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ACTS

1627

RELATING TO

THE NORTH-WEST TERRITORIES,

BEING

STATUTES OF CANADA

38 VIC., CHAP. 49,

“AN ACT TO AMEND AND CONSOLIDATE THE LAWS  
RESPECTING THE NORTH-WEST TERRITORIES,”

AND

40 VIC., CHAP.

“AN ACT TO AMEND THE NORTH-WEST TERRITORIES  
ACT, 1875.”

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N.B.—AMENDMENTS IN ITALICS.

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## The North-West Territories Acts of 1875 and 1877.

[Passed 8th April, 1875.]

[Passed 28th April, 1877.]

### GOVERNMENT AND LEGISLATION.

1. The Territories formerly known as "Rupert's Land" and the North-West 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.

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.

*"2. 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.*

*"3. Every Lieutenant-Governor or administrator so appointed shall, before assuming the duties of his office, take and 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."*

*"4. 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 ex-officio, form part, to be a Council to aid the Lieutenant-Governor in the administration of the North-West Territories: Before entering upon the duties of their offices, the persons so appointed shall take and subscribe before the Lieutenant-Governor such oath of allegiance and such oath of office as the Governor in Council may prescribe; and the majority of the Council so appointed shall form a quorum.*

*“3. The Clerk of the said Council shall take before the Lieutenant-Governor such oath of office as the Governor in Council may prescribe.”*

**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.

**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 exceeding .....	1,000
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.

**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.

*“7. The Lieutenant-Governor in Council or the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly, as the case may be, shall have such powers to make ordinances for the government of the North-West Territories as the Governor in Council may from time to time confer upon him; Provided always, that such powers shall not at any time be in excess*



of those conferred by the ninety-second section of 'The British North America Act, 1867,' upon the Legislatures of the several Provinces of the Dominion:

"2. Provided that no ordinance to be so made 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 of which may be at any time made by the Governor in Council, applicable to or declared to be in force in the said Territories, or,—(2) impose any fine or penalty exceeding one hundred dollars:

"3. And provided that a copy of every such ordinance shall be mailed for transmission to the Secretary of State, within ten days after its passing, and it may be disallowed by the Governor in Council at any time within two years after its receipt by the Secretary of State; Provided, also, that all ordinances so made, and all Orders in Council disallowing any ordinance so made, shall be laid before both Houses of Parliament, as soon as conveniently may be after the making and enactment thereof respectively."

4. The Lieutenant-Governor shall sit in Council with the Councillors as an integral part thereof, and not separately from them, and such ordinances as aforesaid shall be made by the Lieutenant-Governor in Council, and shall be expressed to be so made; and wherever in the Act hereby amended the expression—"The Lieutenant-Governor and Council" occurs, the expression "The Lieutenant-Governor in Council" shall be understood, and is hereby substituted for it; but this section shall cease to have effect when the number of members of the Council elected under section thirteen of the said Act amounts to twenty-one, and a Legislative Assembly has been formed for the said 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 Act, 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.

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 purposes respectively.

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 in 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 may be conferred by any ordinance or ordinances as aforesaid.

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 ratepayers 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 ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that in such latter case, the ratepayers establishing such Protestant



or Roman Catholic Separate Schools shall be liable only to assessments of such rates as they may impose upon themselves in respect thereof.

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 Queen's Printer at Ottawa, or Printer to the Government of Manitoba at Winnipeg, or to the Government of the North-West Territories, shall be *prima facie* evidence of such Proclamation or Order, and that it is in force.

#### ELECTION OF MEMBERS OF COUNCIL OR ASSEMBLY.

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.

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 *said Territories* 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 elections, and the period during which such elections may be continued, and such other provisions in respect to such election as he may think fit.

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.

4. Any person entitled to vote may be elected.

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 unfranchised Indians, he shall issue his writ for the election of a second member for the Electoral District.

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.

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.

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.

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.



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.

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.

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.

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.

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.

**21.** 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.

**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.

**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.

**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.

**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.

**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.

**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.

**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 period.

**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.

**30.** Descendants and relatives of the intestate begotten before his death, but borne 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.

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

**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.

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

**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.

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

**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.

**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.

**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.

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



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.

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

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.

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.

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.

45. 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.

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.

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.

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*.

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.

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 sufficient legal discharge to any such bank.



**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.

**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.

**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.

**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 an 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.

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.

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 Sheriff's Officers, Bailiffs, Constables, or other Officers in connection with the orders or process of any Justice of the Peace, Stipendiary Magistrate, or Court.

#### ADMINISTRATION OF JUSTICE.

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

58. The Lieutenant-Governor and Council or Assembly 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.

59. Repealed.

60. Repealed.



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.

“62. *Each Stipendiary Magistrate having taken the following oath before the Lieutenant-Governor or any Stipendiary Magistrate in the North-West Territories, 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 Acts, 1875 and 1877,” without fear, without favour, and without malice. So help me God;’ 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, 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.*

63. *Each Stipendiary Magistrate shall further have power to try, in a summary way, and without the intervention of a jury, in addition to any other charge which he may by law have the power so to try, any charge against any person or persons for any offence committed within the North-West Territories, mentioned in the third section of the Act passed in the thirty-sixth year of Her Majesty’s reign, chapter thirty-five, intituled: ‘An Act respecting the Administration of Justice and for the establishment of a Police Force in the North-West Territories,’ which section is hereby re-enacted, and shall be and remain in force notwithstanding the coming into force of the Act hereby amended.*

“64. *When the maximum punishment for a crime not triable in a summary way under the next preceding section, or under any other provision of the Criminal Law, does not exceed seven years’ imprisonment, the Stipendiary Magistrate—if the accused assents thereto—may try in a summary way and without the intervention of a jury, any charge against any person or persons for any such crime, but if the accused does not so consent, then the trial shall be had as provided in the next following sub-section:*

“2. *When the maximum punishment for a crime other than punishment by death exceeds seven years’ imprisonment, the Sti-*

pendiary Magistrate and a Justice of the Peace, with the intervention of a jury of six, may try any charge against any person or persons for any such crime.

“3. When the punishment for a crime is death, one Stipendiary Magistrate and two Justices of the Peace, with the intervention of a jury of six, may try any charge against any person or persons for any such crime;

“4. The procedure upon trials under sub-sections two and three of this section shall be as far as possible similar to the procedure upon summary trials; but the Stipendiary Magistrate shall, upon every such trial, take, or cause to be taken, in writing, full notes of the evidence and other proceedings thereat; and all persons tried under the said sub-sections shall be admitted after the close of the case for the prosecution to make full answer and defence by counsel learned in the law;

“5. When any person is convicted of a capital offence and is sentenced to death, the Stipendiary Magistrate shall forward to the Minister of Justice full notes of the evidence with his report upon the case, and the execution shall be stayed until such report is received and the pleasure of the Governor thereon is communicated to the Lieutenant-Governor;

“6. In default of any ordinance in that behalf, made under sub-section nine of this section, persons required as jurors for a trial under the said sub-sections two and three, shall be summoned by a Stipendiary Magistrate from among such male persons as he may think suitable in that behalf, and the jury required on such trials shall be called from among the persons so summoned as such jurors, and sworn by the Stipendiary Magistrate who presides at the trial;

“7. Any person arraigned for treason or felony may challenge peremptorily and without cause not more than six jurors:

“Every peremptory challenge beyond the number so allowed shall be entirely void;

“The Crown may peremptorily challenge not more than four jurors;

“Challenges for cause shall be the same as now provided for under the Act, chapter twenty-nine, thirty-second and thirty-third Victoria (1869) intituled: “An Act respecting procedure in criminal cases and other matters relating to criminal law;”

“If, from challenges or otherwise, the jurors summoned for the trial are exhausted, the Stipendiary Magistrate shall direct some



*constable or other person to summon by word of mouth from among the by-standers or from the neighbourhood, such number of persons as may be necessary to make up a jury, the persons so summoned being subject to challenge as those summoned by the Magistrate in the first instance, and the like proceedings shall be repeated, if necessary, until a jury be formed, competent to try the case; and any person summoned, as hereby provided, to serve as a juror, and making default or refusing to serve as such without lawful excuse to the satisfaction of the Magistrate, may be fined by him in a sum not exceeding ten dollars, and committed to prison until such fine be paid;*

*“ 8. If imprisonment in jail for not less than two years, or in the Penitentiary, be awarded in any case, the convict may be ordered to be imprisoned in the North-West Territories or to be conveyed to the Penitentiary in the Province of Manitoba; in which latter case he shall undergo such punishment therein as if convicted in the Province of Manitoba, and shall be so conveyed by any constable or constables, and received and detained therein by the authorities of the penitentiary on the warrant of the Stipendiary Magistrate.*

*“ 9. The Lieutenant-Governor in Council, or the Lieutenant-Governor, by and with the advice and consent of the Legislative 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;*

*“ 10. 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 may direct.”*

**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.

**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 the 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 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.

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.

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.

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 purposes 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 confine-



ment or imprisonment therein shall be held lawful and valid, whether under sentence of imprisonment in a Penitentiary, Gaol or other place of confinement.

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 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 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 in 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.

71. *Every Stipendiary Magistrate shall have jurisdiction, power and authority to hear and determine any claim, dispute or demand as hereinafter mentioned, that is to say:*

“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 a contract, in which the amount claimed does not exceed one thousand dollars, in a summary way, and without the intervention of a jury;*

“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 of six in number, summoned in the manner hereinbefore provided as to criminal trials; and the Stipendiary Magistrate shall give such judgments and make such orders and decrees as shall appear to him just and agreeable to equity and good conscience; but the Stipendiary Magistrate shall not have cognizance of any action for a 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;*

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.

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, 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.

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 sub-section 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.

#### PROHIBITION OF INTOXICANTS.

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 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 con-



travened 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 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.

(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.

(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, nor less than fifty dollars, one half of which shall go to the informer.

(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.

(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.

(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.

(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.

(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.



(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.

“(9.) *Intoxicating liquors imported or brought from any place out of Canada into the North-West Territories, by special permission in writing, of the Lieutenant-Governor of the said Territories, shall be subject to the several Customs and Excise laws of Canada.*

“(10.) *The Act passed in thirty-ninth year of Her Majesty’s reign, intituled: ‘An Act to amend the Acts therein mentioned as respects the importation or manufacture of intoxicants in the North-West Territories,’ is hereby repealed.*”

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.*”

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.

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.

“78. *Either the English or the French language may be used by any person in the debates of the said Council, and in the proceedings before the Courts, and both those languages shall be*

*used in the records and Journals of the said Council, and the ordinances of the said Council shall be printed in both those languages.*

*79. Stipendiary Magistrates appointed under the said Act or under this Act, shall have the same power and authority for trying offences in the District of Keewatin as, under the said Act, they have in the North-West Territories, and the provisions herein made as to such trials, and as to imprisonments under sentence, shall apply to the District of Keewatin. "2. The Chief Justice or any Judge of the Court of Queen's Bench, of the Province of Manitoba, shall have the same power and authority for trying offences in the District of Keewatin as under said Act or this Act a Stipendiary Magistrate or two Stipendiary Magistrates or a Stipendiary Magistrate and two Justices of the Peace have in the North-West Territories, and the provisions herein made as to trials shall, so far as applicable, apply to trials before such Chief Justice or Judge in the District of Keewatin; Provided always that the Chief Justice or Judge shall not proceed to any such trial unless requested by the Governor in Council."*

**80.** 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.

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## SCHEDULE A.

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

SECTION.	CHAPTER.	T I T L E.
		<i>32 and 33 Victoria, 1869.</i>
5 and 6	3	An Act for the temporary government of Rupert's Land and the North-Western Territory, when united with Canada.
		<i>33rd Victoria, 1870.</i>
35	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.
		<i>34th Victoria, 1871.</i>
5	10	An Act to amend the Acts relating to duties of Customs.
	16	An Act to make further provision for the government of the North-West Territories.
2	29	An Act to continue for a limited time the Acts therein mentioned.
		<i>36th Victoria, 1873.</i>
	5	An Act to amend the Act entitled: An Act to make further provision for the government of the North-West Territories.
	34	An Act further to amend the "Act to make further provision for the government of the North-West Territories."

## SCHEDULE A.—Continued.

SECTION.	CHAPTER.	T I T L E.
<i>37th Victoria, 1874.</i>		
1 to 9	35	An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North-West Territories.
1	39	An Act to make further provision as to duties of Customs in Manitoba and the North-West Territories. <i>(In so far as the same refers to the North-West Territories.)</i>
2	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.

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

CHAPTER.	T I T L E.
	<i>31st Victoria, 1867-68.</i>
1	An Act respecting the Statutes of Canada.
6	An Act respecting the Customs.
7	An Act imposing duties of customs with the tariff of duties payable under it. <i>As amended by subsequent Acts.</i>
8	An Act respecting the Inland Revenue.
10	An Act respecting the regulation of the Postal Service. <i>Or any Act amending it or substituted for it.</i>
12	An Act respecting the public works of Canada. <i>As amended by any subsequent Act.</i>
14	An Act to protect the inhabitants of Canada against lawless aggression from subjects of foreign countries at peace with Her Majesty.
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.
36	An Act respecting commissions, and oaths of allegiance and of office.
69	An Act for the better security of the Crown and of the Government. <i>As amended by 32, 33 Vict., cap. 17.</i>
70	An Act respecting riots and riotous assemblies.

## SCHEDULE B.—Continued.

CHAPTER.	T I T L E.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting Accessories to and Abettors in indictable offences.
73	An Act respecting the Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
94	An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders. <i>As amended by 33 Vic., cap. 25.</i>
	<i>32, 33 Victoria, 1869.</i>
18	An Act respecting offences relating to the Coin.
	<i>32, 33 Victoria.</i>
19	An Act respecting Forgery.
20	An Act respecting offences against the Person.
21	An Act respecting Larceny and other similar offences. <i>As amended by any subsequent Act.</i>
22	An Act respecting Malicious Injuries to Property. <i>As amended by 35 Vic., cap. 34.</i>
23	An Act respecting Perjury. <i>As amended by 33 Vic., cap. 26.</i>
24	An Act for the better preservation of the peace on Public Works. <i>As amended by 33 Vic., cap. 28.</i>



## SCHEDULE B.—Continued.

CHAPTER.	T I T L E.
27	An Act respecting Cruelty to Animals. <i>As amended by 33 Vic., cap. 29.</i>
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 the persons committing them.
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 some Province of Canada, and the offender is apprehended in the North-West Territories.
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 any conviction adjudged or made under it.
	<i>33rd Victoria, 1870.</i>
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.
25	An Act to amend the Act respecting the extradition of certain offenders to the United States of America.

## SCHEDULE B.—Continued.

CHAPTER.	T I T L E.
28	An Act to amend An Act for the better preservation of the peace in the vicinity of Public Works.
29	An Act to amend "An Act respecting cruelty to animals."
	<i>34th Victoria, 1871.</i>
4	An Act to establish one uniform currency for the Dominion of Canada.
	<i>35th Victoria, 1872.</i>
1	An Act to amend the Act respecting the Statutes of Canada.
23	An Act respecting the Public Lands of the Dominion.
24	An Act to remove doubts under the Act respecting the Public Works of Canada.
33	An Act for the avoidance of doubts respecting larceny of Stamps.
34	An Act to correct a clerical error in the Act respecting malicious injuries to property.
	<i>36th Victoria, 1873.</i>
3	An Act to amend the Act respecting Procedure in Criminal Cases.
50	An Act to amend the Act respecting offences against the Person.
51	An Act further to amend the law respecting certain matters of procedure in Criminal Cases.

## SCHEDULE B.—Continued.

CHAPTER.	T I T L E.
	<i>37th Victoria, 1874.</i>
13	An Act to amend an Act respecting the Public Works of Canada.
14	An Act to provide for the construction of the Canadian Pacific Railway.
19	An Act to amend the Dominion Lands Act.
	<i>38th Victoria, 1875.</i>
	Any Act of the present Session amending or substituted for any Act mentioned in this Schedule.





WM. B. RICHARDS, *Deputy Governor.*

[L.S]

C A N A D A.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN Defender of the Faith, &c., &c., &c.

*To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING:*

A PROCLAMATION.

EDWARD BLAKE, Attorney General, { WHEREAS it is, in and by the Act made and passed by the Parliament of Canada in the thirty-eighth year of Our Reign, chaptered forty-nine and intituled "An Act to amend and consolidate the Laws respecting the North-West Territories," among other things, in effect enacted "That the said 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.

AND WHEREAS, We, by and with the advice of Our Privy Council for Canada, have thought fit to name the Seventh day of October in the year of our Lord one thousand eight hundred and seventy-six, as the day upon which the said Act shall come into operation.

NOW KNOW YE that we by and with the advice of Our Privy Council of Canada do by this Our Royal Proclamation, proclaim and declare that the said Act made and passed by the Parliament of Canada in the thirty-eighth year of Our Reign, chaptered forty-nine and intituled "An Act to amend and consolidate the Laws respecting the North-West Territories," shall

come into force and effect upon, from and after the seventh day of October, in the year of Our Lord, one thousand eight hundred and seventy-six,—that being the day hereby by Us named for such purpose :

Of all which our loving subjects and all others whom these presents may concern, are hereby required to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, The Honorable WILLIAM BUELL RICHARDS, Deputy of Our Right Trusty and Well Beloved Cousin and Councillor the Right Honorable Sir FREDERIC TEMPLE, Earl of Dufferin, Viscount and Baron Claudeboye of Claudeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Claudeboye of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of Our Most Illustrious Order of Saint Patrick, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, and Knight Commander of Our Most Honourable Order of the Bath, Governor General of Canada, and Vice-Admiral of the same.

At Our Government House, in Our City of OTTAWA, this SEVENTH day of OCTOBER, in the year of Our Lord, one thousand eight hundred and seventy-six, and in the Fortieth year of Our Reign. 1876

By command,

R. W. SCOTT,

*Secretary of State.*







ORDINANCES  
OF  
THE LIEUT.-GOVERNOR  
AND  
COUNCIL  
OF THE  
NORTH-WEST TERRITORIES.



OTTAWA :  
PRINTED BY BROWN CHAMBERLIN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
ANNO DOMINI, 1877.





## AN ORDINANCE FOR THE PROTECTION OF THE BUFFALO.

[*Passed 22nd March, 1877.*]

WHEREAS it is expedient to provide for the protection of the buffalo:

Be it therefore enacted by the Lieutenant-Governor of the North-West Territories, by and with the advice and consent of the Council thereof, as follows:—

1. No pound, pit, or like enclosure or contrivance shall, at any time, be formed or used in the North-West Territories, for the capture of buffalo; nor shall it be lawful to destroy buffalo by running them into rivers or lakes, or over steep banks or precipices.

2. It shall be unlawful at any season, to hunt or kill buffalo from the mere motive of amusement, or wanton destruction, or solely to secure their tongues, choice cuts, or peltries; and the proof in any case, that less than one half of the flesh of a buffalo has been used or removed shall be sufficient evidence of the violation of this section.

3. It shall be unlawful to kill buffalo of either sex under two years of age, or to have the dead bodies or the peltries, or any other part of the bodies of such young buffalo in possession.

4. On and after the fifteenth day of November, one thousand eight hundred and seventy-seven, and in every year thereafter, the period between the fifteenth day of November and the fourteenth day of the following August, inclusive, shall be a close season for female buffalo: and during said season it shall be unlawful to kill such buffalo, or to have in possession the dead bodies or the peltries, or any other part of the bodies of female buffalo killed in the said close season:—*Provided*, that nothing contained in this section shall extend or apply to Indians or non-Treaty Indians, between the fifteenth day of November and the fourteenth day of the following February, inclusive.

5. Notwithstanding any thing contained in this ordinance, it shall be lawful for any traveller or other person in circumstances of pressing necessity to kill buffalo to satisfy his immediate wants.

6. In order to convict any person of unlawfully killing buffalo, it shall be sufficient to prove that such person was one of a party accessory to such killing, and taking the life of each and every buffalo unlawfully killed shall be deemed a distinct and separate offence.

7. Every person convicted of an offence against one of the foregoing provisions of this ordinance shall be liable, for each and every offence, to a fine not exceeding one hundred dollars, with costs of prosecution, and in default of payment to be imprisoned for a term not exceeding three months.

8. When any offence is committed against this ordinance, it shall be the duty of any sheriff, policeman, constable, sub-constable, or other peace officer, upon view thereof or upon the information of any two persons, who shall declare their names and places of abode, to forthwith arrest such offender by the authority of this ordinance, and without further warrant to bring him before a Judge, Stipendiary Magistrate or Justice of the Peace to be dealt with according to law.

9. Every offence against any of the sections of this ordinance may be prosecuted, in a summary manner, before any Judge, Stipendiary Magistrate, or Justice of the Peace.

10. One half of any pecuniary penalty recovered under this ordinance shall be paid to the informer.

11. This ordinance shall come into force on the first day of June in the present year, one thousand eight hundred and seventy-seven.

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## AN ORDINANCE FOR THE PREVENTION OF PRAIRIE AND FOREST FIRES.

[*Passed 22nd March, 1877.*]

Be it enacted by the Lieutenant-Governor of the North-West Territories, by and with the advice and consent of the Council thereof, as follows:—

1. Any person who kindles or is party to kindling a fire in the open air in any part of the said Territories, except for actual camp purposes or to protect buildings, stacks or other like property in danger of being destroyed by running fires, or for clearing lands in months of December, January, February, March or April, by burning log heaps sufficiently separated from surrounding brushwood or other inflammable material to prevent the fire from spreading, shall, on conviction thereof, pay a fine not exceeding one hundred dollars with costs of prosecution, and in default of payment be imprisoned for a term not exceeding six months.

2. An person who kindles or, is a party to kindling a fire in the open air for any of the purposes allowed in the next preceding sec-



tion, and who neglects taking effectual means to prevent such fire from running at large, or to extinguish it after such purpose has been served, shall, on conviction, be liable to a fine not exceeding fifty dollars, with costs of prosecution, and in default of payment to be imprisoned for a term not exceeding three months.

3. Nothing in this Ordinance shall bar or prevent the owner of private property from recovering damages from any offender against the first and second sections of this Ordinance.

4. Prosecutions under this Ordinance shall take place in a summary manner.

5. It shall be the duty of all police and other peace officers upon view of an infraction of any of the enactments of this Ordinance forthwith to arrest the offender by the authority of this Ordinance, and without further warrant bring him before a Judge, Stipendiary Magistrate, or Justice of the Peace, to be dealt with according to law.

6. In prosecutions upon information under this Ordinance whereby conviction is secured, and a fine paid or collected, the informer shall be entitled to receive one half of the said fine.

7. This Ordinance shall come into operation on the first day of July, in the year one thousand eight hundred and seventy-seven; and on and from the said first day of July, one thousand eight hundred and seventy-seven, the Act passed by late Council of the North-West Territories, intituled "An Act for the Prevention of Prairie and Forest Fires in the North-West Territories of the Dominion of Canada," shall have no force or effect within the limits of the North-West Territories as now by law defined.

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AN ORDINANCE RESPECTING THE LICENSING OF  
BILLIARD AND OTHER TABLES, AND FOR THE PRE-  
VENTION OF GAMBLING.

[*Passed 22nd March, 1877.*]

Be it enacted by the Lieutenant-Governor of the North-West Territories, by and with the advice and consent of the Council thereof, as follows:—

1. No person shall carry on in the North-West Territories any of the callings hereinafter mentioned, without first having obtained a license for that purpose, which license the Commissioner of Police, serving in the Territories, is hereby authorized to issue on payment of the annual fees following:—

(1) Every Billiard Table Keeper, for a single table, twenty dollars; for a second table, ten dollars.

(2) For every Bagatelle, Mississippi, Pigeon hole, or other gaming table or board, with balls, ten dollars.

2. All licenses issued by the Commissioner of Police, under the authority of this Ordinance, shall expire on the thirtieth day of June next after the date of the issuing thereof.

3. The Commissioner of Police shall make half-yearly returns of all licenses issued by him under this Ordinance, to the Lieutenant-Governor, paying over to him, on account of the revenue of the Territories, all moneys received therefor.

4. Any person who shall, without having first obtained a license, carry on any of the callings, or allow to be used for the purpose of play thereon, any of the tables or boards hereinbefore named, shall be liable, on conviction before a Stipendiary Magistrate or Justice of the Peace, to a fine for every such offence, of not less than one year's license fee nor exceeding one hundred dollars, with costs of prosecution and on non-payment thereof to be imprisoned for any term not exceeding three months; one-half of which fine shall be payable on collection thereof to the informer.

5. Every description of gaming, and all playing of faro, cards, dice, or any other game of chance, with betting or wagers for, or stakes of money or other things of value, and all betting and wagering on any such games of chance is strictly prohibited and forbidden in the North-West Territories; and any person convicted before a Stipendiary Magistrate or Justice of the Peace, of playing at, or allowing to be played at, on his premises, or assisting or being engaged in any way in any description of gaming as aforesaid, shall be liable to a fine for every such offence, not exceeding one hundred dollars, with costs of prosecution; one-half of which fine shall, on collection, be payable to the informer, and on non-payment of such fine forthwith after conviction, be imprisoned for any term not exceeding three months.

6. In order the more effectually to repress the offences specified in this Ordinance, every commissioned officer and every constable of the Police Force serving in the Territories, is hereby authorized (by force if necessary) to enter any suspected place, to arrest therein on view any person or persons found committing any of the offences aforesaid, and bring him or them before a Stipendiary Magistrate or Justice of the Peace to be dealt with according to law, and also to seize any tables and other instruments and money and securities for money used in contravention of this Ordinance, except tables the subject of annual licenses as aforesaid; and the Stipendiary Magistrate or Justice of the Peace shall, upon conviction of an offender under this Ordinance, order the said tables and other instruments to be forthwith destroyed, and the money so seized as aforesaid to be forfeited and applied towards the revenue of the North-West Territories.

7. This Ordinance shall come into operation and take effect on, from and after the first day of July of the present year, one thousand eight hundred and seventy-seven.

## AN ORDINANCE RESPECTING INFECTIOUS DISEASES.

[*Passed 22nd March, 1877.*]

Whereas it is of urgent importance to prevent, as far as possible, the spread of infectious and other like diseases in the North-West Territories.

Be it therefore enacted by the Lieutenant-Governor of the North-West Territories, by and with the advice and consent of the Council thereof, as follows:—

1. In the event of any part of the North-West Territories becoming infected with any contagious, infectious or epidemic disease, it shall be lawful for the Lieutenant-Governor, by proclamation, to describe the part so infected, and to declare that such disease exists therein, and to proscribe such part from outside intercourse for the period named in such proclamation.

2. In the event of any part of the said Territories being exposed to any contagious, infectious or epidemic disease then existing in any place outside the Territories, it shall be lawful for the Lieutenant-Governor, by proclamation, to declare that such disease exists in such place as aforesaid, and to proscribe all ingress into the Territories therefrom during the period named in such proclamation.

3. It shall be lawful for the Lieutenant-Governor at any time, and from time to time, to constitute, by Order, any part of the North-West Territories, in such Order described and named, into a health district, or any parts thereof into health districts, and for every such district to appoint a board of health, to consist of not more than five or less than three persons, the majority of those appointed to form a quorum.

4. Every such board shall be presided over by the senior member thereof present in the district, and shall meet at such times and places as he in his discretion may appoint and within the territorial limits of the district for which it is appointed, the powers of each such Board shall be:—

(1) Where any infectious disease is discovered to exist in any house or dwelling place, to prevent all intercourse and communication therewith except by the health and medical officer, and such attendants as may be considered necessary, and persons holding written permits from the health or medical officer.

(2) To remove from any such house or dwelling place the inhabitants thereof, or such of them as may be fit to remove, and place them in tents or other good shelter in some salubrious situation until measures can be taken for the cleansing, purifying and disinfecting of such house or other dwelling place.



(3) To cause all wearing apparel, bedding or other articles capable of conveying infection which have been in such house or dwelling place or used by inmates thereof, to be destroyed by fire, except when thorough disinfection thereof has been effected under the supervision of a medical officer.

(4) To regulate the granting of permits for absolutely necessary intercourse with proscribed districts.

(5) And generally to make such other regulations as from time to time may be found necessary to carry out the true intent and meaning of this Ordinance, all which regulations shall be forthwith after the passing thereof transmitted to the Lieutenant-Governor, and shall have the force of law until rescinded by such Board or cancelled by the Lieutenant-Governor.

5. In cases of emergency, where a board of health may be unable to communicate speedily with the Lieutenant-Governor, and until the Lieutenant-Governor's proclamation can be published in the district, it shall be lawful for such board of health to publish a notice declaring the whole district over which the board has jurisdiction, or such part thereof as may be described in such notice, infected, and upon the publication of such notice the district or part thereof so described shall be held to be isolated, and all intercourse therewith forbidden, as if the proclamation named in the first section of this Ordinance had been made; and in case the said district is exposed to any infectious disease then existing in any place outside the Territories, to declare in such notice that such disease exists in such place, and all ingress therefrom into the said district shall be proscribed as if the proclamation named in the second section of this Ordinance had been made.

6. The Lieutenant-Governor may from time to time, and whenever he sees fit, also appoint one or more health officers in any such district, whose duty shall be to enforce this Ordinance within said District, and the regulations of the board of health of such district.

7. Any person disobeying any proclamation or violating any regulation made under the provisions of this Ordinance, upon conviction thereof before any Judge, Stipendiary Magistrate or Justice of the Peace, shall forfeit and pay such sum, not exceeding one hundred dollars, with costs of prosecution, as such Judge, Stipendiary Magistrate or Justice of the Peace may impose, and upon failure of payment thereof be imprisoned for any time not exceeding three months.

8. Upon the direction of any health officer, or on the information of any known person, of any such disobedience or violation as aforesaid, any officer or member of the Police Force, serving in the Territories, may arrest the offender by the authority of this Ordinance, and without any further warrant convey him before a Judge, Stipendiary Magistrate or Justice of the Peace as aforesaid, to be dealt with according to law.

9. Every offence against this Ordinance, so far as no other provision is hereby made therefor, may be prosecuted in a summary manner.

10. One-half of any fine imposed and collected under this Ordinance shall be payable to the informer or person securing the conviction of the offender.

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## AN ORDINANCE RESPECTING MASTERS AND SERVANTS.

[*Passed 22nd March, 1877.*]

Be it enacted by the Lieutenant-Governor of the North-West Territories, by and with the advice and consent of the Council thereof, as follows:—

1. Every contract of hire for personal service for any period more than a year shall be in writing, signed by the contracting parties.

2. Any person engaged, bound or hired, whether as a clerk; journeyman, apprentice, servant, labourer or otherwise, howsoever, guilty of ill-behaviour, drunkenness, refractory conduct or idleness, of absenting himself by day or night, without leave, from his proper service or employment, or from the house or residence of his employer, of refusing or neglecting to perform his just duties, or to obey the lawful commands of his master, of dissipating his employer's property or effects, or of any unlawful act that may affect his employer's interest, shall, upon being convicted of any or either of the said offences before any Judge, Stipendiary Magistrate or Justice of the Peace, for every such offence forfeit and pay such sum of money, not exceeding forty dollars, as to the said Judge, Stipendiary Magistrate or Justice of the Peace seems meet, together with costs of prosecution; and, in default of payment thereof forthwith, be imprisoned for any period not exceeding two months, unless the fine imposed and costs, together with the costs of commitment and conveying such person convicted to the place of imprisonment, be sooner paid.

3. Any person convicted before any Judge, Stipendiary Magistrate or Justice of the Peace of harbouring or concealing any apprentice or servant, who has deserted his master's service; or instigating any such apprentice or servant to desert such service, or of keeping such apprentice or servant in his service after being notified or informed of the fact, shall be liable to the same penalties as are enacted in the next preceding section of this Ordinance.

4. It shall be unlawful for any Judge, Stipendiary Magistrate or Justice of the Peace, on complaint on oath by any employee or other servant, of ill-usage, non-payment of wages (not exceeding two

months' wages, the same having been first demanded), or improper dismissal by his master or employer, to cause such master or employer to be brought before him, and upon proof to his satisfaction of the complaint being well founded, to order such complainant to be discharged from his engagement, and to order such master or employer to pay such complainant one month's wages in addition to the amount of wages then actually due him, not exceeding two months' wages as aforesaid, together with the costs of prosecution, the same to be levied by distress and sale of the offender's goods and chattels, and in default of sufficient distress, to be imprisoned for any term not exceeding two months, unless the said moneys and costs be sooner paid.

5. The provisions of this Ordinance shall be held to apply in the North-West Territories to contracts and agreements made at any place outside the same.

6. On the trial of any complaint made under this Ordinance, the complainant and accused shall be admitted to give evidence.

7. Nothing in this Ordinance shall in any wise curtail, abridge or defeat any civil or other remedy for the recovery of wages or damages which employers or masters may have against servants or employees, or which servants or employees may have against their masters or employers.

8. Prosecutions for offences under this Ordinance shall be commenced within six months after the offence has been committed and not after.











