

## CHAP. 35.

An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North West Territories.

[Assented to 23rd May, 1873.]

Preamble.

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

Stipendiary Magistrates.

1. The Governor may from time to time appoint, by commission under the Great Seal, one or more fit and proper person or persons to be and act as a Stipendiary Magistrate or Stipendiary Magistrates within the North West Territories, who shall reside at such place or places as may be ordered by the Governor in Council ; and the Governor in Council shall assign to any such Stipendiary Magistrate a yearly salary not exceeding three thousand dollars, together with his actual travelling expenses.

Tenure of office and general powers.

2. Every Stipendiary Magistrate shall hold office during pleasure ; and shall exercise within the North West Territories, or within such limited portion of the same as may be prescribed by the Governor in Council, the magisterial, judicial and other functions appertaining to any Justice of the Peace, or any two Justices of the Peace, under any laws or Ordinances which may from time to time be in force in the North West Territories.

Power to try certain offences summarily.

3. Any Stipendiary Magistrate shall further have power to hear and determine, in a summary way and without the intervention of a jury, any charge against any person or persons for any of the following offences alleged to have been committed within the North West Territories, as follows:—

- Larceny, and                    1. Simple larceny, larceny from the person, 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 judgment of such Stipendiary Magistrate, exceed one hundred dollars; or
- Attempts at.                    2. Having attempted to commit larceny from the person or simple larceny ; or
- Assaults.                        3. 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 cutting, stabbing or wounding any other person ; or
- On females or children.            4. With having committed an assault upon any female whatever, or upon any male child whose age does not, in the opinion of the magistrate, exceed fourteen years, such assault, if upon a female, not amounting, in his opinion, to an assault with intent to commit a rape ; or
- On magistrates.                5. Having assaulted, obstructed, molested or hindered any Stipendiary Magistrate, Justice of the Peace, Commissioner or Superintendent of Police, a policeman, constable or bailiff, or Officer of Customs or Excise, or other officer, in the lawful performance of his duty, or with intent to prevent the performance thereof;
- Punishment.                    And upon any conviction by such Stipendiary Magistrate, the person so convicted may be sentenced to such punishment as he thinks fit, by imprisonment for any period less than two years in any gaol or place of confinement, with or without hard labour, and with or without solitary confinement, or by fine, or by such imprisonment and fine.

Summary trial of certain offences by Judge or two Stipendiary Magistrates.

Court of record.

Punishment by imprisonment.

**4.** The Chief Justice or any Judge of the Court of Queen's Bench of the Province of Manitoba, or any two Stipendiary Magistrates sitting together as a Court, shall have power and authority to hear and determine within the North West Territories, in a summary way and without the intervention of any Grand or Petty Jury, any charge against any person or persons for offences alleged to have been committed within the North West Territories, and the maximum punishment for which does not exceed seven years imprisonment ; and such Court shall be a Court of record ; and if imprisonment in a penitentiary be awarded in any such case, the Court may cause the convict to be conveyed to the penitentiary in the Province of Manitoba ; and he shall undergo such punishment therein as if convicted in the Province of Manitoba.

Power to send certain offenders to Manitoba for trial.

Power to try and punish in Manitoba.

**5.** Any Justice of the Peace, or any Stipendiary Magistrate 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 said Court of Queen's Bench according to the laws of criminal procedure in force in the said Province, any person or persons at any time charged with the commission of any offence against any of the laws or Ordinances in force in the North West Territories, punishable by death or imprisonment in the penitentiary : and the Court of Queen's Bench and any Judge thereof, shall have power and authority to try 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 said Province, as if the same were in the North West Territories.

Power to convey prisoners into Manitoba

**6.** Whenever, under either of the two next preceding sections, 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.

Custody by Police,  
where there is no  
gaol.

**7.** 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 any two Stipendiary Magistrates sitting together as aforesaid, or any Judge of the Court of Queen's Bench of Manitoba, may, according to their several powers and jurisdictions hereinbefore given, 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 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 Stipendiary Magistrates, or Judge, by or before whom such person was convicted.

Governor in Council  
may erect lock-up.

**8.** 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 the 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.

Supplying place of  
officers, not existing  
in N.W. Territories.

**9.** 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 shall be 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.

#### MOUNTED POLICE FORCE.

Police force and  
officers.

**10.** The Governor in Council may constitute a Police Force in and for the North West Territories, and the Governor may from time to time, as may be found necessary, appoint by commission, a Commissioner of Police, and one or more Superintendents of Police, together with a Paymaster, Surgeon and Veterinary Surgeon, each of whom shall hold office during pleasure.

Commissioner.                   **11.** The Commissioner of Police shall perform such duties and be subject to the control, orders and authority of such person or persons, as may, from time to time, be named by the Governor in Council for that purpose.

Constables and sub-constables.  
Mounted men.                   **12.** Governor in Council may, from time to time, authorize the Commissioner of Police to appoint, by warrant under his hand, such number of Constables and Sub-Constables as he may think proper, not exceeding in the whole three hundred men ; and such number thereof shall be mounted as the Governor in Council may at any time direct.

Qualification of policemen.                   **13.** No person shall be appointed to the Police Force unless he be of a sound constitution, able to ride, active and able-bodied, of good character, and between the ages of eighteen and forty years ; nor unless he be able to read and write either the English or French language.

Oath to be taken by them.                   **14.** No person shall exercise any office in the said Force until he shall have taken the oath of allegiance and the following oath of office : " I, A. B., solemnly swear that I will faithfully, diligently and impartially execute and perform the duties and office of \_\_\_\_\_ in the Police Force of the North West Territories, and will well and truly obey and perform all lawful orders or instructions which I shall receive as such \_\_\_\_\_, without fear, favor or affection of or towards any person or party whomsoever. So help me God : " and such oath may be taken by the Commissioner of Police before any Judge, Stipendiary Magistrate, or Justice of the Peace having jurisdiction in the North West Territories, and by any other member of the Police Force before the Commissioner of Police, or any person having such jurisdiction as aforesaid ; and such oaths shall be retained by the Commissioner as part of the records of his office.

By whom administered and kept.

Officers to be J. P's , and men constables : and where.                   **15.** The Commissioner and every Superintendent of Police shall be *ex-officio* a Justice of the Peace ; and every constable and sub-constable of the Force shall be a constable in and for the whole of the North West Territories ; and may execute the office in any part thereof, and in Manitoba in the cases hereinbefore mentioned and provided for.

Articles of engagement.	<p><b>16.</b> Every constable and sub-constable shall, upon appointment to the said Force, sign articles of engagement ; and any penalty which may be therein assigned may be enforced ; and one condition in the said articles shall always be that he shall serve for the period of three years, and shall not leave the force or withdraw from his duties, unless he be dismissed or discharged therefrom, or shall have previously given six months notice in writing, to the Commissioner. The engagement shall be contracted to the Commissioner, and may be enforced by the Commissioner for the time being.</p>
Enforcement.	
Free grants for good service.	<p><b>17.</b> The Governor in Council may, from and out of any of the lands of the Dominion in the Province of Manitoba or in the North West Territories, make a free grant not exceeding one hundred and sixty acres, to any constable or sub-constable of the said force, who, at the expiration of three years of continuous service in the said Force, shall be certified by the Commissioner of Police to have conducted himself satisfactorily, and to have efficiently and ably performed the duties of his office during the said term of three years.</p>
Head-quarters.	<p><b>18.</b> The Governor in Council shall appoint the place at which the Head Quarters of the Force shall from time to time be kept; and the office of the Commissioner shall be kept there, and the same may be at any place in the North West Territories or the Province of Manitoba.</p>
Duties of the Force.	<p><b>19.</b> It shall be the duty of the Force—</p>
Prevention of crime.	<p>1. To perform all duties which now are or shall be hereafter assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws and Ordinances in force in the North West Territories, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody ;</p>
Attending Judges, &c.	<p>2. To attend upon any Judge, Stipendiary Magistrate or Justice of the Peace, when thereunto specially required, and, subject to the orders of the Commissioner or Superintendent, to execute all warrants and perform all duties and services in relation thereto, which may, under this Act or the laws and Ordinances in force in the North West Territories, lawfully be performed by constables ;</p>

Conveying prisoners.

3. To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners or lunatics, to or from any Courts, places of punishment or confinement, asylums or other places,—

Powers for such purposes.

And for these purposes, and in the performance of all the duties assigned to them by or under the authority of this Act, they shall have all the powers, authority, protection and privileges which any constable now has or shall hereafter by law have.

Governor in Council may make regulations. and for what purpose.

**20.** The Governor in Council may, from time to time, make rules and regulations for any of the following purposes, viz :—  
To regulate the number of the Force, not exceeding in the whole the number of three hundred men as hereinbefore provided ; to prescribe the number of men who shall be mounted on horseback ; to regulate and prescribe the clothing, arms, training and discipline of the Police Force; to regulate and prescribe the duties and authorities of the Commissioner and Superintendents of the Force, and the several places at or near which the same, or the Force or any portions thereof may from time to time be stationed ; and generally all and every such matters and things for the good government, discipline and guidance of the Force as are not inconsistent with this Act : and such rules and regulations may impose penalties, not exceeding in any case thirty days' pay of the offenders, for any contravention thereof, and may direct that such penalty when incurred may be deducted from the offender's pay: they may determine what officer shall have power to declare such penalty incurred, and to impose the same ; and they shall have force as if enacted by law.

Penalties.

Application of pecuniary penalties.

**21.** All pecuniary penalties so imposed shall form a fund to be managed by the Commissioner with the approval of the Governor in Council ; and be applicable to the payment of such rewards for good conduct or meritorious services as may be established by the Commissioner.

Suspending officers or members.

**22.** Any member of the Force may be suspended from his charge or dismissed by the Commissioner or by any Superintendent to whom the Commissioner shall have delegated the power to do so ; and any Superintendent may be suspended from office by the Commissioner until the pleasure of the Governor in Council shall be known ; and every such suspension or dismissal shall take effect from the time it shall be made known either orally or in writing to the party suspended or dismissed.

Delivery of arms, &c.,  
by party suspended.

**23.** Any Superintendent or any member of the Force suspended or dismissed shall forthwith deliver up to the Commissioner or to a Superintendent or to any constable authorized to receive the same, his clothing, arms, accoutrements and all property of the Crown in his possession as a member of the Force or used for police purposes ; or in case of his refusing or neglecting so to do, shall incur a penalty of fifty dollars.

Inquiries respecting  
conduct of members.

**24.** Whenever the Commissioner shall deem it advisable to make or cause to be made any special enquiry into the conduct of any Superintendent or of any member of the Police Force, or into any complaint against any of them, he, or the Superintendent whom he may appoint for that purpose, may examine any person on oath or affirmation on any matters relative to such enquiry, and may administer such oath or affirmation.

Penalty for buying or  
selling  
accoutrements, &c.,  
without authority.

**25.** If any person shall unlawfully dispose of, receive, buy or sell or have in his possession without lawful cause, or shall refuse to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing or other thing used for police purposes, such person shall thereby incur a penalty not exceeding double the value thereof, in the discretion of the Magistrate before whom he is convicted.

Governor in Council  
to fix remuneration,  
within certain rates.

**26.** It shall be lawful for the Governor in Council, from time to time, to fix the sums to be annually paid to the Commissioner, Superintendents and other Officers of the said Force, regard being had to the number of Constables and Sub-Constables, from time to time, actually organized and enrolled, and the consequent responsibility attaching to their offices aforesaid, respectively, and to the nature of the duty or service and amount of labor devolved upon them, but such sums shall not be less than or exceed the amounts following, that is to say :—

The rates.

Commissioner of Police, not exceeding.....	\$2,600
And not less than.....	\$2000
Each Superintendent, not exceeding.....	1,400
And not less than.....	1,000
Paymaster, not exceeding.....	900
Quarter Master, not exceeding.....	500
Paymaster, if acting also as Quarter Master.....	1,400
Surgeon, not exceeding.....	1,400
And not less than.....	1,000
Veterinary Surgeon, not exceeding.....	600
And not less than.....	400

And each Constable shall be paid not exceeding the sum of one dollar per day ; and each Sub-Constable shall be paid not exceeding the sum of seventy-five cents per day.

Surgeon or  
Veterinary Surgeon.

**27.** The Governor in Council may in lieu of the appointment of a Surgeon or of a Veterinary Surgeon, authorize arrangements to be made with any person or Veterinary Surgeon to perform the duties of Surgeon or Veterinary Surgeon for the said Force as to any portions or detachments thereof, and may pay reasonable and proper remuneration for any services so rendered.

Purchase of horses,  
arms, &c.

**28.** The Governor in Council may also from time to time regulate and prescribe the amounts to be paid, for the purchase of horses vehicles, harness, saddlery, clothing, arms and accouterments, or articles necessary for the said Force : and also the expenses of travelling, and of rations or of boarding or billeting the force and of forage for the horses.

Regulations for  
quartering the Force.

**29.** The Governor in Council may make regulations for the quartering, billeting and cantoning of the Force, or any portions or detachments thereof; and for the furnishing of boats, carriages, vehicles of transport, horses and other conveyances for their transport and use, and for giving adequate compensation therefor ; and may, by such regulations, impose fines not exceeding two hundred dollars for breach of any regulation aforesaid, or for refusing to billet any of the said Force, or to furnish transport as herein mentioned. But no such regulations shall authorize the quartering or billeting of any of the Force in any nunnery or convent of any Religious Order of females.

Fines.

Proviso.

Payment of moneys.

**30.** All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund of Canada.

Accounts.

**31.** A separate account shall be kept of all moneys expended under this Act, and a detailed statement thereof shall be laid before Parliament at each session thereof.

Orders in Council or  
regulations, force of,  
&c.

**32.** All regulations or Orders in Council made under this Act shall be published in the *Canada Gazette*, and shall, thereupon have the force of law from the date of their publication, or from, such later date as may be therein appointed for their coming into force ; and a copy of any such regulations purporting to be printed by the Queen's Printer shall be *prima facie* evidence thereof.

What department shall have the control of the Force.

**33.** The Department of Justice shall have the control and management of the Police Force and of all matters connected therewith ; but the Governor in Council may, at any time order that the same shall be transferred to any other Department of the Civil Service of Canada, and the same shall accordingly, by such order, be so transferred to and be under the control and management of such other Department.

Powers of the Force in Manitoba.

**34.** The Commissioner and every Superintendent of Police, shall be *ex-officio* a Justice of the Peace, within the Province of Manitoba ; and the constables and sub-constables of the Police Force shall also have and exercise within the Province of Manitoba, all the powers and authority, rights and privileges by law appertaining to constables under the laws of the Dominion, for the purpose of carrying the same into effect.

Arrangements by Manitoba Government for use of the Force.

**35.** The Governor in Council may from time to time enter into arrangements with the Government of the Province of Manitoba for the use or employment of the Police Force, in aiding the administration of justice in that Province and in carrying into effect the laws of the Legislature thereof ; and may, in any such arrangement, agree and determine the amount of money which shall be paid by the Province of Manitoba in respect of any such services of the said Police Force.