



CHAPTER 50.

An Act respecting the North-West Territories.

A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The North-West Territories Act.*" 43 V., c. 25, s. 97.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

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

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

(c.) The expression "Lieutenant Governor in Council" means the Lieutenant Governor of the Territories in Council, or the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories, as the case may be; "Lt.-Governor in Council."

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

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

(f.) The expression "intoxicant" includes opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid. 43 V., c. 25, s. 1, part, and s. 90, part;— 49 V., c. 25, s. 1. "Intoxicant."

GOVERNMENT AND LEGISLATION.

3. The Territories formerly known as "Rupert's Land" and the North-West Territory shall, with the exception of such portions thereof as form the Province of Manitoba and the District of Keewatin, continue to be called and known as the North-West Territories. 43 V., c. 25, s. 1, part. Territories defined.

- Lieutenant Governor.** **4.** There shall be for the Territories, an officer called the Lieutenant Governor, appointed by the Governor in Council, by instrument under the Great Seal of Canada, who shall hold office during pleasure :
- His powers.** **2.** The Lieutenant Governor shall administer the Government, under instructions, from time to time, given him by the Governor in Council, or by the Secretary of State of Canada. 43 V., c. 25, s. 2.
- Administrator.** **5.** The Governor in Council may, from time to time, appoint an Administrator to execute the office and functions of the Lieutenant Governor during his absence, illness or other inability. 43 V., c. 25, s. 3.
- Oaths to be taken.** **6.** Every Lieutenant Governor or Administrator so appointed shall, before assuming the duties of his office, take and subscribe, before the Governor General, or before some person duly authorized to administer such oaths, an oath of allegiance and an oath of office similar to those required to be taken by a Lieutenant Governor under "*The British North America Act, 1867.*" 43 V., c. 25, s. 4.
- Appointment of Council.** **7.** The Governor in Council, by warrant under his privy seal, may constitute and appoint such and so many persons, from time to time, not exceeding in the whole six persons, to be a council to aid the Lieutenant Governor in the administration of the Territories :
- Judges may be appointed.** **2.** The judges of the Supreme Court shall be eligible for appointment as members of the Council without emolument :
- Oaths to be taken.** **3.** 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 prescribes, and the majority of the council so appointed shall form a quorum. 43 V., c. 25, s. 5 :—49 V., c. 25, s. 7, *part, and* s. 31.
- Quorum.**
- Clerk of the Council.** **8.** The Governor in Council may appoint a clerk of the said council, who shall act as and perform the duties of secretary to the Lieutenant Governor, and who shall take, before the Lieutenant Governor, such oath of office as the Governor in Council prescribes. 43 V., c. 25, s. 6.
- Seat of Government.** **9.** The seat of Government of the Territories shall be fixed, and may, from time to time, be changed by the Governor in Council. 43 V., c. 25, s. 7.
- Lieutenant Governor to preside at Council meetings.** **10.** The Lieutenant Governor shall preside at all sittings of the council ; and he shall, on all subjects, have the same right to vote as councillors have, and shall also have a casting vote in the event of a tie ; and the ordinances to be made

as hereinafter provided, shall be made by the Lieutenant Governor in Council, and shall be expressed to be so made; but this section shall cease to have effect when the number of members of the council elected under section eighteen of this Act amounts to twenty-one, and when a Legislative Assembly has been formed for the Territories. 43 V., c. 25, s. 12.

11. Subject to the provisions of this Act, the laws of England relating to civil and criminal matters, as the same existed on the fifteenth day of July, in the year of our Lord one thousand eight hundred and seventy, shall be in force in the Territories, in so far as the same are applicable to the Territories, and in so far as the same have not been, or are not hereafter repealed, altered, varied, modified, or affected by any Act of the Parliament of the United Kingdom applicable to the Territories, or of the Parliament of Canada, or by any ordinance of the Lieutenant Governor in Council. 49 V., c. 15, s. 3.

Laws of England on July 15, 1870, in force in Territories with certain exceptions.

12. All laws and ordinances in force in the Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Lieutenant Governor in Council, under the authority of this Act. 43 V., c. 25, s. 8.

Laws in force continued.

13. The Lieutenant Governor in Council shall have such powers to make ordinances for the government of the North-West Territories as the Governor in Council, from time to time, confers upon him; but such powers shall not, at any time, be in excess of those conferred by the ninety-second and ninety-third sections of "*The British North America Act, 1867*," upon the Legislatures of the several Provinces of Canada:

Powers of Lieutenant Governor and Council or Assembly. Ordinances respecting Government.

2. No such ordinance shall be so made which is inconsistent with or alters or repeals any provision of any Act of the Parliament of Canada in force in the Territories. 43 V., c. 25, s. 9;—48-49 V., c. 51, s. 1.

Limitation of powers.

14. The Lieutenant Governor in Council shall pass all necessary ordinances in respect to education; but it shall therein always be provided, that a majority of the ratepayers of any district or portion of the Territories, or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein,—and in such case, the ratepayers establishing such Protestant or Roman Catholic separate

Ordinances respecting education. Majority schools. Minority schools.

schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof:

Declaratory
as to ordinan-
ces.

2. The power to pass ordinances, conferred upon the Lieutenant Governor by this section is hereby declared to have been vested in him from the seventh day of May, one thousand eight hundred and eighty. 43 V., c. 25, s. 10;—48-49 V., c. 51, s. 2.

Ordinances
respecting
administra-
tion of justice

15. The Lieutenant Governor in Council may, from time to time, but subject to the provisions of this Act, make ordinances in relation to the administration of justice in the Territories, and to the constitution, maintenance and organization of the Supreme Court, including procedure therein in civil matters, in as full and ample a manner as the Legislature of any Province of Canada could, under the fourteenth paragraph of the ninety-second section of "*The British North America Act, 1867*," or otherwise, make laws in relation to the administration of justice in the Province, and to the constitution, maintenance and organization of a provincial court, both of civil and criminal jurisdiction, including procedure in civil matters in such court. 49 V., c. 25, s. 27.

Ordinances
respecting
juries.

16. The Lieutenant Governor in Council may, from time to time, make ordinances in respect to the mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and in respect to all matters relating to the same. 49 V., c. 25, s. 29.

Disallowance
of ordinances.

17. An authentic copy of every ordinance shall be transmitted by mail to the Secretary of State within thirty days after its passing; and if the Governor in Council, at any time within one year after its receipt by the Secretary of State, thinks fit to disallow the ordinance, such disallowance, when signified by the Secretary of State to the Lieutenant Governor, shall annul the ordinance from and after the date of such signification; and all ordinances so made, and all Orders in Council disallowing any ordinances so made, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively. 43 V., c. 25, s. 11.

Submission to
Parliament.

ELECTION OF MEMBERS OF COUNCIL AND ASSEMBLY.

Erection of
electoral dis-
tricts.

18. Whenever the Lieutenant Governor is satisfied, by such proof as he requires, that any district or portion of the Territories, not exceeding an area of one thousand square miles, contains a population of at least one thousand inhabitants of adult age, exclusive of aliens and unenfranchised Indians, he shall, by proclamation, erect such district or portion into an electoral district by a name and

with boundaries, which shall 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. 43 V., c. 25, s. 15.

19. 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 in Council 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 officers 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 elections as he thinks fit. 43 V., c. 25, s. 16.

Proceedings
thereupon
for elections.

20. The persons qualified to vote at such election shall be the *bonâ fide* male residents and householders of adult age, who are not aliens or unenfranchised Indians, within the electoral district, and who have respectively resided in such electoral district for at least twelve months immediately preceding the issue of the said writ. 43 V., c. 25, s. 17.

Voting qual-
ification.

21. Any person entitled to vote shall be eligible for election. 43 V., c. 25, s. 18.

Election
qualification.

22. Whenever the Lieutenant Governor is satisfied, as aforesaid, that any electoral district contains a population of two thousand inhabitants of adult age, exclusive of aliens and unenfranchised Indians, he shall issue his writ for the election of a second member for the electoral district, or he may, in the manner aforesaid, erect such electoral district into two electoral districts, each of which shall be entitled to elect a member, or he may, with the advice of his Council or Assembly as the case may be, from time to time, re-arrange such electoral districts or any of them, so as to secure as far as possible in the Council or Assembly of the Territories the representation of each district not exceeding one thousand square miles and containing one thousand inhabitants of adult age. 43 V., c. 25, s. 19;—48-49 V., c. 51, s. 3.

Additional
member.

Sub-division
of electoral
districts.

23. Elected members of the Council shall take the same oaths and have the same powers, rights and privileges as members appointed by the Governor in Council, and so soon as any members have been elected, a majority of those appointed and elected shall form a quorum for the transaction of business. 43 V., c. 25, s. 20.

Powers of
elected mem-
bers.

CONSTITUTION AND POWERS OF LEGISLATIVE ASSEMBLY.

When Legis-
lative As-
sembly shall
succeed
Council.

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

Sittings and
powers of
Assembly.

2. The Legislative Assembly shall be summoned at least once a year, and shall sit separately from the Lieutenant Governor, and shall present bills passed by it to the Lieutenant Governor for his assent, who may approve or disapprove of the same, or reserve the same for the assent of the Governor General. 43 V., c. 25, s. 21.

Number of
members and
term of ser-
vice.

25. The number of members so to be elected, as hereinbefore mentioned, shall not exceed twenty-one, at which number the representation of the Territories shall remain; and the members so elected shall hold their seats for a term not exceeding two years, when they shall retire and others shall be elected in their stead, unless they are re-elected, as they may be; and another member shall be elected in the place of any member who dies or resigns his seat. 43 V., c. 25, s. 22.

WILLS.

Wills may be
made.

26. Every person may devise, bequeath or dispose of by will, executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity, at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator. 43 V., c. 25, s. 47.

Testator must
be of age.

27. No will made by any person under the age of twenty-one years shall be valid. 43 V., c. 25, s. 48.

Execution of
wills.

28. No will shall be valid unless it is in writing, and executed in manner hereinafter mentioned, that is to say:—it shall be signed at the foot or end thereof, by the testator, or by some other person in his presence, and by his direction; and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses present at the same time; and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary. 43 V., c. 25, s. 49.

No further
publication.

29. Every will executed in manner hereinbefore required, shall be valid without any other publication thereof. 43 V., c. 25, s. 50.

30. If any person who attests the execution of a will is, at the time of the execution thereof, or at any time afterwards, incompetent to be admitted as a witness to prove the execution thereof, such will shall not, on that account, be invalid. 43 V., c. 25, s. 51.

Subsequent
incompe-
tency of wit-
ness.

31. No person shall, on account of his being an executor of a will, be incompetent to be admitted as a witness to prove the execution of such will, or as a witness to prove the validity or invalidity thereof. 43 V., c. 25, s. 52.

Executor may
be witness.

32. If any person attests the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal property (other than a charge for the payment of a debt) is thereby given, such devise or legacy shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, be null and void, and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy. 43 V., c. 25, s. 53.

Devise to
witness to be
void, but wit-
ness may
prove execu-
tion.

33. No will or codicil, or any part thereof, shall be revoked otherwise than by marriage or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same, by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. 43 V., c. 25, s. 54.

Revocation of
wills and
codicils.

34. Every will shall be construed with reference to the real and personal property affected by it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. 43 V., c. 25, s. 55.

How a will
shall be con-
strued.

35. If any real property is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless a contrary intention appears by the will. 43 V., c. 25, s. 56.

When fee
simple shall
pass.

MARRIED WOMEN.

36. All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits from any occupation or trade which she carries on separately from her husband, or derived from any literary,

Her own
earnings to
belong to her.

No order
necessary.

artistic or scientific skill, and all investments of such wages, earnings, moneys or property, shall be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a *feme sole*, and no order for protection shall be necessary in respect of any such earnings or acquisitions; and the possession, whether actual or constructive, of the husband, of any personal property of any married woman, shall not render the same liable for his debts. 43 V., c. 25, s. 58.

Deposits in
bank.

37. A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own cheque; and any receipt or acquittance of such depositor shall be a sufficient discharge to any such bank. 43 V., c. 25, s. 59.

Fraudulent
investment
not valid.

38. Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman, shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditors; and any money so deposited or invested may be followed as if this Act had not been passed. 43 V., c. 25, s. 60.

Debts of wife
before and
after mar-
riage.

39. A husband shall not, by reason of any marriage, be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts. 43 V., c. 25, s. 61.

Suits by and
against a
married
woman.

40. A married woman may maintain an action in her own name for the recovery of any wages, earnings, money and property, declared by this Act or which is hereafter declared to be her separate property, and shall have, in her own name, the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman; and any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts, as if she were unmarried. 43 V., c. 25, s. 62.

ADMINISTRATION OF JUSTICE.

Supreme
court continu-
ed.

41. The Supreme Court of record of original and appellate jurisdiction now existing under the name of "The Supreme

Court of the North-West Territories" is hereby continued under the name aforesaid 49 V., c. 25, s. 4.

42. The Supreme Court shall consist of five puisné judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal. 49 V., c. 25, s. 5. Constitution of court.

43. Any person may be appointed a judge of the court who is or has been a judge of a Superior Court of any Province of Canada, a stipendiary magistrate of the Territories, or a barrister or advocate of at least ten years' standing at the bar of any such Province, or of the Territories. 49 V., c. 25, s. 6. Who may be appointed judge.

44. No judge of the court shall hold any other office of emolument under the Government of Canada, or of any Province thereof, or of the Territories. 49 V., c. 25, s. 7, *part.* No other office of emolument to be held.

45. Each judge of the court shall reside at such place in the Territories as the Governor in Council, in the commission to such judge, or by Order in Council, directs. 49 V., c. 25, s. 8. Residence.

46. The judges of the court shall hold office during good behavior, but shall be removable by the Governor General, on address of the Senate and House of Commons of Canada. 49 V., c. 25, s. 9. Tenure of office.

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

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

2. Such oaths shall be administered by the Lieutenant Governor or by a judge of the court. 49 V., c. 25, ss. 12 and 13. How administered.

48. The court shall, within the Territories, and for the administration of the laws for the time being in force within the Territories, possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record and all other rights, incidents and privileges, as fully to all intents and purposes as the same were on the fifteenth day of July, one thousand eight hundred and seventy, used, exercised and enjoyed by any of Her Majesty's superior courts of common law, or by the Court of Chancery, or by the Court of Probate in England,—and shall hold pleas in all

and all manner of actions, causes and suits as well criminal as civil, real, personal and mixed,—and shall proceed in such actions, causes and suits by such process and course as are provided by law, and as tend with justice and despatch to determine the same,—and shall hear and determine all issues of law, and shall also hear and (with or without a jury as provided by law) determine all issues of fact joined in any such action, cause or suit, and give judgment thereon and award execution thereof in as full and as ample a manner as might at the said date be done in Her Majesty's Court of Queen's Bench, Common Bench, or in matters which regard the Queen's revenue (including the condemnation of contraband or smuggled goods) by the Court of Exchequer, or by the Court of Chancery or the Court of Probate in England. 49 V., c. 25, s. 14.

Sittings in banc.

49. The court shall sit in banc at the seat of government of the Territories at such time as the Lieutenant Governor in Council appoints: the senior judge present shall preside, and any three judges of the court shall constitute a quorum. 49 V., c. 25, s. 15.

Quorum.

Jurisdiction in banc.

50. The court sitting in banc shall hear and determine all applications for new trials, all questions or issues of law, all questions or points in civil or criminal cases reserved for the opinion of the court, all appeals or motions in the nature of appeals, all petitions and all other motions, matters or things whatsoever which are lawfully brought before it. 49 V., c. 25, s. 16.

Appeals.

Judicial districts.

51. The Governor in Council may, at any time, by proclamation divide the Territories into judicial districts, and give to each such district an appropriate name, and in like manner, from time to time, alter the limits and extent of such districts. 49 V., c. 25, s. 17.

Territorial jurisdiction of judge.

52. Every judge of the court shall have jurisdiction throughout the Territories, but shall usually exercise the same within the district to which he is assigned by the Governor in Council, and in all causes, matters and proceedings, other than such as are usually cognizable by a court sitting in banc and not by a single judge of such court, shall have and exercise all the powers, authorities and jurisdiction of the court. 49 V., c. 25, s. 18.

Powers of single judge.

53. Whenever, under any Act in force in the Territories, any power or authority is to be exercised, or anything is to be done by a judge of a court, such power or authority shall, in the Territories, be exercised or such thing shall be done by a judge of the Supreme Court, unless any other provision is made in that behalf by such Act. 48-49 V., c. 51, s. 9;—49 V., c. 25, s. 30.

54. The judges of the Supreme Court shall have all the powers, authority and jurisdiction vested in the stipendiary magistrates of the Territories on the second day of June, one thousand eight hundred and eighty-six ; and wherever in any Act of the Parliament of Canada relating to the Territories, the words "stipendiary magistrate" or "stipendiary magistrates" are used, the same shall mean a judge or the judges of the Supreme Court, as the case may be. 49 V., c. 25, s. 30.

Judges to replace the former stipendiary magistrates.

55. Sittings of the Supreme Court, which shall be presided over by a judge of the court, shall be held in each judicial district at such times and places as the Lieutenant Governor of the Territories appoints. 49 V., c. 25, s. 19.

Sittings, where held.

56. For each judicial district the Governor in Council may appoint a sheriff and a clerk of the court and may name the place at which such sheriff and clerk, respectively, shall reside and keep an office ; and the clerk of the district within which the seat of Government of the Territories is situate, shall be registrar of the court sitting in banc. 49 V., c. 25, s. 20.

Sheriffs and clerks.

57. Each clerk of the court shall use such a seal for sealing processes issued out of the court in the district for which he is appointed as the Lieutenant Governor approves. 49 V., c. 25, s. 21.

Seal of the court.

58. Before entering on the duties of his office every sheriff appointed under the provisions of this Act shall give security by bond, or by guarantee of some guarantee company approved by the Governor in Council, in the sum of two thousand dollars, and every clerk shall give the like security in the sum of one thousand dollars. 49 V., c. 25, s. 22.

Bond to be given by sheriff.

59. Each sheriff shall be paid a yearly salary of five hundred dollars, and such fees as the Lieutenant Governor in Council prescribes. 49 V., c. 25, s. 23.

Salary and fees of sheriff.

60. Each clerk shall be paid such fees as the Lieutenant Governor in Council prescribes. 49 V., c. 25, s. 24.

Fees of clerk.

61. Any sheriff or clerk may, with the approval of the Lieutenant Governor, appoint a deputy. 49 V., c. 25, s. 25.

Deputy sheriffs and clerks.

62. Every sheriff and clerk shall be an officer of the Supreme Court generally, and not merely of the judges sitting or acting in his district, and shall obey the lawful orders of the said court and of the judges thereof, in whatever district such orders are made, provided anything is required to be done under them by the sheriff or clerk in his district. 49 V., c. 25, s. 26.

Sheriffs and clerks to be officers of the court generally.

63. The Lieutenant Governor may, subject to any orders made in that behalf, from time to time, by the Governor in Council, issue orders to the North-West Mounted Police force, in aid of the administration of civil and criminal justice, and for the general peace, order and good government of the Territories. 43 V., c. 25, s. 72.

64. The Lieutenant Governor may appoint justices of the peace for the Territories, who shall have jurisdiction as such throughout the same. 43 V., c. 25, s. 73.

ADMINISTRATION OF CRIMINAL LAW.

65. The procedure in criminal cases in the court shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in England, on the fifteenth day of July, in the year one thousand eight hundred and seventy; but no grand jury shall be summoned or sit in the Territories. 49 V., c. 25, s. 28.

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

Larceny, &c. (a.) With having committed or attempted to commit larceny, embezzlement, or obtaining money or property by false pretences, or feloniously receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received, does not, in the opinion of such judge, exceed two hundred dollars; or—

Aggravated assault. (b.) With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously wounding any other person; or—

Assault on a female, &c. (c.) With having committed an assault upon any female whomsoever, or upon any male child whose age does not, in the opinion of the judge, exceed fourteen years; and when such assault, if upon a female, does not, in his opinion, amount to an assault with intent to commit a rape; or—

Escape from custody. (d.) With having escaped from lawful custody or committed prison breach, or assaulted, obstructed, molested or

hindered any judge, justice of the peace, commissioned officer of police, constable, bailiff or other peace officer or officer of customs or excise, or other officer, in the lawful performance of his duty, or with intent to prevent the performance thereof :

2. The charge shall be tried in a summary way, and without the intervention of a jury. 43 V., c. 25, s. 76, *part*; ^{Summary trial.}—49 V., c. 25, s. 30.

67. In all other criminal cases the judge 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 crime, but in any such case the accused may, with his own consent, be tried by a judge, in a summary way, and without the intervention of a jury. 43 V., c. 25, s. 76, *part*;—48-49 V., c. 51, s. 5;—49 V., c. 25, s. 30. ^{In other cases, trial by jury.}

68. The courts of the judge or judges and justices of the peace, as the case may be, sitting on any such trials, shall be open public courts. 43 V., c. 25, s. 76, *part*;—49 V., c. 25, s. 30. ^{Trial to be in open court.}

69. The judge shall, upon every such trial, take, or cause to be taken down in writing, full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted, after the close of the case for the prosecution, to make full answer and defence by counsel, attorney or agent. 43 V., c. 25, s. 76, *part*;—49 V., c. 25, s. 30. ^{Notes of evidence.} ^{Defence by counsel.}

70. When any person is convicted of a capital offence and is sentenced to death, the judge shall forward to the Minister of Justice full notes of the evidence, with his report upon the case; and the execution shall be postponed, from time to time, by the judge, if found necessary, until such report is received and the pleasure of the Governor General thereon is communicated to the Lieutenant Governor. 43 V., c. 25, s. 76, *part*;—49 V., c. 25, s. 30. ^{Sentence of death to be reported.} ^{Stay of execution.}

71. Persons required as jurors for a trial shall be summoned by a judge from among such male persons as he thinks suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors, and shall be sworn by the judge who presides at the trial. 43 V., c. 25, s. 76, *part*;—49 V., c. 25, s. 30. ^{Summoning jurors.}

72. Any person arraigned for treason or felony may challenge, peremptorily and without cause, any number of jurors not exceeding six; and every peremptory challenge beyond that number shall be void: ^{Peremptory challenges by accused.}

2. The Crown may peremptorily challenge any number of jurors not exceeding four: ^{By the Crown.}

Challenges for cause. 3. Challenges for cause shall be the same as are provided for under "*The Act respecting procedure in criminal cases.*" 43 V., c. 25, s. 76, *part.*

If the list of jurors is exhausted. Tales. Fine for non-attendance. 73. If, by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the judge shall direct some constable or other person to summon, by word of mouth, from among the bystanders or from the neighborhood, such number of persons as are necessary to make up a jury,—the persons so summoned being subject to challenge as those summoned by the judge in the first instance; and the like proceedings shall be repeated, if necessary, until a jury is obtained, competent to try the case; and any person summoned, as hereby provided, to serve as a juror, who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the judge, may be fined by him a sum not exceeding ten dollars, and committed to prison until such fine is paid. 43 V., c. 25, s. 76, *part.*—49 V., c. 25, s. 30.

Witness failing to attend guilty of contempt. 74. Any person duly summoned, whether on behalf of the prisoner or against him, to attend and give evidence on any such trial, shall be bound to attend on the day appointed for the same, and shall remain in attendance throughout the whole trial; and if he fails so to attend, he shall be deemed guilty of contempt of court, and may be proceeded against therefor. 43 V., c. 25, s. 76, *part.*

Proceedings in such case. Fine and imprisonment. 75. Upon proof, to the satisfaction of the judge, of the summoning of any witness who fails to attend, and upon such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant, with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his contempt; or the judge may, in a summary manner, examine and dispose of the charge of contempt against the said witness, who, if found guilty thereof, may be fined or imprisoned, or both,—such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labor, and not to exceed the term of ninety days. 43 V., c. 25, s. 76, *part.*—49 V., c. 25, s. 30.

Returns to Lieutenant Governor. 76. Returns of all trials and proceedings, civil and criminal, shall be made to the Lieutenant Governor in such form and at such times as he directs. 43 V., c. 25, s. 76, *part.*

77. The Governor in Council may, from time to time, by proclamation, declare that the ten sections next preceding, or any of them, shall be repealed from and after the date named in such proclamation. 49 V., c. 25, s. 33, *part.*

Governor in Council may repeal ss. 67 to 76 inclusive by proclamation.

78. If imprisonment for any term not less than two years is awarded in any case, the convict may be ordered to be imprisoned in any gaol or penitentiary in the Territories, or to be conveyed to the penitentiary in the Province of Manitoba, on the warrant of the judge; and whenever any convict or accused person is ordered to be conveyed to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, may hold and convey him, or re-take him in case of an escape; and the warden of the penitentiary in Manitoba may detain and deal with him, in the said Province, as if such penitentiary was within the Territories, or as if the said convict or accused person had been ordered to be conveyed to such penitentiary by some competent court or authority in the said Province. 43 V., c. 25, s. 78;—49 V., c. 25, s. 30.

Where convict may be imprisoned.

Conveyance of prisoners.

Duties and powers of warden.

79. If it is impossible or inconvenient, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any judge, or justice of the peace, may sentence any person so convicted before him, to be placed and kept in the custody of the North-West Mounted Police force, with or without hard labor; and any police guard house or guard room in the Territories shall be a penitentiary, gaol, or place of confinement for the purposes of this Act. 43 V., c. 25, s. 79;—49 V., c. 25, s. 30.

Prisoner may be detained in custody of N. W. M. Police.

80. The Governor in Council may cause to be erected in any part or parts of the Territories any building or buildings, or enclosure or enclosures, for the purpose of a penitentiary, 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. 43 V., c. 25, s. 80.

Erection of places of detention.

81. In all cases in the Territories, when proceedings before justices of the peace are authorized to be summary, and when no time is specially limited for making any complaint or laying any information in the Act or law relating to the particular case, the complaint shall be made and the information shall be laid within twelve months from the time when the matter of the complaint or information arose. 43 V., c. 25, s. 84.

Limitation of time for proceedings.

CORONERS AND INQUESTS.

Who shall be coroners. **82.** The Indian Commissioner for the Territories, the judges of the Supreme Court, the commissioner and assistant commissioner of the North-West Mounted Police, and such other persons as the Lieutenant Governor, from time to time, appoints, shall be coroners in and for the Territories. 47 V., c. 23, s. 3;—49 V., c. 25, s. 30.

When inquests may be held. **83.** Except as hereinafter provided, no inquest shall be held upon the body of any deceased person by any coroner, unless it has been made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means, or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation, and not through mere accident or mischance. 43 V., c. 25, s. 82, *part.*

Deceased prisoners. **84.** Upon the death of any prisoner, the gaoler or officer in charge of the gaol wherein such prisoner dies shall immediately give notice to the nearest resident coroner, and such coroner shall proceed forthwith to hold an inquest upon the body. 43 V., c. 25, s. 82, *part.*

Number of jury. **85.** It shall not be necessary in any case that a coroner's jury shall exceed six persons, but in every case of an inquest six jurors must agree in order to render the verdict valid. 43 V., c. 25, s. 82, *part.*

Powers of coroners. **86.** Coroners shall have the same powers to summon witnesses and to punish them for disobeying a summons to appear or for refusing to be sworn or to give evidence, as are enjoyed by justices of the peace. 43 V., c. 25, s. 82, *part.*

Fees. **87.** The fees of coroners, jurors and witnesses attending criminal trials and inquests may be fixed, from time to time, by the Governor in Council, and paid in such manner as he directs. 43 V., c. 25, s. 83.*

ADMINISTRATION OF CIVIL JUSTICE.

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

Trial by jury in certain cases. 2. Provided, that in cases where the claim, dispute or demand arises out of a tort, wrong or grievance, and in

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

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

4. The judge may give judgment on the verdict of the jury or upon the evidence taken by the clerk or other person as aforesaid, or may order a new trial, when justice seems to require the same ; and in all cases a judge may give such judgment, and make such orders and decrees, interlocutory and final, as in such cases brought before him appear just and agreeable to equity and good conscience ; but no court or judge in the Territories shall have jurisdiction in respect of any action for a gambling debt, or for the price of any intoxicating liquor or intoxicant, or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which was a gambling debt or any intoxicating liquor or intoxicant. 47 V., c. 23, s. 4 ;—49 V., c. 25, s. 30. Judgment.

No action for
gambling
debts or in-
toxicants.

89. Every judgment of the judge shall be pronounced in open court as soon as may be after the hearing of the case ; except that in any case where the judge is not prepared to pronounce judgment at the close of the trial, he may postpone judgment and deliver and enter the same subsequently, and such judgment shall be as effectual as if rendered in court at the trial. 43 V., c. 25, s. 86 ;—49 V., c. 25, s. 30. Judgment,
how given.

90. The proceedings to carry into effect any such judgment, order or decree, whether interlocutory or final, shall be as prescribed by any ordinance of the Lieutenant Governor in Council ; or if no such ordinance is in force when any such judgment, order or decree is rendered, then in such manner as the judge who pronounced the same directs. 47 V., c. 23, s. 5 ;—49 V., c. 25, s. 30. Execution of
judgment.

91. The Governor in Council may, from time to time by proclamation, declare that the three sections next preceding or any of them, shall be repealed from and after the date named in such proclamation. 49 V., c. 25, s. 33, *part.* Governor in
Council may
repeal ss. 88
to 90 inclu-
sive by pro-
clamation.

PROHIBITION OF INTOXICANTS.

Intoxicants not to be manufactured, &c., without permission.

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

Customs and excise laws to apply.

2. Intoxicating liquors or intoxicants imported or brought from any place out of Canada into the Territories, by special permission, in writing, of the Lieutenant Governor, shall be subject to the customs and excise laws of Canada. 43 V., c. 25, s. 90, *part.*

Return of permissions.

93. The Lieutenant Governor shall make an annual return, up to the thirty-first day of December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicating liquors and intoxicants in each case, to the Minister of the Interior, who shall lay the same before Parliament. 43 V., c. 25, s. 90, *part.*

Forfeiture of intoxicant.

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

Search warrant may be granted.

Still, machinery and receptacle may be seized.

may, on complaint before him, and on the evidence of one credible witness, that the provisions of this Act have been violated in respect thereof, declare such intoxicating liquor or intoxicant, still, machinery, vessel or receptacle forfeited, and cause the same to be forthwith destroyed; and the person in whose possession any of them are found, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, with costs; and a moiety of such penalty shall belong to the informer, and the other moiety thereof shall belong to Her Majesty for the public uses of Canada. 43 V., c. 25, s. 90, *part*;—49 V., c. 25, s. 30.

And forfeited.

Penalty and application thereof.

95. Every person who manufactures, makes, compounds, imports, sells, exchanges, trades or barter 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 is or has been, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars,—a moiety of which penalty shall belong to the informer. 43 V., c. 25, s. 90, *part*.

Penalty for manufacturing, &c., without permission.

96. Every person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant, shall, for each offence, incur a penalty not exceeding two hundred dollars and not less than fifty dollars,—a moiety of which penalty shall belong to the informer. 43 V., c. 25, s. 90, *part*.

Penalty for having articles exchanged for intoxicants in possession.

97. Every article, chattel, commodity or thing, in the purchase, acquisition, exchange, trade or barter of which the consideration, either wholly or in part, is any intoxicating liquor or intoxicant, shall be forfeited to Her Majesty, and shall be seized, as hereinbefore provided in respect to any receptacle of any intoxicating liquor or intoxicant. 43 V., c. 25, s. 90, *part*.

Forfeiture of things accessory to offence.

98. Every person who refuses or neglects to aid any constable, sub-constable, or other duly authorized person in the execution of any act or duty required under any of the six sections next preceding, or who knowingly refuses to give information, or gives false information in respect to any matter arising therefrom, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars,—a moiety of which penalty shall belong to the informer. 43 V., c. 25, s. 90, *part*.

Penalty for refusing to assist constable.

99. Every penalty incurred under any of the seven sections next preceding shall be recoverable, with costs, on summary conviction, on the evidence of one credible witness, before any judge of the Supreme Court or justice of the peace, who shall, on payment of such penalty and costs, pay the

Recovery of penalties.

Penalty for a subsequent offence.

informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction, the convicting judge or justice of the peace may, in his discretion, levy the same by distress and sale, or may commit the person who is so convicted and makes default to any common gaol or house of correction or lock-up house for a term not exceeding six months, with or without hard labor, unless the said penalty and costs are sooner paid; and upon conviction for a subsequent offence, the offender shall be liable to a penalty not exceeding four hundred dollars and not less than two hundred dollars, payable and recoverable as in this section provided, and, in the discretion of the convicting judge or justice of the peace, to imprisonment with or without hard labor in any common gaol or house of correction or lock-up house for a further term not exceeding six months. 47 V., c. 23, s. 8;—49 V., c. 25, s. 30.

Conviction, &c., not invalid for want of form.

100. No seizure, prosecution, conviction or commitment under this Act shall be invalid for want of form, so long as the same is according to the true intent and meaning of this Act. 43 V., c. 25, s. 90, *part*.

SALE OF ARMS AND AMMUNITION.

Interpretation.
"Improved arm."
"Ammunition"

101. In this section—

(a.) The expression "improved arm" means and includes all arms except smooth bore shot guns;

(b.) The expression "ammunition" means fixed ammunition or ball cartridge:

2. Every person who, in the Territories,—

Supplying arms and ammunition without a permit;—

(a.) Without the permission in writing (the proof of which shall be on him) of the Lieutenant Governor, or of a commissioner appointed by him to give such permission, has in his possession or sells, exchanges, trades, barter or gives to, or with any person, any improved arm or ammunition, or—

Or to unauthorized persons;

(b.) Having such permission, sells, exchanges, trades, barter or gives any such arm or ammunition to any person not lawfully authorized to possess the same,—

To be offences, and how punishable.

Shall, on summary conviction before a judge of the Supreme Court or two justices of the peace, be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, or to both:

Search for and seizure of arms and ammunition sold contrary to this section.

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

Regulations by Governor in Council.

4. The Governor in Council may, from time to time, make regulations respecting:—

- (a.) The granting of permission to sell, exchange, trade, barter, give or possess arms or ammunition; Permits for arms, &c.
- (b.) The fees to be taken in respect thereof; Fees.
- (c.) The returns to be made respecting permissions granted; and— Returns.

(d.) The disposition to be made of forfeited arms and ammunition: Disposition.

5. The provisions of this section respecting the possession of arms and ammunition shall not apply to any officer or man of Her Majesty's forces, of the Militia force, or of the North-West Mounted Police force: Proviso.

6. The Governor in Council may, from time to time, declare by proclamation that upon and after a day therein named this section shall be in force in the Territories, or in any place or places therein in such proclamation designated; and upon and after such day but not before, the provisions of this section shall take effect and be in force accordingly: Section may be proclaimed in force at any place in N.W.T.

7. The Governor in Council may, in like manner, from time to time, declare this section to be no longer in force in any such place or places, and may again, from time to time, declare it to be in force therein: And proclamation may be revoked.

8. All courts, judges and justices of the peace shall take judicial notice of any such proclamation. To be judicially noticed. 48-49 V., c. 51, s. 14;—49 V., c. 25, s. 30.

APPEALS FROM JUSTICES OF THE PEACE.

102. The court of appeal from convictions and orders of justices of the peace in the Territories shall be a judge of the Supreme Court sitting without a jury; and the clerk of the peace or other proper officer mentioned in the "*Act respecting summary proceedings before justices of the peace*," shall, in the Territories, mean the clerk of the Supreme Court of the judicial district within which such conviction takes place or such order is made. 48-49 V., c. 51, s. 7;—49 V., c. 25, ss. 30 and 34. Court of Appeal from justices of the peace.

LUNATICS.

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

Removal of lunatics confined before date specified.

2. The Lieutenant Governor of the Province of Manitoba may cause any insane person who came from the Territories and who was confined in a temporary lunatic asylum on the twentieth day of July, one thousand eight hundred and eighty-five, to be removed to the Manitoba lunatic asylum; and the superintendent of the said asylum or the superintendent of such temporary lunatic asylum, as the case may be, shall detain every such person committed to his keeping until the pleasure of the Lieutenant Governor is known, or until such person is discharged by law. 48-49 V., c. 51, s. 10 and s. 12, part; O.C., 15th Sept., 1885.

Recapture of lunatics escaping from confinement.

104. If any insane person confined in such asylum or place of confinement under this Act, escapes therefrom, any of the officers or servants thereof, or any other person or persons, at the request of such officers or servants, or any of them, may, within forty-eight hours after such escape, if no warrant has been issued, and within one month after such escape, if a warrant in the form in the schedule to this Act has been issued by the superintendent or warden of such asylum or place of confinement in that behalf, retake such escaped person and return him thereto; and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape. 48-49 V., c. 51, s. 11.

Manitoba to be indemnified for care of lunatics from N.W.T.

105. The Minister of the Interior may, subject to the approval of the Governor in Council, make such arrangements with the Lieutenant Governor of Manitoba as seem reasonable, as to the compensation to be made by Canada to that Province for the care and maintenance of persons detained in the Manitoba lunatic asylum, or in such temporary asylum as aforesaid. 48-49 V., c. 51, s. 13; O.C., 15th Sept., 1885.

SALARIES OF OFFICERS.

Salaries of officers.

106. 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 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

Travelling allowances.

Together with such sums of money as are, from time to time, fixed by the Governor in Council, in respect of travelling allowances for any of the officers above named. 43 V., c. 25, s. 89;—47 V., c. 23, s. 7;—49 V., c. 25, s. 32, part.

ROAD ALLOWANCES.

Control of road allowances.

107. All road allowances in townships now or hereafter surveyed and sub-divided in the Territories, and all road

allowances set out on block lines now or hereafter surveyed in the Territories, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Lieutenant Governor in Council, for the public use of the territories. 43 V., c. 25, s. 91, *part*.

108. Whenever the Governor in Council receives notice from the Lieutenant Governor that it is considered desirable that any particular thoroughfare or public travelled road or trail in the Territories, which existed as such prior to any regular surveys, should be continued as such, the Governor in Council may direct the same to be surveyed by a Dominion land surveyor, and thereafter may transfer the control of each such thoroughfare, public travelled road or trail, according to the plan and description thereof, to the Lieutenant Governor in Council, for the public uses of the Territories. 43 V., c. 25, s. 91, *part*.

Certain roads may be surveyed and transferred.

GENERAL PROVISIONS.

109. Whenever in any Act of the Parliament of Canada in force in the Territories, any officer is designated for carrying on any duty therein mentioned, and there is no such officer in the Territories, the Lieutenant Governor in Council may order by what other person or officer such duty shall be performed,—and anything done by such person or officer, under such order, shall be valid and lawful in the premises; or if it is in any such Act ordered that any document or thing shall be transmitted to any officer, court, territorial division or place, and there is then in the Territories no such officer, court or territorial division or place, the Lieutenant Governor in Council may order to what officer, court or place such transmission shall be made, or may dispense with the transmission thereof. 43 V., c. 25, s. 81.

Provision when there are no such officers as are designated in Act of Parliament.

110. Either the English or the French language may be used by any person in the debates of the Council or Legislative Assembly of the territories and in the proceedings before the courts; and both those languages shall be used in the records and journals of the said Council or Assembly; and all ordinances made under this Act shall be printed in both those languages. 43 V., c. 25, s. 94.

English or French language may be used.

111. Any copy of any proclamation or order made by the Governor in Council, or ordinance, proclamation or order made by the Lieutenant Governor in Council, or by the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the North-West Territories, as the case may be, printed in the *Canada Gazette*, or purporting to be printed by the Queen's Printer for Canada, or by the printer to the Government of Manitoba at Winnipeg, or by the printer to the Government of the North-West Ter-

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

ritories, shall be *prima facie* evidence of such proclamation or order, and of the fact that it is in force. 43 V., c. 25, s. 14.

APPLICATION OF ACTS TO TERRITORIES.

Application
of Acts of
Canada.

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

Governor in
Council may
extend Acts
to the Ter-
ritories.

2. The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts not then in force in the Territories, shall be in force in the Territories generally, or in any part or parts thereof mentioned in such proclamation. 43 V., c. 25, ss. 13 and 96;—49 V., c. 25, s. 2.