c.22, s.5, provision was made for issue and conduct of elections until the Assembly should otherwise provide.)

(7). The persons qualified to vote at an election for the Legislative Assembly shall be the male British subjects by birth or naturalization (other than unenfranchised Indians) who have attained the full age of twenty-one years, who have resided in the North-West Territories for at least the twelve months and in the electoral district for at least the three months respectively immediately preceding the time of voting.

(51 Vic., c.19, s.7).

(8). Any British subject by birth or naturalization shall be eligible for nomination and election.

(2) No nomination at any election shall be valid and acted upon unless at or before the time of nomination a sum of one hundred dollars is deposited in the hands of the returning officer; and the receipt of the returning officer shall in every case be sufficient evidence of the payment herein mentioned.

(3) The sum so deposited shall be returned to the person by whom the deposit was made in the event of the candidate by or on whose behalf it was so deposited, being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected, otherwise it shall belong to Her Majesty for the public uses of the Territories; and the sum so paid and not returned as herein provided shall be applied by the returning officer towards the payment of the election expenses and an account thereof shall be rendered by him to the Lieutenant Governor.

(51 Vic., c.19, s.8).

(18). No person holding any office, commission, or employment to which an annual salary from the Crown is attached shall be eligible as a member of the Legislative Assembly or shall sit or vote therein during the time he holds such office, commission or employment; but nothing herein contained shall render ineligible any member of the Executive Council of the Territories by reason of any salary, fee, allowance, emolument or profit of any kind or amount attaching to such membership from being a member of the Assembly or shall disqualify him from sitting or voting therein; provided he is elected while holding such office and is not otherwise disqualified.

(60-61 Vic., c.28, s.9).

(9). Elected members of the Legislative Assembly shall take and subscribe before the Lieutenant Governor or before such person as is designated by the Governor in Council the following oath of allegiance:

“I, \_\_\_\_\_ A.B., do swear that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors”.

(51 Vic., c.19, s.9),

(10). Until the Legislative Assembly otherwise provides, a majority of the members shall form a quorum for the transaction of business.

(57-58 Vic., c.17, s.13).

**(11).** The Legislative Assembly on its first assembling after a general election shall proceed with all practicable speed to elect one of its elected members to be speaker.

(2) In case of a vacancy happening in the office of Speaker by death, resignation or otherwise the Legislative Assembly shall proceed with all practicable speed to elect another of its elected members to be Speaker.

(3) The Speaker shall preside at all meetings of the Legislative Assembly.

(4) Until the Legislative Assembly otherwise provides in case of the absence for any reason of the Speaker from the chair of the Assembly for forty-eight hours the Assembly may elect another of its members to act as speaker and the member so elected shall during the continuance of such absence of the Speaker have and execute all the powers, privileges and duties of Speaker.

(51 Vic., c.19, S. 11).

**(12).** Questions arising in the Legislative Assembly shall be decided by a majority of voices other than that of the Speaker and when the voices are equal but not otherwise the Speaker shall have a vote.

(51 Vic., c.19, s.12).

**13.** The Legislative Assembly shall subject to the provisions of this Act or of any other Act of the Parliament of Canada, declared to be applicable to the Territories, have power to make Ordinances for the government of the Territories in relation to the classes of subjects next hereinafter mentioned, that is to say:

1. The mode of providing voters' lists, the oaths to be taken by voters, the appointment, powers and duties of returning officers and deputy returning officers, election and poll clerks and their oaths of office, the proceedings to be observed at elections, the periods during which such elections may be continued, and such other provisions with respect to such elections as may be thought fit;

2. Direct taxation within the Territories in order to raise a revenue for Territorial or municipal or local purposes;

3. The establishment and tenure of Territorial offices and the appointment and payment of Territorial officers out of Territorial revenues;

4. The establishment, maintenance and management of prisons in and for the Territories, – the expense thereof being payable out of Territorial revenues;

5. Municipal institutions in the Territories, including the incorporation and powers, not inconsistent with any Act of Parliament, of irrigation districts, that is to say, associations of the land owners and persons interested in the lands in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands;

(58-59 Vic., c.31, s.1).

6. Shop, saloon, tavern, auctioneer and other licences in order to raise a revenue for Territorial or municipal purposes;

7. The incorporation of companies with Territorial objects with the following exceptions:

- (a) such companies as cannot be incorporated by a Provincial Legislature;
- (b) railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies;

(58-59 Vic., c.31, s.2).

8. The solemnization of marriage in the Territories;

9. Property and civil rights in the Territories;

10. The administration of justice in the Territories including the constitution, organization and maintenance of Territorial courts of civil jurisdiction, including procedure therein, but not including the power of appointing any judicial officers;

11. The imposition of punishment by fine, penalty or imprisonment for enforcing any Territorial Ordinances;

12. The expenditure of Territorial funds and such portion of any moneys appropriated by Parliament for the Territories as the Lieutenant Governor is authorized to expend by and with the advice of the Legislative Assembly or of any committee thereof;

13. Generally all matters of a merely local or private nature in the Territories.

(2) Nothing in this section contained gives or shall be construed to give to the Legislative Assembly any greater powers with respect to the subjects therein mentioned than are given to Provincial Legislatures under the provisions of section ninety-two of *The British North America Act, 1867*, with respect to the similar objects therein mentioned.

(54-55 Vic., c.22, s.6; 60-61 Vic., c.28, s.6).

(3) Notwithstanding anything in *The North-West Territories Act*, or any Act in amendment thereof, the Legislative Assembly may, by Ordinance, repeal the provisions of sections 49, 51, 53, 55, 64, 88, 89 and 90 of the said *North-West Territories Act*, as amended, and re-enact the said provisions or substitute other provisions in lieu thereof; but nothing in this section shall be construed as giving to the Legislative Assembly power to pass Ordinances for the constitution, organization or maintenance of courts of criminal jurisdiction, or respecting procedure in criminal courts.

(3 Edw. VII c.40, s.3).

(4) Notwithstanding anything in *The North-West Territories Act*, or any Act in amendment thereof, the Legislative Assembly may, by Ordinance, repeal the provisions of sections 7, 8, 9, 11 and 12 of chapter 19 of the Statutes of 1888, and section 18 of chapter 17 of the Statutes of 1894, as that section is enacted by section 9 of chapter 28 of the Statutes of 1897, and re-enact the said provisions or substitute other provisions in lieu thereof.

(3 Edw. VII c.40, s.4).



**14.** The Legislative Assembly shall pass all necessary Ordinances in respect to education, but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Territories or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit and make the necessary assessment and collection of rates thereof; and also that the minority of the ratepayers therein whether Protestant or Roman Catholic may establish separate schools therein, – and in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rate as they impose upon themselves in respect thereof.

(2) Repealed by 61 Vic., c.5, s.2.

(Section 15 of the Act was repealed by 57-58 Vic., c.17, s.2).

**(14).** The Legislative Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose that has not been first recommended to the Assembly by message of the Lieutenant Governor in the session in which such vote, resolution, address or bill is proposed.

(51 Vic., c.19, s.14).

**16.** The Legislative Assembly may, from time to time, make Ordinances in respect to the mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and in respect to all matters relating to the same.

(60-61 Vic., c.28, s.7).

**(20).** For the removal of doubts it is hereby declared that subject to the provisions of *The North-West Territories Act* the Legislative Assembly has and shall have power to confer on Territorial courts jurisdiction in matters of alimony.

(57-58 Vic., c.17, s.20).

**(19).** Notwithstanding anything in this Act or the said Act contained the Legislative Assembly may, by Ordinance, repeal the provisions of sections twenty-six to forty, both inclusive, and also in so far as they apply to the Territories comprising the several electoral divisions mentioned in the schedule to this Act, the provisions of sections ninety-two to one hundred, also both inclusive, of the said Act, together with all amendments thereto and may re-enact the said provisions or substitute other provisions in lieu thereof.

(54-55 Vic., c.22, s.19).

**17.** An authentic copy of every Ordinance shall be transmitted by mail to the Secretary of State within thirty days after passing; and if the Governor in Council at any time within one year after its receipt by the Secretary of State thinks fit to disallow the Ordinance, such disallowance, when signified by the Secretary of State to the Lieutenant Governor, shall annul the Ordinance from and after the date of such signification; and all Ordinances so made, and all Orders in Council disallowing any Ordinances so made, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

(Sections 18 to 25, both inclusive, were repealed by 51 Vic., c.19, S. 1).

#### THE EXECUTIVE COUNCIL.

**(17).** There shall be a Council to aid and advise in the government of the Territories to be styled the Executive Council of the Territories; and the persons who are to be members of that Council shall be, from time to time, chosen and summoned by the Lieutenant Governor and sworn in; and members thereof may be, from time to time, removed by the Lieutenant Governor.

**(2)** All powers, authorities and functions which, under any Act of the Parliament of Canada or Ordinance of the Territories, are vested in or exercisable by the Lieutenant Governor with the advice, or with the advice and consent of the Executive Committee of the Territories, or in conjunction with that committee, shall, upon the passing of this Act be vested in, and shall or may be exercised by the Lieutenant Governor with the advice, or with the advice and consent of, or in conjunction with, the Executive Council of the Territories, subject, nevertheless, to be abolished or altered by competent legislative authority.

(60-61 Vic., c.28, s.8).

#### WILLS.

**26.** Every person may devise, bequeath or dispose of, by will, executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity at the time of his death and which if not so devised, bequeathed or disposed of would devolve upon his heir-at-law or upon his executor or administrator.

**27.** No will made by any person under the age of twenty-one years shall be valid.

**28.** No will shall be valid unless it is in writing and executed in manner hereinafter mentioned that is to say: – it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time; and such witnesses shall attest and shall subscribe the will in the presence of the testator but no form of attestation shall be necessary.

**29.** Every will executed in manner hereinbefore required shall be valid without any other publication thereof.

**30.** If any person who attests the execution of a will is at the time of the execution thereof or at any time afterwards incompetent to be admitted as a witness to prove the execution thereof, such will shall not on that account be invalid.

**31.** No person shall on account of his being an executor of a will be incompetent to be admitted as a witness to prove the execution of such will or as a witness to prove the validity or invalidity thereof.

**32.** If any person attests the execution of any will to whom or to whose wife or husband any beneficial devise or legacy affecting any real or personal property (other than a charge for the payment of a debt) is thereby given, such devise or legacy shall so far only as concerns such person attesting the execution of such will, or the wife or husband of such person claiming under such person, wife or husband, be null and void, and such person so attesting shall be admitted to prove the execution of such will or the validity or invalidity of such will notwithstanding such devise or legacy.

**33.** No will or codicil or any part thereof shall be revoked otherwise than by marriage or by another will or codicil executed in manner hereinbefore required or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed or by the burning, tearing or otherwise destroying the same by the testator or by some person in his presence and by his direction with the intention of revoking the same.

**34.** Every will shall be construed with reference to the real and personal property affected by it, to speak and take effect as if it had been executed immediately before the death of the testator unless a contrary intention appears by the will.

**35.** If any real property is devised to any person without any words of limitation such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless a contrary intention appears by the will.

#### MARRIED WOMEN.

**36.** All the wages and personal earnings of a married woman and any acquisitions therefrom and all proceeds or profits from any occupation or trade which she carries on separately from her husband or derived from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property shall be free from the debts or dispositions of the husband and shall be held and enjoyed by such married woman and disposed of without her husband's consent as fully as if she were a *feme sole*, and no order for protection shall be necessary in respect of any such earnings or acquisitions; and the possession, whether actual or constructive, of the husband, of any personal property of any married woman shall not render the same liable for his debts.

**37.** A married woman may make deposits of money in her own name in any savings or other bank and withdraw the same by her own cheque; and any receipt or acquittance of such depositor shall be a sufficient discharge to any such bank.

**38.** Nothing hereinafter contained in reference to moneys deposited or investments by any married woman shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditors; and any money so deposited or invested may be followed as if this Act had not been passed.

**39.** A husband shall not, by reason of any marriage, be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

**40.** A married woman may maintain an action in her own name for the recovery of any wages, earnings, money and property, declared by this Act or which is hereafter declared to be her separate property, and shall have in her own name, the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman; and any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts, as if she were unmarried.

#### ADMINISTRATION OF JUSTICE.

**41.** The Supreme Court of record of original and appellate jurisdiction now existing under the name of "The Supreme Court of the North-West Territories" is hereby continued under the name aforesaid.

**42.** The Supreme Court shall consist of a chief justice, and not less than five puisne judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal.

(3 Edw. VII, c.40, s.1).

**43.** Any person may be appointed a judge of the Court who is or has been a judge of a Superior Court of any province of Canada, a stipendiary magistrate of the Territories, or a barrister or advocate of at least ten years' standing at the bar of any such province, or of the Territories.

**44.** No judge of the Court shall hold any other office of emolument under the Government of Canada, or of any province thereof, or of the Territories.

**45.** Each judge of the Court shall reside at such place in the Territories as the Governor in Council, in the commission to such judge, or by Order in Council, directs.

**46.** The judges of the Court shall hold office during good behaviour, but shall be removable by the Governor General, on address of the Senate and House of Commons of Canada.

**47.** Every judge shall, previously to entering upon the duties of his office as such judge, take an oath in the form following:

"I, \_\_\_\_\_, do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge, execute the powers and trusts reposed in me as one of the judges of the Supreme Court of the North-West Territories. So help me God".

2. Such oaths shall be administered by the Lieutenant Governor or by a judge of the Court.

**48.** The Court shall, within the Territories, and for the administration of the laws for the time being in force within the Territories, possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record and all other rights, incidents and privileges as fully to all intents and purposes as the same were on the fifteenth day of July, one thousand eight hundred and seventy, used, exercised and enjoyed by any of Her Majesty's superior courts of common law, or by the Court of Chancery, or by the Court of Probate in England, – and shall hold pleas in all and all manner of actions, causes and suits as well criminal as civil, real, personal and mixed, – and shall proceed in such actions, causes and suits by such process and course as are provided by law, and as tend with justice and despatch to determine the same, – and shall hear and determine all issues of law, and shall also hear and (with or without a jury as provided by law) determine all issues of fact joined in any such action, cause or suit, and give judgment thereon and award execution thereof in as full and as ample a manner as might at the said date be done in Her Majesty's Court of Queen's Bench, Common Bench, or in matters which regard the Queen's revenue (including the condemnation of contraband or smuggled goods) by the Court of Exchequer, or by the Court of Chancery or the Court of Probate in England.

**49.** The court shall sit in banc at such times and places as the Lieutenant Governor in Council appoints; the senior judge present shall preside, and three judges of the Court shall constitute a quorum.

(61 Vic., c.5, s.3).

**50.** The court sitting in banc shall hear and determine all application for new trials, all questions or issues of law, all questions or points in civil or criminal cases reserved for the opinion of the court, all appeals or motions in the nature of appeals, all petitions and all other motions, matters or things whatsoever which are lawfully brought before it.

(2) Except where a question has been reserved and stated for the opinion of the Supreme Court of the North-West Territories as a Court of Appeal under section 743 of *The Criminal Code, 1892*, the judge by or before whom the judgment, order or decision then in question was rendered or made, shall not sit as one of the judges composing the Court unless his presence is necessary to compose a quorum.

(3 Edw. VII, c.40, s.2).

**51.** The Governor in Council may, at any time, by proclamation divide the Territories into judicial districts, and give to each such district an appropriate name, and in like manner, from time to time, alter the limits and extent of such districts.

**52.** Every judge of the Court shall have jurisdiction throughout the Territories, but shall usually exercise the same within the judicial district to which he is assigned by the Governor in Council, and in all causes, matters and proceedings, other than such as are usually cognizable by a court sitting in banc, and not by a single judge of the said court, shall have and exercise all the powers, authorities and jurisdiction of the Court.

(2) Subject to any statute prohibiting or restricting proceedings by the way of *certiorari*, a single judge shall, in addition to his other powers, have all the powers of the Court as to proceedings by way of *certiorari* over the proceedings, orders, convictions, and adjudications had, taken and made by justices of the peace, and in addition thereto shall have the power of revising, amending, modifying or otherwise dealing with the same; and writs of *certiorari* may, upon the order of a judge, be issued by the Clerk of the Court mentioned in such order returnable as therein directed.

(54-55 Vic., c.22, s.7).

**53.** Whenever, under any Act in force in the Territories, any power or authority is to be exercised, or anything is to be done by a judge of a court, such power or authority shall, in the Territories, be exercised or such thing shall be done by a judge of the Supreme Court, unless any other provision is made in that behalf by such Act.

**54.** The judges of the Supreme Court shall have all the powers, authority and jurisdiction vested in the stipendiary magistrates of the Territories on the second day of June, one thousand eight hundred and eighty-six; and wherever in any Act of the Parliament of Canada relating to the Territories, the words "stipendiary magistrate" or "stipendiary magistrates" are used, the same shall mean a judge or the judges of the Supreme Court, as the case may be.

**55.** Sittings of the Supreme Court, which shall be presided over by a judge of the Court, shall be held in each judicial district at such times and places as the Lieutenant Governor of the Territories appoints.

**(56).** For each judicial district the Governor in Council may appoint a sheriff and the Lieutenant Governor in Council may appoint a Clerk of the Court, and may respectively name the place at which such sheriff and clerk, respectively, shall reside and keep an office; and the Clerk of the district within which the seat of government of the Territories is situate, shall be registrar of the Court sitting in banc.

(60-61 Vic., c.28, s.10).

(2) And each sheriff and clerk shall appoint a deputy or deputies at such places within the district and with such powers as are, from time to time, determined by an Ordinance of the Legislative Assembly.

(3) In case of a vacancy happening in the office of sheriff or clerk by reason of death, incapacity or otherwise, his deputy may perform his duties until a successor is appointed; and where there is no such deputy, the judge usually exercising jurisdiction within the judicial district may appoint a person to fill the vacancy in the meantime.

(4) The Legislative Assembly may, subject to the provisions of this Act, define by Ordinance the powers, duties and obligations of sheriffs and clerks, and their respective deputies.

(54-55 Vic., c.22, s.8)

**57.** Each Clerk of the Court shall use such a seal for sealing processes issued out of the Court in the district for which he is appointed as the Lieutenant Governor approves.

**58.** Before entering on the duties of his office every sheriff appointed under the provisions of this Act shall give security by bond, or by guarantee of some guarantee company approved by the Governor in Council, in the sum of two thousand dollars, and every clerk shall give the like security in the sum of one thousand dollars.

**59.** Each sheriff shall be paid a yearly salary of five hundred dollars and the Lieutenant Governor, by and with the advice and consent of the Legislative Assembly, may legislate with respect to the remuneration, by fees or otherwise, in civil matters, of sheriffs and clerks, including the Registrar of the Supreme Court.

(57-58 Vic., c.17, s.5).

(Sections 60 and 61 of the Act were repealed by 57-58 Vic., c.17, s.6).

**62.** Every sheriff and clerk shall be an officer of the Supreme Court generally, and not merely of the judges sitting or acting in his district, and shall obey the lawful orders of the said Court and of the judges thereof, in whatever district such orders are made, provided anything is required to be done under them by the sheriff or clerk in his district.

**63.** The Lieutenant Governor may, subject to any orders made in that behalf from time to time by the Governor in Council, issue orders to the North-West Mounted Police force, in aid of the administration of civil and criminal justice and for the general peace, order and good government of the Territories.

**(64).** The Lieutenant Governor may appoint justices of the peace for the Territories, who shall have jurisdiction as such throughout the same; but, until the Legislative Assembly otherwise provides, no person shall be appointed a justice of the peace for the Territories or shall act as such who is not the owner in fee simple for his own use and benefit of lands lying and being in the Territories of and above the value of three hundred dollars over and above what will satisfy and discharge all incumbrances affecting the same and over and above all rents and charges payable out of or affecting the same, and who has not resided in the Territories for a period of at least three years.

(60-61 Vic., c.28, s.11).

(2) Every justice of the peace for the Territories, before he takes upon himself to act as such justice, shall take and subscribe before the Lieutenant Governor, a judge of the Supreme Court or any justice of the peace for the Territories, the oath of qualification and the oath of office contained in the schedule to this Act or such other oath or oaths as the Legislative Assembly from time to time prescribes.

(57-58 Vic., c.17, s.7; 60-61 Vic., c.28, s.12).

(3) The Governor in Council may appoint police magistrates in the Territories and such police magistrates shall have all powers and authorities now vested in two justices of the peace under any law in Canada and shall exercise jurisdiction in and for such territory as is defined by the Order in Council appointing them respectively or by any Order in Council amending the same.

(57-58 Vic., c.17, s.7).

(4) No person shall be appointed a police magistrate unless he has been admitted and has practised as an advocate, barrister or solicitor in one of the provinces of Canada for a period of not less than three years.

(57-58 Vic., c.17, s.7; 60-61 Vic., c.28, s.13).

(19). Unless otherwise therein specially provided proceedings for the imposition of punishment by fine, penalty or imprisonment for enforcing any Territorial Ordinance may be brought summarily before a justice of the peace under the provisions of part LVIII of *The Criminal Code, 1892*.

(57-58 Vic., c.17, s.19).

#### ADMINISTRATION OF CRIMINAL LAW.

**65.** The procedure in criminal cases in the Court shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in England on the fifteenth day of July in the year one thousand eight hundred and seventy; but no grand jury will be summoned or sit in the Territories.

**(12).** Every justice of the peace or other magistrate holding a preliminary investigation into any criminal offence which may not be tried under the provisions of *The Summary Convictions Act*, shall immediately after the conclusion of such investigation transmit to the Clerk of the Court for the judicial district in which the charge was made all informations, examinations, depositions, recognizances, inquisitions and papers connected with such charge; and the Clerk of the Court shall notify the judge thereof.

(2) Whenever any person charged is committed to gaol for trial the sheriff or other person in charge of such gaol shall within twenty-four hours notify the judge exercising jurisdiction at the time in the judicial district, in writing, that such prisoner is so confined, stating his name and the nature of the charge preferred against him; whereupon with as little delay as possible the judge shall cause the prisoner to be brought before him for trial either with or without a jury as the case requires.

(54-55 Vic., c.22, s.12).

**(11).** In lieu of indictments and forms of indictment as provided by *The Criminal Procedure Act* the trial of any person charged with a criminal offence shall be commenced by a formal charge in writing setting forth as in an indictment the offence wherewith he is charged.

(54-55 Vic., c.22, s.11).



**66.** Every judge of the Supreme Court shall have and exercise the powers of a justice of the peace or of any two justices of the peace under any laws or Ordinances in force in the Territories, and may also hear and determine any charge against any person for any criminal offence alleged to have been committed in the Territories or (subject to the provisions of section fourteen of the Act passed by the Parliament of Canada in the forty-seventh year of Her Majesty's reign, and chaptered six) in any territory eastward of the Rocky Mountains wherein the boundary between the Province of British Columbia and the Territories has not been officially ascertained, when the accused is charged:

- (a) with having committed or attempted to commit theft, embezzlement, or obtaining money or property by false pretences, or receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received does not in the opinion of such judge exceed two hundred dollars; or
- (b) with having committed an aggravated assault by unlawfully and maliciously inflicting upon any other person either with or without a weapon or instrument any grievous bodily harm or by unlawfully and maliciously wounding any other person; or
- (c) with having committed an assault upon any female whomsoever or upon any male child whose age does not in the opinion of the judge exceed fourteen years; and when such assault, if upon a female, does not in his opinion amount to an assault with intent to commit a rape; or
- (d) with having escaped from lawful custody or committed prison breach, or assaulted, obstructed, molested or hindered any judge, justice of the peace, commissioned officer of police, constable, bailiff or other peace officer or officers of customs or excise or other officer in the lawful performance of his duty or with intent to prevent the performance thereof.

2. The charge shall be tried in a summary way and without the intervention of a jury.

(60-61 Vic., c.28, s.14).

**(67).** When the person is charged with any other criminal offence the same shall be tried, heard and determined by the judge with the intervention of a jury of six; but in any such case the accused may with his own consent be tried by a judge in a summary way and without the intervention of a jury.

(54-55 Vic., c.22, s.9).

**(68).** Whenever upon a trial before a judge in a summary way under either section sixty-six or section sixty-seven of this Act such judge is not satisfied that the accused is guilty of the offence with which he stands charged but the circumstances are such that upon a trial before a jury under *The Criminal Procedure Act* for the like offence the jury might find the accused guilty of some other offence, the judge shall have the same power as to findings as a jury would have in the like circumstances under the said last mentioned Act, and may convict the accused of such other offence, notwithstanding that such offence is one for which under section sixty-seven aforesaid the accused could not without his own consent have been tried in a summary way; and the person so convicted shall be liable to the punishment by the said last mentioned Act or otherwise by law prescribed for the offence of which he is so found guilty.

(54-55 Vic., c.22, s.10).

**69.** The judge shall upon every such trial, take or cause to be taken down in writing full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted after the close of the case for the prosecution to make full answer and defence by counsel, attorney or agent.

**70.** When any person is convicted of a capital offence and is sentenced to death the judge shall forward to the Minister of Justice full notes of the evidence with his report upon the case; and the execution shall be postponed from time to time by the judge if found necessary until such report is received and the pleasure of the Governor General thereon is communicated to the Lieutenant Governor.

(Sections 69 and 70 repealed by 3-4 Geo. V., c.13, s.31).

**71.** Persons required as jurors for a trial shall be summoned by a judge from among such male persons as he thinks suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors and shall be sworn by the judge who presides at the trial.

(2) The Governor in Council may at any time by proclamation declare that this section shall be repealed from and after the date named in such proclamation.

(57-58 Vic., c.17, s.8).

**(72).** Any one arraigned for treason or an offence punishable with death or an offence for which he may be sentenced to imprisonment for more than five years, may challenge peremptorily, and without cause, any number of jurors not exceeding six; and every peremptory challenge beyond that number shall be void.

(57-58 Vic., c.17, s.9).

2. The Crown may peremptorily challenge any number of jurors not exceeding four.
3. Challenges for cause shall be the same as are provided for under the Act respecting Procedure in Criminal Cases.

**73.** If, by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the judge shall direct some constable or other person to summon, by word of mouth, from among the bystanders or from the neighbourhood, such number of persons as are necessary to make up a jury, – the persons so summoned being subject to challenge as those summoned by the judge in the first instance; and the like proceedings shall a I be repeated, if necessary, until a jury is obtained, competent to try the case; and any person summoned, as hereby provided, to serve as a juror, who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the judge, may be fined by him a sum not exceeding ten dollars, and committed to prison until such fine is paid.

**74.** Any person duly summoned, whether on behalf of the prisoner or against him, to attend and give evidence on any such trial, shall be bound to attend on the day appointed for the same, and shall remain in attendance throughout the whole trial; and if he fails so to attend, he shall be deemed guilty of contempt of court, and be proceeded against therefor.

**75.** Upon proof, to the satisfaction of the judge, of the summoning of any witness who fails to attend, and upon such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant, with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his contempt; or the judge may, in a summary manner, examine and dispose of the charge of contempt against the said witness, who, if found guilty thereof, may be fined or imprisoned, or both, – such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labour, and not to exceed the term of ninety days.

**76.** Returns of all trials and proceedings, civil and criminal, shall be made to the Lieutenant Governor in such form and at such times as he directs.

**77.** The Governor in Council may, from time to time, by proclamation, declare that the ten sections next preceding, or any of them, shall be repealed from and after the date named in such proclamation.

**78.** If imprisonment for any term not less than two years is awarded in any case, the convict may be ordered to be imprisoned in any gaol or penitentiary in the Territories or to be conveyed to the penitentiary in the Province of Manitoba, on the warrant of the judge, and whenever any convict or accused person is ordered to be conveyed to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, may hold and convey him or re-take him in case of an escape; and the warden of the penitentiary in Manitoba may detain and deal with him, in the said province, as if such penitentiary was within the Territories, or as if the said convict or accused person had been ordered to be conveyed to such penitentiary by some competent court of authority in the said province.

**(79).** If it is impossible or inconvenient, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any judge or justice of the peace may sentence any person convicted before him of an offence, other than the breach of a municipal bylaw, to be placed and kept in the custody of the North-West Mounted Police force, with or without hard labour; and any police guard-house or guard-room in the Territories shall be a penitentiary, gaol or place of confinement for all purposes, except the confinement of any person sentenced to imprisonment for breach of a municipal bylaw; but if any municipality makes arrangements with the Commissioner of the North-West Mounted Police for the maintenance of persons convicted of a breach of any bylaw of such municipality during the period of their sentence, the provisions of this section shall thereafter apply to such persons in like manner as to other offenders.

**(80).** The Governor in Council may, from time to time, direct that any building or buildings, or any part thereof, or any inclosure or inclosures, in any part or parts of the Territories, shall be a gaol or lock-up for the confinement of prisoners charged with the commission of any offence or sentenced to any punishment or confinement therein; and confinement therein shall thereupon be held lawful and valid whether such prisoners are being detained for trial or are under sentence of imprisonment in a penitentiary, gaol or other place of confinement; and the Governor in Council may at any time direct that any building or any part thereof, or any inclosure, shall cease to be a gaol or lock-up, and thereupon such building or part thereof, or such inclosure shall cease to be a gaol or lock-up. (2) The Governor in Council shall have power to make rules and regulations for the management, discipline and policy of such gaols or lock-ups and for fixing and prescribing the duties and conduct of the gaoler and every other officer or servant employed therein and for the diet, bedding, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein, and to annul, alter and amend the same from time to time; and all gaolers, officers, prisoners and other persons shall be bound to obey such rules and regulations.

(3) The Governor in Council shall also have power from time to time to prescribe the terms and conditions upon which persons convicted or accused of any offence under any Ordinance of the North-West Territories or any municipal bylaw or regulation, or sentenced to confinement under any such Ordinance, bylaw or regulation, or arrested under any civil process, shall be received and kept in any gaol or lock-up created under the authority of this section; and he may from time to time specify what gaols and lock-ups shall be available for the confinement of such persons.

(54-55 Vic., c.22, s.14).

**81.** In all cases in the Territories when proceedings before justices of the peace are authorized to be summary and when no time is specifically limited for making any complaint or laying any information in the Act or law relating to the particular case, the complaint shall be made and the information shall be laid within twelve months from the time when the matter of the complaint or information arose.

#### CORONERS AND INQUESTS.

**82.** The Indian Commissioner for the Territories, the judges of the Supreme Court, the commissioner and assistant commissioner of the North-West Mounted Police and such other persons as the Lieutenant Governor from time to time appoints, shall be coroners in and for the Territories.

**83.** Except as hereinafter provided no inquest shall be held upon the body of any deceased person by any coroner unless it has been made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation and not through mere accident or mischance.

**84.** Upon the death of any prisoner the gaoler or officer in charge of the gaol wherein such prisoner dies shall immediately give notice to the nearest resident coroner and such coroner shall proceed forthwith to hold an inquest upon the body.

**85.** It shall not be necessary in any case that a coroner's jury shall exceed six persons but in every case of an inquest six jurors must agree in order to render the verdict valid.

**86.** Coroners shall have the same powers to summon witnesses and to punish them for disobeying a summons to appear or for refusing to be sworn or to give evidence as are enjoyed by justices of the peace.

**87.** The fees of coroners, jurors and witnesses attending criminal trials and inquests may be fixed from time to time by the Governor in Council and paid in such manner as he directs.

#### ADMINISTRATION OF CIVIL JUSTICE.

**88.** Every judge of the Supreme Court shall have jurisdiction, power and authority to hold courts, whether established by Ordinance of the Legislative Assembly or not, at such times and places as he thinks proper and at such courts as sole judge to hear all claims, disputes and demands whatsoever except as herein provided, which are brought before him and to determine any questions arising thereout, as well of fact as of law, in a summary manner; and such courts shall be open public courts.

(60-61 Vic., c.28, s.15).

2. Provided that in cases where the claim, dispute or demand arises out of a tort, wrong or grievance and in which the amount claimed exceeds five hundred dollars, or if for a debt or on a contract in which the amount claimed exceeds one thousand dollars, or for the recovery of the possession of real property, if either party demands a jury or in any such case in which the judge thinks fit so to direct, he may direct that all questions of fact therein shall be tried and determined by a sworn jury of six in number summoned in the manner hereinbefore provided as to criminal trials.

3. Provided further that in cases of disputed accounts the judge may in place of a trial by jury direct the evidence to be taken by the clerk of any court or by any other competent person; which clerk or other person shall be sworn to take the same truly and to reduce it to writing.

4. The judge may give judgment on the verdict of the jury or upon the evidence taken by the clerk or other person as aforesaid or may order a new trial when justice seems to require the same; and in all cases a judge may give such judgment and make such orders and decrees, interlocutory and final, as in such cases brought before him appear just and agreeable to equity and good conscience; but no court or judge in the Territories shall have jurisdiction in respect of any action for a gambling debt or for the price of any intoxicating liquor or intoxicant or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which, was a gambling debt or any intoxicating liquor or intoxicant.

**89.** Every judgment of the judge shall be pronounced in open court as soon as may be after the hearing of the case; except that in any case where the judge is not prepared to pronounce judgment at the close of the trial he may postpone judgment and deliver and enter the same subsequently and such judgment shall be as effectual as if rendered in court at the trial.

**90.** The proceedings to carry into effect any such judgment, order or decree, whether interlocutory or final, shall be as prescribed by any Ordinance of the Legislative Assembly; or if no such Ordinance is in force when any such judgment, order or decree is rendered, then in such manner as the judge who pronounced the same directs.

(60-61 Vic., c.28, s.16).

**(91).** The Governor in Council may from time to time by proclamation declare that the three sections next preceding, or any of them, or any portion or portions of the said sections or of any of them, shall be repealed from and after the date named in such proclamation.

(57-58 Vic., c.17, s.10).

#### PROHIBITION OF INTOXICANTS.

**92.** No intoxicating liquor or intoxicant shall be manufactured, compounded or made in the Territories, except by special permission of the Governor in Council; nor shall any intoxicating liquor or intoxicant be imported or brought into the Territories from any province in Canada, or elsewhere, or be sold, exchanged, traded or bartered, or had in possession therein, except by special permission, in writing, of the Lieutenant Governor.

2. Intoxicating liquors or intoxicants imported or brought from any place out of Canada into the Territories, by special permission in writing of the Lieutenant Governor, shall be subject to the customs and excise laws of Canada.

**93.** The Lieutenant Governor shall make an annual return, up to the thirty-first day of December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicating liquors and intoxicants in each case, to the Minister of the Interior, who shall lay the same before Parliament.

**94.** If any such intoxicating liquor or intoxicant is manufactured or made in the Territories, or is imported or brought into the Territories, or is sold, exchanged, traded or bartered in violation of the provisions of this Act, such liquor or intoxicant shall be forfeited, and may be seized by any officer of the customs or excise, or by any constable or other duly qualified person wheresoever found; and any judge of the Supreme Court or justice of the peace on 7 complaint made before him may, on the evidence of one credible witness that the provisions of this Act have been violated in respect thereof, order such intoxicating liquor or intoxicant so seized to be forthwith destroyed; or if such liquor or intoxicant has not been seized such judge or justice of the peace on complaint as aforesaid may issue a search warrant, as in cases of stolen goods, and upon the same being found may cause them to be forthwith destroyed; and the still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has been manufactured, imported or made, sold, exchanged, traded or bartered, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the remainder of the contents thereof, if such still, machinery, barrel, keg, case, box, package, receptacle or vessel aforesaid, respectively, can be identified, may be seized by any officer of the customs or excise or by any constable or other duly qualified person wheresoever found within the Territories; and any judge of the

Supreme Court or justice of the peace may, on complaint before him and on the evidence of one credible witness that the provisions of this Act have been violated in respect thereof, declare such intoxicating liquor or intoxicant, still, machinery, vessel or receptacle forfeited and cause the same to be forthwith destroyed; and the person in whose possession any of them are found shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars with costs; and the moiety of such penalty shall belong to the person laying the information, and the other moiety thereof shall belong to Her Majesty for the public uses of Canada.

(54-55 Vic., c.22, s.15).

(2) Every vehicle on which any such intoxicating liquor or intoxicant is imported or conveyed into or through or over any portion of the Territories contrary to the provisions of this Act, shall together with the horses or other cattle employed in drawing any such vehicle as aforesaid, be forfeited to Her Majesty and may be seized and dealt with accordingly.

(51 Vic., c.19, s.18.).

**(95).** Every person who without special permission as aforesaid issued to him, manufactures, makes, compounds, imports, sells, exchanges, trades or barter any intoxicating liquor or intoxicant, or in whose possession or on whose premises any intoxicating liquor or intoxicant of any kind is, without such special permission issued to him, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, – a moiety of which penalty shall belong to the person laying the information,

(54-55 Vic., c.22, s.16).

**96.** Every person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant shall for each offence incur a penalty not exceeding two hundred dollars and not less than fifty dollars, - a moiety of which penalty shall belong to the informer.

**97.** Every article, chattel, commodity or thing, in the purchase, acquisition, exchange, trade or barter of which the consideration either wholly or in part is any intoxicating liquor or intoxicant, shall be forfeited to Her Majesty and shall be seized as hereinbefore provided in respect to any receptacle of any intoxicating liquor or intoxicant.

**98.** Every person who refuses or neglects to aid any constable, sub-constable or other duly authorized person in the execution of any act or duty required under any of the six sections next preceding or who knowingly refuses to give information or gives false information in respect to any matter arising therefrom, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, -a moiety of which penalty shall belong to the informer.

**99.** Every penalty incurred under any of the seven sections next preceding shall be recoverable with costs on summary conviction on the evidence of one credible witness before any judge of the Supreme Court or justice of the peace, who shall on payment of such penalty and costs pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction the convicting judge or justice of the peace may in his discretion levy the same by distress and sale or may commit the person who is so convicted and makes default to any common gaol or house of correction or lock-up house for a term not exceeding six months with or without hard labour, unless the said penalty and costs are sooner paid; and upon conviction for a subsequent offence the offender shall be liable to a penalty not exceeding four hundred dollars and not less than two hundred dollars, payable and recoverable as in this section provided and, in the discretion of the convicting judge or justice of the peace, to imprisonment with or without hard labour in any common gaol or house of correction or lock-up house for a further term not exceeding six months.

**100.** No seizure, prosecution, conviction or commitment under this Act shall be invalid for want of form, so long as the same is according to the true intent and meaning of this Act.

#### SALE OF ARMS AND AMMUNITION.

**101.** In this section

- (a) the expression "improved arm" means and includes all arms except smooth bore shot guns;
- (b) the expression "ammunition" means fixed ammunition or ball cartridge.

2. Every person who, in the Territories, –

- (a) without the permission in writing (the proof of which shall be on him) of the Lieutenant Governor, or of a commissioner appointed by him to give such permission, has in his possession or sells, exchanges, trades, barter or gives to, or with any person, any improved arm or ammunition, or
- (b) having such permission, sells, exchanges, trades, barter or gives any such arm or ammunition to any person not law fully authorized to possess the same, shall on summary conviction before a judge of the Supreme Court or two justices of the peace, be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, or to both.

3. All arms and ammunition which are in the possession of any person, or which are sold, exchanged, traded, bartered or given to or with any person in violation of this section, shall be forfeited to the Crown, and may be seized by any constable or other peace officer; and any judge of the Supreme Court or justice of the peace may issue a search warrant to search for and seize the same, as in the case of stolen goods.



4. The Governor in Council may, from time to time, make regulations respecting,
  - (a) the granting of permission to sell, exchange, trade, barter, give or possess arms or ammunition;
  - (b) the fees to be taken in respect thereof;
  - (c) the returns to be made respecting permissions granted; and –
  - (d) the disposition to be made of forfeited arms and ammunition.
5. The provisions of this section respecting the possession of arms and ammunition shall not apply to any officer or man of Her Majesty's forces, of the militia force, or of the North-West Mounted Police force.
6. The Governor in Council may from time to time declare by proclamation that upon and after a day therein named this section shall be in force in the Territories, or in any place or places therein in such proclamation designated; and upon and after such day, but not before, the provisions of this section shall take effect and be in force accordingly.
7. The Governor in Council may in like manner, from time to time, declare this section to be no longer in force in any such place or places, and may again, from time to time, declare it to be in force therein.
8. All courts, judges and justices of the peace shall take judicial notice of any such proclamation.

#### APPEALS FROM JUSTICES OF THE PEACE.

**102.** The court of appeal from convictions and orders of justices of the peace in the Territories shall be a judge of the Supreme Court sitting without a jury, and the Clerk of the peace or other proper officer mentioned in the Act respecting Summary Proceedings before Justices of the Peace shall in the Territories mean the Clerk of the Supreme Court of the Judicial district within which such conviction takes place or such order is made.

#### LUNATICS.

**103.** Whenever under any law or Ordinance in force in the Territories, any insane person is kept in custody until the pleasure of the Lieutenant Governor is known or until such person is discharged by law, the Lieutenant Governor may cause such person to be removed to and confined in any asylum or place of confinement from time to time designated for that purpose by the Governor in Council, and the superintendent or warden of such asylum or place of confinement shall receive such person and detain him therein until the pleasure of the Lieutenant Governor is known or until such person is discharged by law.

2. The Lieutenant Governor of the Province of Manitoba may cause any insane person who came from the Territories and who was confined in a temporary lunatic asylum on the twentieth day of July, one thousand eight hundred and eighty-five, to be removed to the Manitoba lunatic asylum; and the superintendent of the said asylum or the superintendent of such temporary lunatic asylum, as the case may be, shall detain every such person committed to his keeping until the pleasure of the Lieutenant Governor is known, or until such person is discharged by law.

**104.** If any insane person confined in such asylum or place of confinement under this Act, escapes therefrom, any of the officers or servants thereof or any other person or persons at the request of such officers or servants or any of them, may within forty-eight hours after such escape if no warrant has been issued and within one month after such escape if a warrant in the form in the schedule to this Act has been issued by the superintendent or warden of such asylum or place of confinement in that behalf, retake such escaped person and return him thereto; and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape.

**105.** The Minister of the Interior may, subject to the approval of the Governor in Council, make such arrangements with the Lieutenant Governor of Manitoba as seem reasonable as to the compensation to be made by Canada to that province for the care and maintenance of persons detained in the Manitoba lunatic asylum or in such temporary asylum as aforesaid.

(Section 106 is placed under heading "The Lieutenant Governor").

#### ROAD ALLOWANCES.

**(107).** All road allowances in townships now or hereafter surveyed and subdivided in the Territories and all road allowances set out on block lines now or hereafter surveyed, in the Territories, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Lieutenant Governor in Council for the public use of the Territories, subject to any Ordinance made or to be made with respect thereto.

(60-61 Vic., c.28, s.18).

**(108).** On the Minister of the Interior receiving notice from the Lieutenant Governor in Council of any particular thoroughfare or public travelled road or trail in the Territories which existed as such prior to the subdivision of the land into sections and which it is desired to have transferred to the Territories, the Governor in Council may pass an order authorizing the survey of such road or trail by a Dominion land surveyor, such survey to be made under instructions from the Lieutenant Governor in accordance with a manual of instructions regarding the manner of making such surveys approved by the Surveyor General of Dominion lands; and upon approval of the returns of such survey by the Surveyor General one copy thereof shall be filed in the Department of the Interior and one in the Land Titles Office for the district within which such road or trail is situated; and such road or trail may then be transferred by the Governor in Council for the use of the Territories subject to any rights which may have been acquired under letters patent issued previous to such transfer.

(2) The width of such road or trail shall be one chain or sixty-six feet; and in making the survey the surveyor shall make such changes in the location of the road or trail as he finds necessary for improving it, without, however, altering its main direction.

(60-61 Vic., c.28, s.19).

**(21).** The Legislative Assembly may pass Ordinances with respect to the closing up or varying the direction of any road allowance, or of any trail which has been transferred to the Territories and the opening and establishing of any new highway instead of any road or trail so closed, and the disposition of the land in any such road or trail.

(2) Any Ordinance heretofore passed with respect to the matters mentioned in this section is hereby declared to have been and to be valid.

(2 Edw. VII, c.24, s.1).

Notwithstanding section six of chapter fifteen of the Statutes of 1892 any action heretofore taken by the Lieutenant Governor in the manner provided in subsection one of this section with respect to roads or trails, with the consent of the Governor in Council, but without the concurrence of the Assembly of the North-West Territories, is hereby declared to have been and to be valid.

(57-58 Vic., c.17, s.21(2)).

**(21).** The Lieutenant Governor in Council may cause to be surveyed and marked on the ground such roads or trails as are from time to time deemed necessary to aid in the development of any district which cannot be served by existing road allowances or by old trails mentioned in the section substituted for section one hundred and eight of the said Act by section nineteen of this Act.

(2) Such roads shall be laid out one chain or sixty-six feet in width; and in making the survey the manual of instructions mentioned in the said section shall be followed and one copy of the returns of such survey shall be filed in the Lands Titles Office for the district within which such trail is situated and a second copy in the offices of the North-West Government at Regina.

(60-61 Vic., c.28, s.21).

(3) The effect of the filing of the returns of survey as in this section provided, whether before or after the coming into force of this Act, shall be to vest the lands shown on such returns as a road or trail in His Majesty for the public use of the Territories as a highway, without prejudice, however, to the legal rights of the owner to compensation therefor.

(2 Edw. VII, c.24, s.2).

## GENERAL PROVISIONS.

**109.** Whenever in any Act of the Parliament of Canada in force in the Territories any officer is designated for carrying on any duty therein mentioned and there is no such officer in the Territories, the Lieutenant Governor in Council may order by what other person or officer such duty shall be performed, –and anything done by such person or officer under such order shall be valid and lawful in the premises; or if it is in any such Act ordered that any document or thing shall be transmitted to any officer, court, territorial division or place, and there is then in the Territories no such officer, court or territorial division or place, the Lieutenant Governor in Council may order to what officer, court or place such transmission shall be made or dispense with the transmission thereof.

**(110).** Either the English or the French language may be used by any person in the debates of the Legislative Assembly of the Territories and in proceedings before the courts; and both those languages shall be used in the records and journals of such Assembly; and all Ordinances made under this Act shall be printed in both those languages: Provided, however, that after the next general election of the Legislative Assembly, such Assembly may by Ordinance or otherwise, regulate its proceedings and the manner of recording and publishing the same, and the regulations so made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant Governor in conformity with the law, and thereafter shall have full force and effect.

(54-55 Vic., c.22, s.18).

**111.** Any copy of any proclamation or order made by the Governor in Council, or Ordinance, proclamation or order made by the Lieutenant Governor in Council, or by the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the North-West Territories, as the case may be, printed in the *Canada Gazette*, or purporting to be printed by the Queen's Printer for Canada, or by the printer to the Government of Manitoba at Winnipeg, or by the printer to the Government of the North-West Territories, shall be *prima facie* evidence of such proclamation or order, and of the fact that it is in force.

## APPLICATION OF ACTS TO TERRITORIES.

**112.** Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is by its terms applicable only to one or more of the Provinces of Canada, or in so far as any such Act is, for any reason, inapplicable to the Territories, shall subject to the provisions of this Act apply and be in force in the Territories.

2. The Governor in Council may by proclamation from time to time direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts not then in force in the Territories, shall be in force in the Territories generally or in any part or parts thereof mentioned in such proclamation.

SCHEDULE.

WARRANT To RETAKE ESCAPED PATIENT.

Manitoba Lunatic Asylum (or as the case may be).

To \_\_\_\_\_ and all or any of the peace officers in the County (or as the case may be) of \_\_\_\_\_

Whereas, on the \_\_\_\_\_ day of \_\_\_\_\_ last past, being within one month from the date hereof, A.B., an insane person confined in the Manitoba Lunatic Asylum (or as the case may be), of which I, \_\_\_\_\_ am superintendent (or warden) did escape from the said asylum (or as the case may be):

These are therefor to authorize and command you or any of you the said constables or peace officers in Her Majesty's name at any time within one month from the date of the said escape to retake the said A.B., and safely convey him to this asylum (or as the case may be) and deliver him into my charge.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_ the county aforesaid.

\_\_\_\_\_  
(Signature)

[L.S.]  
Superintendent.

OATH OF QUALIFICATION OF A JUSTICE OF THE PEACE FOR THE NORTH-WEST TERRITORIES.

I, A. B., of \_\_\_\_\_ in the North-West Territories, do swear that I truly and *bona fide* have to and for my own proper use and benefit an estate in fee simple in lands situated in the North-West Territories of such value as doth qualify me to act as a justice of the peace, according to the true intent and meaning of the statute in that behalf and that such lands are the following:

So help *me* God.

Sworn (or affirmed) before me,

at \_\_\_\_\_ this \_\_\_\_\_ day \_\_\_\_\_  
of \_\_\_\_\_, A.D. 18 \_\_\_\_\_ (Signature)

OATH OF OFFICE OF A JUSTICE OF THE  
PEACE FOR THE NORTH-WEST TERRITORIES.

I, *A. B.*, of \_\_\_\_\_ in the North-West Territories, do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of justice of the peace and will do right to all manner of people, after the laws and usages of these Territories, without fear or favour, affection or ill-will.

So help *me* God.

Sworn (or affirmed) before me,

at \_\_\_\_\_ this \_\_\_\_\_ day \_\_\_\_\_  
of \_\_\_\_\_, A.D. 18 \_\_\_\_\_ *(Signature)*

(57-58 Vic., c.17).

*Note.* – 6-7 Edw. VII, c.44, An Act to amend Schedule A to the Revised Statutes 1906, is as follows:

1. Schedule A to the Revised Statutes, 1906, is hereby amended by inserting in the third column thereof, headed “Extent of Repeal”, the words “except as regards the Provinces of Saskatchewan and Alberta” opposite each of the following items:

(a) *Revised Statutes of Canada, 1886*, chapter 50, an Act respecting the North-West Territories;

(b) 51 Victoria, chapter 19, An Act to amend the *Revised Statutes of Canada*, chapter 50, respecting the North-West Territories;

(c) 54-55 Victoria, chapter 22, An Act to amend the Acts respecting the North-West Territories;

(d) 57-58 Victoria, chapter 17, An Act further to amend the Act respecting the North-West Territories;

(e) 57-58 Victoria, chapter 31, An Act for the preservation of Game in the unorganized portions of the North-West Territories of Canada;

(f) 60-61 Victoria, chapter 28, An Act further to amend the Act respecting the North-West Territories;

(g) 60-61 Victoria, chapter 32, An Act respecting Trials by Jury in certain cases in the North-West Territories;

(h) 61 Victoria, chapter 5, An Act further to amend the Acts respecting the North-West Territories;

(i) 1 Edward VII, chapter 21, An Act to amend the *Unorganized Territories' Game Preservation Act, 1894*:

(j) 2 Edward VII, chapter 24, An Act further to amend the Act respecting the North-West Territories;

(k) 3 Edward VII, chapter 40, An Act to amend the *North-West Territories Act*.