

CHAP. 49.

An Act to amend and consolidate the Laws respecting the North-West Territories.

[Assented to 8th April, 1875.]

Preamble. **WHEREAS** it is expedient to amend and consolidate the laws respecting the North-West Territories ; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

GOVERNMENT AND LEGISLATION.

North-West Territories defined. **1.** The Territories formerly known as "Rupert's Land" and the North-Western Territory, (with the exception of such portion thereof as forms the Province of Manitoba), shall continue to be styled and known as the North-West Territories ; and the word " Territories," in this Act, means the said Territories.

Lieutenant-Governor.
His instructions. **2.** For the North -West Territories there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the great seal of Canada, who shall hold office during the pleasure of the Governor General ; and the Lieutenant-Governor shall administer the government under instructions from time to time given him by Order in Council, or by the Secretary of State of Canada :

Oath of office. **2.** Every Lieutenant-Governor so appointed shall, before assuming the duties of his office, make or subscribe before the Governor General or some person duly authorized to administer such oaths, an oath of allegiance or office similar to those prescribed to be taken by a Lieutenant-Governor, under " *The British North America Act, 1867.*"

Council may be appointed.
Number, powers and Quorum.

3. The Governor-General, with the advice of the Queen's Privy Council for Canada, by warrant under his privy seal, may constitute and appoint such and so many persons from time to time, not exceeding in the whole five persons, —of which number the Stipendiary Magistrates hereinafter mentioned shall be members *ex officio*, —to be a Council to aid the Lieutenant-Governor in the administration of the North-West Territories, with such powers, not inconsistent with this Act, as may be, from time to time, conferred upon them by the Governor General in Council ; and a majority shall form a *quorum*.

Seat of Government.

4. The seat of government of the North-West Territories shall be fixed, and may, from time to time, be changed by the Governor-General in Council.

Salaries and allowances.

5. There shall be payable out of the Consolidated Revenue Fund of Canada, the following sums, annually, that is to say :—

To the Lieutenant-Governor, not exceeding..... \$7,000

To the Stipendiary Magistrates, each, not exceeding..... 3,000

To two members of Council, each, not exceeding1,000

To the Clerk of the Council, who shall also act as and perform the duties of Secretary to the Lieutenant-Governor, not exceeding..... 1,800

Together with such sums of money as may, from time to time, be fixed by the Governor in Council in respect of travelling allowances for any of the officers above named.

Existing laws continued.

6. All laws and ordinances now in force in the North-West 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 Lieutenant-Governor and Council under the authority of this Act.

Lieutenant-Governor and Council may make ordinances for certain purposes

7. The Lieutenant-Governor, by and with the advice and consent of the Council of the North-West Territories, may make, ordain and establish ordinances as to matters coming within the classes of subjects next hereinafter enumerated, that is to say :—

(1.) Taxation for local and municipal purposes ;

(2.) Property and civil rights in the Territories ;

(3.) The administration of justice in the Territories, including maintenance and organization of courts, both of civil and criminal jurisdiction, and including procedure in civil matters in these courts, but the appointment of any judges of the said courts shall be made by the Governor General in Council ;

(4.) Public health ;

The licensing of inns and places of refreshment ;

Landmarks and boundaries ;

Cemeteries ;

Cruelty to animals ;

Game and wild animals and the care and protection thereof;

Injury to public morals ;

Nuisances ;

Police ;

Roads, highways and bridges ;

The protection of timber ;

Gaols and lock-up houses ;

(5.) Generally, all matters of a merely local or private nature ;

(6.) The imposition of punishment, by fine or penalty or imprisonment, for enforcing any ordinance of the Territories made in relation to any matter coming within any classes of subjects herein enumerated :

Proviso :
restrictions to
be observed as
to such
ordinances.

(7.) Provided that no ordinance to be so made by the Lieutenant-Governor with the advice and consent of the Council of the said Territories, shall, —(1) be inconsistent with or alter or repeal any provision of any Act of the Parliament of Canada in Schedule B. of this Act, or of any Act of the Parliament of Canada, which may now, or at any time hereafter, expressly refer to the said Territories, or which or any part thereof may be at any time made by the Governor in Council applicable to or to be in force in the said North-West Territories ; or, —(2) impose any fine or penalty exceeding one hundred dollars ;

Copies to be
sent to
Governor-
General.
Ordinances may
be disallowed.
And must be
laid before
Parliament.

(8.) And provided that a copy of every such ordinance made by the Lieutenant-Governor and Council shall be mailed for transmission to the Governor General within ten days after its passing, and may be disallowed by him at any time within two years after its passing; provided also, that all such orders in Council, and all ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

Governor in
Council may
apply Acts, &c.,
of Canada to
North-West
Territories.

8. 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 shall be in force in the North-West Territories generally, or in any part or parts thereof to be mentioned in the said proclamation for such purpose.

Taxes for local
purposes in
electoral
districts when
established.

9. Provided further, that when and so often as any electoral district shall be established as hereinafter provided, the Lieutenant-Governor by and with the consent of the Council or Assembly, as the case may be, shall have power to pass ordinances for raising within such district by direct taxation, or on shop, saloon, tavern or any other such licenses, a revenue for local and for municipal purposes of such district, and for the collection and appropriation of the same in the promotion of such purpose respectively.

On what conditions electoral districts may be made municipalities, and with what powers.

10. Whenever any electoral district shall be found to contain not less than one thousand inhabitants, the Lieutenant-Governor, by and with the consent of the Council or Assembly, as the case may be, may pass ordinances erecting the same into a municipal corporation or corporations as they may think fit : and thenceforth the power of the Lieutenant-Governor and Council or Assembly as herein conferred in respect of taxation for municipal purposes shall cease ; and every such municipal corporation shall thenceforth have the right to pass by-laws for raising within such municipality by taxation a revenue for municipal purposes in such district, and for the collection and appropriation of the same in the promotion thereof ; and the Lieutenant-Governor and Council or Assembly, as the case may be, shall pass an ordinance or ordinances prescribing the powers and authorities which may be exercised by any such municipal corporation and the mode and extent of such taxation : Provided that the power herein given to the Lieutenant-Governor and Council or Assembly, as the case may be, of taxation for local purposes of such district shall not be prejudiced by the erection of the same into a municipality or municipalities, but such power shall continue vested in them in respect of local purposes not comprised within such municipal purposes as to which powers may be conferred by any ordinance or ordinances as aforesaid.

Proviso : as to taxation for local purposes.

Ordinances respecting education, —when they may be passed and what provisions they must contain. Separate schools.

11. When, and so soon as any system of taxation shall be adopted in any district or portion of the North-West Territories, the Lieutenant-Governor, by and with the consent of the Council or Assembly, as the case may be, shall pass all necessary ordinances in respect to education ; but it shall therein be always provided, that a majority of the rate-payers of any district or portion of the North-West Territories, or any lesser portion or sub-division thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of rates therefor ; and further, that the minority of the rate-payers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that, in such latter case, the rate-payers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they may impose themselves in respect thereof.

Certain copies of laws, &c., to be evidence.

12. Any copy of any proclamation or order made by the Governor in Council, or ordinance, proclamation or order made by the Lieutenant-Governor and Council or Assembly, as the case may be, of the North-West Territories, printed in the *Canada Gazette*, or purporting to be printed by the Queens Printer at Ottawa, or Printer to the Government of Manitoba at Winnipeg, or to the Government of the North-West Territories, shall be *primâ facie* evidence of such proclamation or order, and that it is in force.

ELECTION OF MEMBERS OF COUNCIL OR ASSEMBLY.

Formation of Electoral districts.

13. When and so soon as the Lieutenant-Governor is satisfied by such proof as he may require, that any district or portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, the Lieutenant-Governor shall, by proclamation, erect such district or portion into an electoral district, by a name and with boundaries to be respectively declared in the proclamation, and such electoral district shall thenceforth be entitled to elect a member of the Council, or of the Legislative Assembly, as the case may be.

Powers of Lieutenant-Governor thereupon.

2. The Lieutenant-Governor shall thereafter cause a writ to be issued by the Clerk of the Council in such form and addressed to such Returning Officer as he thinks fit ; and until the Lieutenant-Governor and Council of the Province otherwise provides, he shall by proclamation prescribe and declare the mode of providing voters' lists, the oaths to be taken by voters, the powers and duties of Returning and Deputy Returning Officers, the proceedings to be observed at such election, and the period during which such election may be continued, and such other provisions in respect to such election as he may think fit.

Who may vote.

3. The persons qualified to vote at such election shall be the *bonâ fide* male residents and householders of adult age, not being aliens, or unenfranchised Indians, within the electoral district, and shall have respectively resided in such electoral district for at least twelve months immediately preceding the issue of the said writ.

Or be elected.

4. Any person entitled to vote may be elected.

Additional member for any district.

5. When and so soon as the Lieutenant-Governor is satisfied as aforesaid, that any electoral district contains a population of two thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, he shall issue his writ for the election of a second member for the electoral district.

Legislative Assembly, when to be constituted in lieu of Council.

6. When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease and be determined, and the members so elected shall be constituted and designated as the Legislative Assembly of the North-West Territories, and all the powers by this Act vested in the Council shall be thenceforth vested in and exercisable by the said Legislative Assembly.

Number of members and term of service.

7. The number of members so to be elected, as hereinbefore mentioned, shall not exceed twenty-one, at which number the representation shall remain ; the members so elected shall hold their seats for a period not exceeding two years.

DESCENT OF REAL ESTATE.

Succession to real estate.

14. Whenever any person dies seized in fee simple or for the life of another, of any real estate in the North-West Territories, without having lawfully devised the same, such real estate shall descend or pass by way of succession in manner following, that is to say:—

Firstly, To his lineal descendants, and those claiming by or under them, *per stirpes* ;

Secondly, To his father ;

Thirdly, To his mother ; and

Fourthly, To his collateral relatives,—

Subject in all cases to the rules and regulations hereinafter prescribed.

Descendants in equal degrees of consanguinity.

15. If the intestate leaves several descendants in the direct line of lineal descent, and all of equal degree of consanguinity to such intestate, the inheritance shall descend to such persons in equal parts, however remote from the intestate the common degree of consanguinity may be.

Division among children and their descendants.

16. If any one or more of the children of such intestate be living, and any one or more be dead, the inheritance shall descend to the children who are living, and to the descendants of such children as have died, so that each child who shall be living shall inherit such share as would have descended to him if all the children of the intestate who have died leaving issue, had been living ; and so that the descendants of each child who shall be dead shall inherit in equal shares the share which their parent would have received if living.

Rule of descent defined in case of unequal degrees of consanguinity.

17. The rule of descent prescribed in the last preceding section shall apply in every case where the descendants of the intestate, entitled to share in the inheritance, shall be of unequal degrees of consanguinity to the intestate, so that those who are in the nearest degree of consanguinity shall take the shares which would have descended to them, had all the descendants in the same degree of consanguinity who have died leaving issue, been living, and so that the issue of the descendants who have died, shall respectively take the shares which their parents, if living, would have received.

Succession in case there are no descendants.

18. In case the intestate dies without lawful descendants, and leaving a father, then the inheritance shall go to such father, unless the inheritance came to the intestate on the part of his mother, and such mother be living ; and if such mother be dead, the inheritance descending on her part shall go to the father for life, and the reversion to the brothers and sisters of the intestate and their descendants, according to the law of inheritance by collateral relatives, hereinafter provided ; and if there be no such brothers or sisters or their descendants living, such inheritance shall go to the father.

Succession if father be not living, or cannot inherit.

19. If the intestate dies without descendants and leaving no father, or leaving a father not entitled to take the inheritance under the last preceding section, and leaving a mother and a brother or sister, or the descendant of a brother or sister, then the inheritance shall descend to the mother during her life, and the reversion to such brother or sister of the intestate as may be living, and the descendants of such as may be dead, according to the same law of inheritance hereinafter provided ; and if the intestate in such case leaves no brother or sister, nor any descendant of any brother or sister, the inheritance shall descend to the mother.

If neither father and mother be living or entitled to inherit.

20. If there be no father or mother capable of inheriting the estate, it shall descend, in the cases hereinafter specified, to the collateral relatives of the intestate ; and if there be several of such relatives, all of equal degree of consanguinity to the intestate, the inheritance shall descend to them in equal parts, however remote from the intestate the common degree of consanguinity may be.

Succession of brothers and sisters, and their descendants.

If all the brothers and sisters of the intestate be living, the inheritance shall descend to such brothers and sisters : and if any one or more of them be living, and any one or more be dead, then to the brothers and sisters and every of them who are living, and to the descendants of such brothers and sisters as have died, so that each brother or sister who may be living shall inherit such share as would have descended to him or her, if all the brothers or sisters of the intestate who have died leaving issue, had been living, and so that such descendants shall inherit in equal shares the share which their parent, if living, would have received.

As to lineal descendants in unequal degree.

22. The same law of inheritance as prescribed in the last section shall prevail as to the other direct lineal descendants of every brother and sister of the intestate, to the remotest degree, whenever such descendants are of unequal degree.

If there be no heir under foregoing provisions.

23. If there be no heir entitled to take under any of the preceding nine sections, then the inheritance, if the same came to the intestate on the part of his father, shall descend —

Firstly. To the brothers and sisters of the father of the intestate in equal shares, if all be living ;

Secondly. If one or more be living, and one or more have died leaving issue, then to such brothers and sisters as are living, and to the descendants of such of the said brothers and sisters as have died, in equal shares.

Thirdly. If all such brothers and sisters have died, then to their descendants ; and in all such cases the inheritance shall descend in the same manner as if all such brothers and sisters had been the brothers and sisters of the intestate.

Further provision.

24. If there be no brothers or sisters, or any of them, of the father of the intestate and no descendants of such brothers or sisters, then the inheritance shall descend to the brothers and sisters of the mother of the intestate, and to the descendants of such of the said brothers and sisters as have died, or if all have died, then to their descendants, in the same manner as if all such brothers and sisters had been the brothers and sisters of the father.

If the estate came by the mother's side.

25. In all cases not herein provided for, where the inheritance came to the intestate on the part of his mother, the same, instead of descending to the brothers and sisters of the intestate's father, and their descendants, as prescribed in the preceding twenty-third section, shall descend to the brothers and sisters of the intestate's mother, and to their descendants, as directed in the last preceding section ; and if there be no such brothers and sisters or descendants of them, then such inheritance shall descend to the brothers and sisters, and their descendants, of the intestate's father, as before prescribed.

If it came neither on father's or mother's side.

26. In cases where the inheritance has not come to the intestate on the part of either the father or the mother, the inheritance shall descend to the brothers and sisters both of the father and mother of the intestate in equal shares, and to their descendants, in the same manner, as if all such brothers and sisters had been the brothers and sisters of the intestate.

As to relatives of half-blood.

27. Relatives of the half-blood shall inherit equally with those of the whole blood in the same degree, and the descendants of such relatives shall inherit in the same manner as the descendants of the whole blood, unless the inheritance came to the intestate by descent, devise or gift of some one of his ancestors ; in which case all those who are not of the blood of such ancestors shall be excluded from such inheritance.

In case of failure of heirs.

28. On failure of heirs under the preceding rules, the inheritance shall descend to the remaining next of kin of the intestate, according to the rules in the English statute of distributions of personal estate.

Co-heirs to be tenants in common.

29. Whenever there is but one person entitled to inherit according to the provisions hereinbefore contained, he shall take and hold the inheritance solely ; and wherever an inheritance or a share of an inheritance shall descend to several persons under such provisions, they shall take as tenants in common, in proportion to their respective rights.

Posthumous heirs to inherit.

30. Descendants and relatives of the intestate begotten before his death, but born thereafter, shall in all cases inherit in the same manner as if they had been born in the lifetime of the intestate, and had survived him.

Illegitimates not to inherit.

31. Children and relatives who are illegitimate shall not be entitled to inherit under any of the provisions of this Act.

Dower. **32.** The estate of a widow as tenant in dower, shall not be affected by any of the provisions hereinbefore contained.

OTHER PROVISIONS AS TO REAL ESTATE.

Aliens. **33.** Aliens may acquire, inherit, grant, lease and devise real estate within the North-West Territories.

Lands to lie in grant.
Deeds of grant. **34.** All lands, tenements and hereditaments, and any share or interest therein shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery. Deeds of grant shall be executed and delivered in duplicate attested by one witness, and the execution and delivery thereof duly proved on oath, for the purpose of registration.

Feoffment. **35.** A feoffment, otherwise than by deed, shall be void at law ; and no feoffment shall have any tortious operation.

Corporations may hold and convey. **36.** Any corporation aggregate in the North-West Territories capable of taking and conveying land, shall be deemed to be capable of taking and conveying land by deed of bargain and sale in like manner as any person in his natural capacity.

Enrolment or registration not necessary to validity of deed. **37.** No deed of bargain and sale of land in the North-West Territories, shall require enrolment or registration to supply the place of enrolment, for the mere purpose of rendering such bargain and sale a valid and effectual conveyance for passing the land thereby intended to be bargained and sold.

WILLS.

Wills and intestacy. **38.** Every person may devise, bequeath, or dispose of, by will executed in manner hereinafter mentioned, all real estate and personal estate which he shall be entitled to, 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.

Testator must be of age. **39.** No will made by any person under the age of twenty-one years shall be valid.

Execution of wills.

40. No will shall be valid unless it shall be 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.

No other publication required.

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

Subsequent incompetency of witness.

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

Executor may be witness.

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

Devise or legacy to witness, to be void, and witness may prove execution.

44. If any person shall attest the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal estate (other than charges for payment of debts) shall be 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, or any person claiming under such person, wife or husband, be utterly 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.

Revocation of Wills.

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.

How Will shall be construed.

46. Every will shall be construed with reference to the real and personal estate comprised in 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.

When no limitation, fee simple to pass.

47. Where any real estate 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 estate, unless a contrary intention shall appear by the will.

AS TO MARRIED WOMEN.

Separate rights of married women in real estate.

48. The real estate of any married woman, which is owned by her at the time of her marriage, or acquired in any manner during her coverture, and the rents, issues and profits thereof respectively, shall without prejudice, and subject to the trusts of any settlement affecting the same, be held and enjoyed by her for her separate use, free from any estate or claim of her husband during her lifetime, or as tenant by the courtesy, and her receipt alone shall be a discharge for any rents, issues and profits ; and any married woman shall be liable on any contract made by her respecting her real estate, as if she were a *feme sole*.

Her own earnings to be hers absolutely.

49. 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 hereafter 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 hereafter become 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.

No order for protection not required.

Deposits in banks.

50. 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 check ; and any receipt or acquittance of such depositor, shall be a sufficient legal discharge to any such bank.

Fraud to affect validity of deposit or investment.

51. Nothing hereinbefore contained in reference to moneys deposited, or investments by any married woman, shall, as against creditors 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 passed.

As to liability for her debts before her marriage.

52. 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.

Suits by and against a married woman.

53. 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 may be 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.

REGISTRATION OF DEEDS.

Registrar of deeds, his appointment, duties and salary.

54. The Governor may appoint a Registrar of Deeds in and for the North-West Territories, who shall hold office during pleasure, and who shall reside and keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed for that purpose from time to time by the Governor in Council, and who shall register all deeds and other instruments relating to lands situate in any part of the North-West Territories, and which have been laid out and surveyed by the Crown : and the Governor in Council may order annual salary, not exceeding two thousand dollars, to be paid to the said registrar : and the Lieutenant-Governor and Council shall fix the fees to be paid for the registration of all such deeds and instruments, —which fees shall be collected by the registrar, and being first verified on oath, shall by him be paid over to the Lieutenant-Governor, at the end of every quarter in each year, on account of the Consolidated Revenue Fund of Canada ; and the forms incident to, and effect of such registration shall be governed by laws to be made under this Act.

How his fees shall be fixed and accounted for.

ADMINISTRATION OF JUSTICE.

Sheriff; his appointment, duties and salary.

55. The Governor may appoint a Sheriff in and for the North-West Territories, who shall hold office during pleasure, and who shall reside, and keep his office in a place to be named for that purpose in his commission ; or at such other place as may, from time to time, be named by the Governor in Council, and who shall perform the duties of such office under the laws then in force in the said Territories. The Governor in Council may order an annual salary not exceeding twelve hundred dollars to be paid to such sheriff.

Police force : disposal of.

36 V., c. 25, 37 V., c. 22.

56. The Lieutenant-Governor shall, (but subject to any orders in that behalf from time to time of the Governor General), have the local disposition of the Police Force in and for the North-West Territories, established under "*An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North-West Territories,*" and of any Act passed or to be passed in amendment thereof ; and may exercise such power in aid of the administration of civil and criminal justice, and for the general peace, order and good government of the said Territories, and for or in aid of the performance of all duties which are now, or may at any time, by any law or ordinance, or by order of the Lieutenant-Governor, be assigned to sheriffs officers, bailiffs, constables or other officers in connection with the orders or process of any Justice of the Peace, Stipendiary Magistrate, or court.

Justices of the Peace.

57. The Lieutenant-Governor may appoint Justices of the Peace for the North-West Territories, who shall have jurisdiction as such throughout the same.

Judicial Districts.

58. The Lieutenant-Governor and Council or Assembly, as the case may be, may, by ordinance, subject to the provisions of this Act, from time to time, set apart any portion of the said Territories as and for a judicial district, and may, from time to time, alter the limits and extent of any such district.

Courts of civil and criminal jurisdiction.

59. A Court or Courts of Civil and Criminal Jurisdiction shall be held in the said Territories, and in every judicial district thereof when formed, under such names, at such periods and at such places as the Lieutenant-Governor may from time to time order.

Clerk.

60. For every such court there shall be a clerk, who may be appointed by the Governor, who shall hold office during pleasure, and be paid an annual salary, not exceeding five hundred dollars.

Stipendiary Magistrates.

61. The Governor may, from time to time, appoint, by commission under the great seal, one or more fit and proper person or persons, not exceeding three, to be and act as a Stipendiary Magistrate or Stipendiary Magistrates within the North-West Territories, who shall hold office during pleasure, and who shall reside at such place or places as may, from time to time, be ordered by the Governor in Council.

Functions.

62. Each Stipendiary Magistrate shall have jurisdiction throughout the North-West Territories, as hereinafter mentioned, and shall also have jurisdiction and may exercise within the North-West Territories, the magisterial, judicial and other functions appertaining to any Justice of the Peace, or any two Justices of the Peace, under any laws or ordinances which may, from time to time, be in force in the North-West Territories.

Jurisdiction and oath of office.

63. Each Stipendiary Magistrate shall preside over such courts in the North-West Territories as shall, from time to time, be assigned to him by the Lieutenant-Governor, and to qualify him to do so, he shall take the following oath before the Lieutenant-Governor or any Stipendiary Magistrate, that is to say :—

" I do swear that I will truly and faithfully execute the several powers, duties and trusts committed to me by or under '*The North-West Territories Act, 1875*,' without fear, without favor, and without malice. So help me God. "

Court for trial of certain offences, how to be held.

64. The Chief Justice or any Judge of the Court of Queen's Bench of the Province of Manitoba, with any one of the Stipendiary Magistrates as an associate, shall have power and authority to hold a court under section fifty-nine, and therein to hear and determine as hereinafter mentioned, any charge preferred against any person for any offence alleged to have been committed within the North-West Territories, viz :—

Without a jury.

1. In any case in which the maximum punishment for such offence does not exceed five years imprisonment, —in a summary way, and without the intervention of a jury ;

With a jury of six.

2. In any case in which the maximum punishment for such offence exceeds five years imprisonment but is not punishable with death,— then either in a summary way and without the intervention of a jury, if the accused assents thereto ; or, if the accused demands a jury, then with the intervention of a jury not exceeding six in number, who shall be then and there, or as soon thereafter as can be, chosen and sworn by the Judge or Stipendiary Magistrate. as a jury in such case ;

With a jury of eight.

3. In any case in which the punishment for such offence is death, —then with the intervention of a jury not exceeding eight in number, who shall be then and there or as soon thereafter as can be, chosen and sworn by the judge as a jury in such case ;

To be of record.

Imprisonment for 2 years or more.

4. And every such court shall be a court of record ; and if imprisonment in gaol for not less than two years or in a penitentiary, be awarded in any case, the court may order the convict to be imprisoned in the North-West Territories, or to be conveyed to the penitentiary in the Province of Manitoba ; and he shall in any such case, undergo such punishment therein, as if convicted in the Province, of Manitoba ;

Ordinance respecting juries.

No Grand Jury.

5. The Lieutenant-Governor and Council or Assembly, as the case may be, may, from time to time, make any ordinance in respect to the mode of calling juries, and when and by whom and how they may be summoned or taken, and in respect of all matters relating to the same ; but no grand jury shall be called in the North-West Territories ;

Returns by Judges, &c.

6. On the first day of January and June in each year, each Justice of the Peace, Stipendiary Magistrate, and other Judge residing in the North-West Territories, or who has presided at any court therein, shall send in to the Lieutenant-Governor, in such form as he may prescribe, a return shewing all trials and proceedings, civil and criminal, had before him during the preceding six months.

Appeal to Q. B. Manitoba.

65. A person convicted of any offence punishable by death may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the conviction or to order a new trial ; and the mode of such appeal and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant-Governor and Council or Assembly, as the case may be.

Persons charged with certain offences may be committed to and tried in Manitoba.

66. Any Stipendiary Magistrate of the said Territories, or the Chief Justice or any Judge of the Court of Queen's Bench of the Province of Manitoba, shall have power and authority to commit and cause to be conveyed to gaol in the Province of Manitoba, for trial by the Court of Queen's Bench according to the laws of criminal procedure in force in the said Province, any person or persons at any time charged with the commission of any offence against any of the laws or ordinances in force in the North-West Territories, punishable by death or imprisonment in the penitentiary ; and the said Court of Queen's Bench or any judge thereof, shall have power and authority to have any person arraigned before the said Court on any such charge ; and the jury laws and laws of criminal procedure of the said Province shall apply to any such trial, except that the punishment to be awarded upon conviction of any such person, shall be according to the laws in force in the North-West Territories : and the sentence may be carried

N. W. T. Laws to govern as to punishment.

into effect in a penitentiary or other place of confinement in the North-West Territories, or in the said Province, as if the same were in the North-West Territories.

Conveyance of prisoners.

67. Whenever any convict or accused person is ordered to be conveyed to gaol or to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, shall have the same power to hold and convey him, or to re-take him in case of an escape, and the gaoler or warden of the penitentiary in Manitoba shall have the same power to detain and deal with him, in the said Province, as if it were within the North-West Territories, or as if the said convict or accused person had been ordered to be conveyed to such gaol or penitentiary by some competent court or authority in the said Province.

Imprisonment at a distance from a gaol.

68. Where 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 Justice of the Peace, or Stipendiary Magistrate, or the Chief Justice or any Judge of the Court of Queen's Bench of Manitoba, may, according to their several powers and jurisdictions, sentence such person so convicted before him or them, and sentenced, as aforesaid, to such imprisonment, to be placed and kept in the custody of the police force of the North-West Territories, with or without hard labour, the nature and extent of which shall be determined by the Justice of the Peace or Stipendiary Magistrate or Judge, by or before whom such person was convicted.

Gaols and lock-ups.

69. The Governor in Council may cause to be erected, in any part or parts of the North-West Territories, any building or buildings, or enclosure or enclosures, for the purpose of a gaol or lock-up, for the confinement of prisoners charged with the commission of any offence, or sentenced to any punishment therein ; and confinement or imprisonment therein shall be held lawful and valid, whether under sentence of imprisonment in a penitentiary, gaol or other place of confinement.

Lieutenant Governor may supply absence of officers required to carry out Acts of Canada.

70. Whenever in any Act of the Parliament of Canada in force in the North-West Territories, any officer is designated for carrying on any duty therein mentioned, and there shall be no such officer in the North-West Territories, the Lieutenant-Governor and 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 legal in the premises ; or if it be 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 said North-West Territories no such officer, court or territorial division or place, then the Lieutenant-Governor and Council may order to what officer, court or place such transmission shall be made, or may dispense with the transmission thereof.

ADMINISTRATION OF CIVIL JUSTICE.

Powers of courts in civil cases.

71. Every Stipendiary Magistrate of the said Territories, and the Chief Justice and any Judge of the Court of Queen's Bench of Manitoba, or any one of them, shall respectively have power, jurisdiction, and authority to hear and determine within the North-West Territories, and at a court held under section fifty-nine, any claim, dispute or demand as hereinafter mentioned, viz :—

Limit of summary trial.

1. Where the claim, dispute or demand is for a tort, wrong or grievance, in which the amount claimed does not exceed five hundred dollars, or if for a debt or on contract, in which the amount claimed does not exceed one thousand dollars, in a summary way and without the intervention of a jury ;

Trials in other cases.

2. In all other claims, disputes or demands than those above-mentioned, or for the recovery of the possession of real estate, if neither party demands a jury, in a summary way and without the intervention of a jury ; but if either party demands a jury, then with the intervention of a jury not exceeding six in number, who shall be returned instantly by the clerk of the court to try the facts of the matter in dispute ; and the Stipendiary Magistrate or Judge shall make such orders, judgments and decrees as appear to him just and agreeable to equity and good conscience : but neither the Stipendiary Magistrate nor any other judge or the court shall have cognizance of any action for any gambling debt or for any intoxicating liquor or intoxicant, or of any action by any person on a note of hand or other document, the consideration or any part of the consideration for which was for a gambling debt or for any such intoxicating liquor or intoxicant.

No action for gambling debt, liquors, &c.

Judgment, how to be given.

72. Every judgment of the Stipendiary Magistrate or presiding judge shall be openly pronounced in court as soon as may be after the hearing of the case, except that in any case where the Stipendiary Magistrate is not prepared to pronounce judgment *instanter*, he may postpone judgment and name a subsequent day and hour for the delivery thereof at the clerk's office in writing ; and at such day and hour it shall be lawful for the clerk to read the judgment to the parties or their agents if present, and if not, then to enter the said judgment in their absence ; and such judgment shall be as effectual as if rendered in court at the trial :

Execution.

2. Execution of any such judgment shall be carried into effect in the manner prescribed by any ordinance of the Lieutenant-Governor and Council or Assembly, as the case may be, —or if no such ordinance be then in force, then in like manner as a judgment to the same amount in the Province of Manitoba.

Appeal in certain cases.

73. Any person feeling himself aggrieved by the decision of any Stipendiary Magistrate, or presiding judge, or court, in a claim, dispute or demand under the second subsection of the seventy-first section of this Act, may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the decision or to order a new trial ; and the mode of such appeal and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant-Governor and Council or Assembly, as the case may be.

PROHIBITION OF INTOXICANTS.

Manufacture of intoxicants prohibited, or importation without special permission.

74. Intoxicating liquors and other intoxicants are prohibited to be manufactured or made in the said North-West Territories, except by special permission of the Governor in Council, or to be imported or brought into the same from any Province of Canada, or elsewhere, or to be sold, exchanged, traded or bartered, except by special permission in writing of the Lieutenant-Governor of the said Territories : and if any such intoxicating liquor or intoxicant is imported or manufactured or made in the said Territories, or brought into the same, or is sold, exchanged, traded or bartered, in contravention of this Act, it shall be absolutely 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 on complaint made before him, any Judge, Stipendiary Magistrate, or Justice of the Peace, may on the evidence of one credible witness that this Act has been contravened in respect thereof, order the said intoxicating liquor or intoxicant so seized, to be forthwith destroyed ; or in case of the same not having been seized, then on complaint as aforesaid, such Judge, Stipendiary Magistrate, or Justice of the Peace, may issue a search warrant, as in cases of stolen goods under the Acts in force respecting

Search for, seizure and forfeiture thereof, and of stills, packages, &c., used for making or importation.

Penalty and costs.

the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences, 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 balance 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 said Territories ; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may on the evidence of any credible witness, that this Act has been contravened 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 were found may be condemned to pay a penalty not exceeding one hundred dollars, nor less than fifty dollars, and the costs of prosecution ; and one-half of such penalty shall belong to the prosecutor, and the other half to Her Majesty.

Penalty for manufacturing or importing.

1. Any person who manufactures, makes, imports, sells, exchanges, trades or barterers any intoxicating liquor, or intoxicant, except by special permission as aforesaid, or in whose possession, or on whose premises such intoxicating liquor or intoxicant of any kind may be or may have been found, shall be liable to a penalty not exceeding two hundred dollars, nor less than fifty dollars, —one-half of which shall go to the informer.

Penalty for having the same in possession.

2. Any 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 forfeit and pay for each offence a penalty not exceeding two hundred dollars, or less than fifty dollars, —one-half of which shall go to the informer.

Forfeiture of accessories to offence.

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

Penalty for refusing to assist constable, &c.

4. 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 by this section, or who knowingly refuses to give information, or gives false information in respect to any matter arising therefrom, shall be subject to a penalty not exceeding two hundred dollars, nor less than fifty dollars, —one-half of which shall go to the informer.

Intoxicating liquor defined.

5. The expression "intoxicating liquor" shall mean and include all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors, or intoxicating fluids ; and the expression "intoxicant" shall include 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 be liquid or solid.

Recovery of penalties.

6. Any penalty incurred under this section shall be recoverable, with costs of prosecution, by summary conviction on the evidence of one credible witness, before any Judge, Stipendiary Magistrate or Justice of the Peace having jurisdiction in the North-West Territories, —who shall, on payment of the same, pay the informer his share thereof ; and in case of non-payment of the penalty and costs immediately after conviction, the convicting judge, magistrate or justice may, in his discretion, levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and costs, to any common gaol or house of correction or lock-up house within the North-West Territories for a period not exceeding six months, unless the said penalty and costs be sooner paid.

Second offence.

7. And upon conviction for a second offence, the offender shall be liable to a penalty, not less than two hundred and not exceeding four hundred dollars, and, in the discretion of the convicting judge, magistrate or justice, to imprisonment for a period not exceeding six months.

Want of form not to invalidate.

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

Excise and Customs laws to apply.

9. Intoxicating liquors imported or brought into the North-West Territories from any Province or Canada, or elsewhere, by special permission in writing of the Lieutenant Governor of the said Territories, are subject to the several customs and excise laws of Canada, if in excess of one gallon.

Act not to affect
31 V., c.21.

75. Nothing in this Act shall affect the provisions of an Act passed in the thirty-seventh year of Her Majesty's reign, entitled "*An Act to amend certain Laws respecting Indians, and to extend certain Laws relating to matters connected with Indians, to the Provinces of Manitoba and British Columbia.*"

Acts in
Schedule A.
repealed.

76. The several Acts and parts of Acts mentioned and contained in Schedule A., of this Act, if not expired, are hereby repealed ; but such repeal shall not affect any duty accrued, right acquired, or penalty, forfeiture or liability incurred under the said Acts, or any of them, or any offence committed under any or either of them.

Saving clause.

Acts in
Schedule B. to
be in force in
N. W.
Territories.

77. The several Acts and parts of Acts mentioned and contained in Schedule B, of this Act, as limited in the said schedule, shall apply to and be in force in the North-West Territories ; but except the Acts mentioned and contained in Schedule B to this Act, and except such Acts of the Parliament of Canada or any part or parts thereof as may, under the eighth section of this Act, be made applicable to the North-West Territories, no Act of the Parliament of Canada heretofore passed, and no part thereof, shall apply to or be in force in the said Territories ; and no Act of Parliament hereafter to be passed and no part thereof, shall apply to or be in force in the said Territories, unless the same be, by any such Act or under the eighth section of this Act, made applicable to or of force in the said Territories.

Provision as to
Acts not
mentioned in B.

Commencement
of Act.

78. This Act shall come into force and effect upon, from and after such day as shall be named in a proclamation to be issued by the Governor in Council for that purpose.

Short title.

79. This Act may be cited as "*The North-West Territories Act, 1875.*"

SCHEDULE A.

Acts and parts of Acts of the Parliament of Canada, expired or repealed repealed.

Section Chapter TITLE

32, 33 Victoria, 1869.

Section 5 and 6 Chapter 3 An Act for the temporary government of Rupert's Land and the North-Western Territory, when united with Canada.

33rd Victoria, 1870.

Section 35 Chapter 3 An Act to amend and continue the Act 32 and 33 Victoria, Chapter 3, and to establish and provide for the government of the Province of Manitoba.

34th Victoria, 1871.

Section 5 Chapter 10 An Act to amend the Acts relating to duties and Customs.

Chapter 16 An Act to make further provision for the government of the North-West Territories.

Section 2 Chapter 29 An Act to continue for a limited time the Acts therein mentioned.

36th Victoria, 1873.

Chapter 5 An Act to amend the Act entitled: "An Act to make further provision for the Government of the North-West Territories."

Chapter 34 An Act further to amend the "Act to make further provision for the government of the North West Territories."

Section 1 to 9 Chapter 35 An Act respecting the Administration of Justice and for the establishment of a Police Force in the North-West Territories.

36th Victoria, 1873.

Section 1 Chapter 39 An Act to make further provision as to duties of Customs in Manitoba and the North-West Territories. (*In so far as the same refers to the North-West Territories.*)

37th Victoria, 1874.

Section 2 Chapter 7 An Act to amend "An Act to make further provision as to duties of Customs in Manitoba and the North-West Territories," and further to restrain the importation or manufacture of Intoxicating Liquors into or in the North-West Territories.

SCHEDULE B.

of the Parliament of Canada extended to the North-West Territories.

31st. Victoria, 1867-1868.

Chapter 1 An Act respecting the Statutes of Canada.

Chapter 6 An Act respecting the Customs.

Chapter 7 An Act imposing duties of customs with the tariff of duties payable under it. *As amended by subsequent Acts.*

Chapter 8 An Act respecting the Inland Revenue

31st Victoria, 1867-1868.

Chapter 10 An Act respecting the regulation of the Postal service. *Or any Act amending it or substituted for it.*

Chapter 12 An Act respecting the public works of Canada. *As amended by any subsequent Act.*

Chapter 14 An Act to protect the inhabitants of Canada against lawless aggression from subjects of foreign countries at peace with Her Majesty.

Chapter 15 An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.

Chapter 36 An Act respecting commissions, and oaths of allegiance and of office.

Chapter 69 An Act for the better security of the Crown and of the Government. *As amended by 32, 33 Vict., chap. 17*

Chapter 70 An Act respecting riots and riot and assemblies.

Chapter 71 An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.

Chapter 72 An Act respecting Accessories to and Abettors of indictable offences.

Chapter 73 An Act respecting the Police of Canada.

Chapter 74 An Act respecting persons in- custody charged with high treason or felony.

Chapter 94 An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders. *As amended by 33 Vict., chap. 25.*

32, 33 Victoria, 1869.

Chapter 18 An Act respecting offences relating to the Coin.

Chapter 19 An Act respecting Forgery.

Chapter 20 An Act respecting Offences against the Person.

Chapter 21 An Act respecting Larceny and other similar offences. *As amended by any subsequent Act.*

Chapter 22 An Act respecting Malicious Injuries to Property. *As amended by 35 Vict., chap. 34.*

Chapter 23 An Act respecting Perjury. *As amended by 33 Vict., chap. 26.*

Chapter 24 An Act for the better preservation of the peace in the vicinity of Public Works. *As amended by 38 Vict., chap. 28.*

Chapter 27 An Act respecting Cruelty to Animals. *As amended by 33 Vict., chap. 29.*

Chapter 29 An Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law, - sections 1 to 7, both inclusive, relating to the apprehension of offenders; sections 81 to 87, both inclusive, relating to the punishment of offences; and sections 125 to 138, both inclusive, relating to pardons, undergoing sentence, limitation of actions and prosecutions, and general provisions. The whole Act will apply in Manitoba, to offences committed in the North-West Territories, but triable in Manitoba, and to the persons committing them.

Chapter 30 An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences, —so far as respects indictable offences, committed in the North-West Territories and triable in Manitoba, or committed in some Province of Canada, and the offender is apprehended in the North-West Territories.

SCHEDULE B.

32, 83 Victoria, 1869.

Chapter 31 An Act relating to the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. Except so much of this Act (or of any Act amending it) as gives any appeal from conviction adjudged or made under it.

33rd Victoria, 1870.

Chapter 9 An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain provisions respecting vessels navigating the Inland waters of Canada above Montreal.

Chapter 25 An Act to amend the "Act respecting the extradition of certain offenders to the United States of America."

Chapter 28 An Act to amend "An Act for the better preservation of the peace in the vicinity of Public Works."

Chapter 29 An Act to amend "An Act respecting cruelty to animals."

34th Victoria, 1871.

Chapter 4 An Act to establish one uniform currency for the Dominion of Canada.

35th Victoria, 1872.

Chapter 1 An Act to amend the Act respecting the Statutes of Canada.

Chapter 23 An Act respecting the Public Lands of the Dominion.

Chapter 24 An Act to remove doubts under the Act respecting the Public Works of Canada.

Chapter 33 An Act for the avoidance of doubts respecting the larceny of Stamps.

Chapter 34 An Act to correct a clerical error in the "Act respecting malicious injuries to property."

36th Victoria, 1873.

Chapter 3 An Act to amend the "Act respecting Procedure in Criminal Cases."

Chapter 50 An Act to amend the "Act respecting Offences against the Person."

Chapter 51 An Act further to amend the law respecting certain matters of procedure in Criminal Cases.

31th Victoria, 1874.

Chapter 13 An Act to amend "An Act respecting the Public Works of Canada."

Chapter 14 An Act to provide for the construction of the Canadian Pacific Railway.

Chapter 19 Act to amend the "Dominion Lands Act."

38th Victoria, 1875.

An Act of the present Session amending or substituted for any Act mentioned in this Schedule.