

## CHAP. 25.

### An Act to amend and consolidate the several Acts relating to the North-West Territories.

[Assented to 7th May, 1880.]

Preamble.           WHEREAS it is expedient to amend and to consolidate as amended the several Acts relating to the North-West Territories of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

#### GOVERNMENT AND LEGISLATION.

North-West Territories defined.           **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 and the District of Keewatin), shall continue to be styled and known as the North-West Territories, and the word " Territories " in this Act means the said Territories.

Lieutenant-Governor.           **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.

His instructions.

Administrator may be appointed.           **3.** 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.

Lieutenant-Governor or Administrator to take oath of office.

4. 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 and office similar to those prescribed to be taken by a Lieutenant-Governor under "*The British North America Act, 1867.*"

Appointment of Council.

5. 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 six 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.

Oaths of allegiance and office.

Quorum.

Duties and Oath of Clerk of Council.

6. The Governor 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 may prescribe.

Seat of Government.

7. The Seat of Government of the North-West Territories shall be fixed, and may from time to time be changed, by the Governor in Council.

Existing laws continued until repealed or altered.

8. 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 in Council under the authority of this Act.

Powers of Lt.-Gov. and Council or Assembly.

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, 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 and ninety-third sections of "*The British North America Act, 1867,*" up on the Legislatures of the several Provinces of the Dominion :

Proviso : limitation of powers.

<p>Proviso : as to ordinances.</p>	<p>2. Provided also, that no ordinance to be so made shall —(a) be inconsistent with or alter or repeal any provision of any Act of the Parliament of Canada in the Schedule to 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, —(b) impose any fine or penalty exceeding one hundred dollars.</p>
<p>Penalties limited.</p>	
<p>Provision as to ordinances respecting education.</p>	<p><b>10.</b> 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.</p>
<p>Majority schools.</p>	
<p>Minority schools.</p>	
<p>Disallowance of ordinances.</p>	<p><b>11.</b> An authentic copy of every such ordinance shall be mailed for transmission 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 being 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.</p>
<p>Proviso : to be laid before Parliament.</p>	
<p>Lieut.-Governor to preside at Council meetings.</p>	<p><b>12.</b> The Lieutenant-Governor shall preside at all sittings of the Council; he shall on all subjects have the same right to vote as Councillors have, with a casting vote in case of a tie ; and such ordinances as aforesaid 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 fifteen of this Act amounts to twenty-one, and a Legislative Assembly has been formed for the said Territories.</p>
<p>Form of enacting ordinances. Proviso.</p>	

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

**13.** The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts shall be in force in the North-West Territories generally, or any part or parts thereof to be mentioned in the said proclamation for such purpose.

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

**14.** 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 the Lieutenant-Governor by and with the advice and consent of the Legislative 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 *primâ facie* evidence of such Proclamation or Order, and that it is in force.

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

Erection of electoral districts.

**15.** 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.

Proceedings thereupon for election of members of Council or Assembly.

**16.** 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 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.

Voting qualification.

**17.** 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.

Election qualification.

**18.** Any person entitled to vote may be elected.

Additional member for any district.

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

Powers, &c. of elected members of Council.

**20.** Elected members of the Council shall take the same oaths and have the same powers, rights and privileges as members appointed by the Governor ; 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.

When Council to be succeeded by Legislative Assembly.

**21.** 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 :

Sitting and powers of Assembly.

**2.** Such Legislative Assembly shall be summoned at least once a year, shall sit separately from the Lieutenant-Governor, and shall present Bills passed 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.

Number of members and term of service.

**22.** The number of members so to be elected, as herein before 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, 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 stead of any member dying, or resigning his seat.

#### DESCENT OF REAL ESTATE.

Succession to real estate.

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

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

*Secondly.* To his father ;

*Thirdly.* To his mother ; and—

*Fourthly.* To his collateral relatives ;

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

Descendants in equal degrees of consanguinity.

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

Division among children and their descendants.

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

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

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

Succession of father or mother where no descendants.

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

Succession where no descendants and no father capable of inheriting.

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

If no father or mother capable of inheriting.

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

Succession of brothers and sisters and their descendants.

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

As to lineal descendants in unequal degree.

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

If no heir under foregoing provisions.

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

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

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

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

Further provisions in such case.

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

If inheritance came by mother's side.

**34.** 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 thirty-second section, shall descend to the brothers and sisters of the intestate's mother, and to their descendants, as directed in the last preceding section ; and if there be no such brothers and sisters or descendants of them, then such inheritance shall descend to the brothers and sisters, and their descendants, of the intestate's father as before prescribed.

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

**35.** 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.

Relatives of half-blood.	<b>36.</b> 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.
Failure of heirs.	<b>37.</b> On failure of heirs under the preceding rules, the inheritance shall descend to the remaining next of kin of the intestate, according to the rules in the English Statute of distributions of personal estate.
Co-heirs to be tenants in common.	<b>38.</b> Whenever there is but one person entitled to inherit according to the provisions hereinbefore contained, he shall take and hold the inheritance solely ; and whenever an inheritance, or a share of an inheritance, shall descend to several persons under such provisions, they shall take as tenants in common in proportion to their respective rights.
Posthumous heirs to inherit	<b>39.</b> Descendants and relatives of the intestate begotten before his death, but born thereafter, shall in all cases inherit in the same manner as if they had been born in the lifetime of the intestate, and had survived him.
Illegitimates not to inherit.	<b>40.</b> Children and relatives who are illegitimate shall not be entitled to inherit under any of the provisions of this Act.
Dower.	<b>41.</b> The estate of a widow as tenant in dower, shall not be affected by any of the provisions hereinbefore contained.

#### OTHER PROVISIONS AS TO REAL ESTATE.

Aliens.	<b>42.</b> Aliens may acquire, inherit, grant, lease and devise real estate within the North-West Territories.
Lands, &c., to lie in grant as well as in livery.  Deeds of grant.	<b>43.</b> All lands, tenements and hereditaments, and any share or interest therein, shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery. Deeds of grant shall be executed and delivered in duplicate, attested by one witness, and the execution and delivery thereof duly proved on oath, for the purpose of registration.
Feoffment.	<b>44.</b> A feoffment, otherwise than by deed, shall be void at law, and no feoffment shall have any tortious operation.

How corporations who may hold may convey.

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

Enrolment or registration not necessary to validity of deed.

**46.** No deed of bargain and sale of land in the North-West Territories, shall require enrolment or registration to supply the place of enrolment, for the mere purpose of rendering such bargain and sale a valid and effectual conveyance for passing the land thereby intended to be bargained and sold.

## WILLS.

Wills and intestacy.

**47.** 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.

Testa tor must be of age.

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

Execution of wills.

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

No further publication required.

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

Subsequent incompetency of witness.

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

Executor may be witness.

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

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

**53.** If any person shall attest the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal estate (other than charges for payment of debts) shall be thereby given, such devise or legacy shall so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, be utterly null and void, and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy.

Revocation of wills or codicils.

**54.** 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 same person in his presence and by his direction, with the intention of revoking the same.

How a will shall be construed.

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

When there is no limitation, fee simple shall pass.

**56.** 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.

#### MARRIED WOMEN.

Separate rights of married woman in real estate.

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

Her own earnings to be hers absolutely.

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

No order necessary.

Deposit in bank.

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

Fraudulent investments by husband, invalid.

**60.** 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 been passed.

Debts of wife before and after marriage.

**61.** 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 his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

Suits by and against a married woman.

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

## REGISTRATION OF DEEDS.

Registrar of deeds, his appointment and duties.

**63.** The Governor may appoint a Registrar of Deeds in and for the North-West Territories, who shall hold office during pleasure and 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 Letters Patent for which have been issued by the Crown. And the Lieutenant-Governor in 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 the effect of such registration shall be governed by laws made under this Act.

Fees collected by Registrar to be paid over.

Form and effects of registration.

Registration districts.

**64.** The Governor in Council may, from time to time, by proclamation, set off any part of the said Territories and form the same into a Registration District, and may appoint a Registrar therefor ; and from and after the day named in such proclamation no registrations shall be made in such district by the general registrar.

Transmission of books, &c., to new districts.

**65.** Whenever any part of the Territories is set off as a registration district as aforesaid, the registrar of the Territories or district from which such new registration district is detached, shall deliver to the registrar of such new district all books and indexes, and all instruments, maps, plans and documents in his office exclusively relating to lands situate within the limits of the new district.

Oath of Registrar.

**66.** Every registrar, before he enters upon the duties of his office, shall, before the Lieutenant-Governor or before a Stipendiary Magistrate for the North-West Territories, take the following oath in duplicate, —one duplicate of which oath shall be filed in the registry office, —and the other duplicate in the office of the Lieutenant-Governor :—

Form of.

" I (*name and describe deponent*) having been appointed to the office of \_\_\_\_\_ in and for the North-West Territories, do swear that I will well, truly and faithfully perform and execute all duties required of me by law, pertaining to the said office, so long as I continue therein."

Registrar removed from office to deliver up books, &c., to person entitled to receive the same.

Penalty for refusing to do so.

Security to be given by Registrar.

Not to be exempt from further responsibility.

Deputy Registrar.

Oath taken by Deputy Registrar.

**67.** In case any registrar is removed from, or resigns his office, he shall forthwith deliver up all books, plans, instruments, and other public property in his possession as such registrar, to the person who is appointed registrar in his stead, or to any other person who may be specially appointed in writing by the Lieutenant-Governor to receive the same ; and if such registrar refuses to do so, the Lieutenant-Governor may direct the sheriff, or some other peace officer of the North-West Territories, to seize and to take immediate possession of the same wheresoever found ; and the registrar so offending shall be liable, on conviction before a judge or Stipendiary Magistrate, to a fine not exceeding one hundred dollars, or to any term of imprisonment not exceeding six months.

**68.** The Lieutenant-Governor in Council may, from time to time, fix and determine the nature and amount of the security to be given by each registrar, —which security shall be available to any aggrieved person or persons to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or misconduct of the registrar or his deputy, in the performance of the duties of his office, not exceeding the penalty or amount named therein ; but this provision shall not exempt the registrar from any further responsibility beyond the amount of such security to persons sustaining loss or damage as aforesaid.

**69.** Each registrar may appoint a deputy in his office, who may perform all the duties required under this or any ordinance to be made in that behalf, in the same manner and to the like effect as if done by the registrar ; and such appointment shall be in writing, under the hand of the registrar ; and in case of the death, resignation, removal or forfeiture of office of the registrar, the deputy registrar shall do and perform all and every act, matter and thing, necessary for the due execution of the said office, until a new appointment of registrar is made.

**70.** Every deputy registrar, before he enters on the execution of his office, shall, before the Lieutenant-Governor, or a Stipendiary Magistrate for the North-West Territories, take an oath to the like effect as that appointed to be taken by the registrar, such oath to be in duplicate, and filed in the same manner as the registrar's oath.

ADMINISTRATION OF JUSTICE.

Sheriff,  
appointment  
and duties.

**71.** 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 sheriff shall furnish such security for the performance of his official duties, as the Lieutenant-Governor in Council may require.

Security to be  
given by.

Disposal of N.-  
W. M. Police  
Force.

**72.** The Lieutenant-Governor shall, but subject to any orders in that behalf from time to time of the Governor, have power to 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 said Territories.

Justices of the  
Peace.

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

Stipendiary  
Magistrates,  
appointment  
and residence.

**74.** The Governor may, from time to time, appoint, by commission under the Great Seal, one or more fit and proper person or persons, barristers-at-law or advocates of five years' standing in any of the Provinces, 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: and the Acts thirty-third Victoria, chapter four, thirty-sixth Victoria, chapter thirty-two, and thirty-eighth Victoria, chapter nine, providing for the superannuation of officers employed in the public service of the Dominion shall apply to all Stipendiary Magistrates appointed under this Act.

Superannuation  
Acts to apply to  
these officers.

Oath of office  
and jurisdiction.

**75.** 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 Act, 1880*, ' without fear, without favour, and without malice. So help me God,"—

Shall have jurisdiction throughout the North-West Territories, but shall usually exercise the same within such districts or portions thereof as may, from time to time, be designated by the Governor in Council.

Functions and powers to hear and determine certain criminal offences.

**76.** Each Stipendiary Magistrate shall have 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, and shall also have power to hear and determine any charge against any person for any criminal offence alleged to have been committed in the North-West Territories, or in territory eastward of the Rocky Mountains wherein the boundary between the Province of British Columbia and the North-West Territories has not been officially ascertained, as follows: —

Larceny, &c., where property stolen does not exceed \$200.

1. When the accused is charged 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 judgment of such Stipendiary Magistrate, exceed two hundred dollars ; or—

Assaults.

2. 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.

3. 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 —

Escape, or assault on magistrates.

4. Having escaped from lawful custody, committed prison breach, assaulted, obstructed, molested or hindered any Stipendiary Magistrate, Justice of the Peace, Commissioned Officer of Police, Constable, Bailiff or other Peace Officer or Officer of Customs, Excise, or other officer, in the lawful performance of his duty, or with intent to prevent the performance thereof:

Charge to be tried summarily.

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

In other case trial by jury.

5. In all other criminal cases the Stipendiary 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 crime.

Trial to be in open court.

6. The courts of the Stipendiary Magistrate or Stipendiary Magistrates and Justices of the Peace, as the case may be, sitting on any such trials, shall be open, public courts.

Notes of evidence.  Defence by counsel.	7. 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 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.
Death sentence to be reported.  Stay of execution.	8. 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 postponed from time to time by the Stipendiary Magistrate if found necessary, until such report is received and the pleasure of the Governor thereon is communicated to the Lieutenant-Governor.
Summoning of jurors.	9. Persons required as jurors for a trial 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 trial shall be called from among the persons so summoned as such jurors, and sworn by the Stipendiary Magistrate who presides at the trial.
Peremptory challenges.	10. Any person arraigned for treason or felony may challenge peremptorily and without cause not more than six jurors :
Void beyond six.	11. Every peremptory challenge beyond the number so allowed shall be entirely void :
By Crown.	The Crown may peremptorily challenge not more than four jurors:
Challenges for cause.  32, 33 Vic., c. 29.	Challenges for cause shall be the same as now provided for under the Act, chapter twenty-nine, thirty-second and thirty-third Victoria, intituled " <i>An Act respecting procedure in criminal cases and other matters relating to criminal law.</i> "
Provision if the list of jurors is exhausted.	12. 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 bystanders 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.
Tales.	
Fine on juror summoned and not serving.	

Witness failing to attend to be guilty of contempt.

13. Any person duly warned, whether on behalf of the prisoner or against him, duly 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 in case he fails so to attend, he shall be held guilty of contempt of court, and he may be proceeded against therefor accordingly.

Witness in contempt may be apprehended, detained or released on recognizance.

14. And upon proof to the satisfaction of the Stipendiary Magistrate of the warning of any witness who fails to attend, and such Stipendiary Magistrate 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 disregard of the warning, and such witness may be detained on such warrant with a view to secure his presence as a witness, or, such witness may be released on recognizance with or without sureties conditioned for his appearance to give evidence as therein mentioned, and to answer for his default as for a contempt ; or the Stipendiary Magistrate may in a summary manner examine into 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 in the common gaol, with or without hard labour, and not to exceed the term of ninety days.

Penalty for contempt.

Returns of trials to Lieut.-Governor.

15. 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.

Appeal to Queen's Bench Manitoba.

Mode of appeal.

**77.** 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 in Council.

Convict may be imprisoned in N.-W. T. or sent to penitentiary in Manitoba.

Conveyance of prisoners.

Duties and powers of warden of penitentiary.

When at a distance from a gaol to be kept in custody of N.-W. M. Police.

Erection of penitentiaries, gaols, and lock-ups.

**78.** If imprisonment for not less than two years be awarded in any case, the convict may be ordered to be imprisoned in any gaol or penitentiary in the North-West Territories or to be conveyed to the penitentiary in the Province of Manitoba on the warrant of the Stipendiary Magistrate ; 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, shall have the power to hold and convey him, or to re-take him in case of an escape ; and the 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.

**79.** 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 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 North-West Mounted Police, with or without hard labour ; and any Police guard house or guard room in the said Territories shall be a penitentiary, gaol or place of confinement for the purposes of this Act.

**80.** The Governor in Council may cause to be erected in any part or parts of the North-West Territories any building or buildings, or enclosure or enclosures, for the purpose of a 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.

Provision when in N.-W. T. there are no such officers as designated in any Act of Parliament.

**81.** Whenever in any Act of 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.

Coroners.

**82.** The Stipendiary Magistrates under this Act, the Commissioner and Assistant Commissioner of the North-West Mounted Police Force, and such other person or persons as the Governor in Council may, from time to time, approve, shall be coroners in and for the North-West Territories.

Inquest only in certain cases.

2. 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 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.

Death in gaol.

3. 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.

Coroner's jury.

4. It shall not be necessary in any case that a coroner's jury exceed six persons, but in every instance six must agree in order to render a valid verdict.

Witnesses.

5. Coroners shall have the same powers to summon witnesses and to punish them for disobeying a summons to appear or refusing to be sworn or give evidence, as are enjoyed by Justices of the Peace.

Fees of coroner's jurors and witnesses.

**83.** 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 the Governor in Council may direct.

Limitation of time for proceedings when no other is fixed by law.

**84.** In all cases in the North-West Territories, where proceedings before Justices of the Peace are authorized to be summary, and where 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.

#### ADMINISTRATION OF CIVIL JUSTICE.

Jurisdiction of Stipendiary Magistrates.

**85.** Every Stipendiary Magistrate shall have jurisdiction, power and authority to hold courts, whether established by ordinance of the Lieutenant-Governor or not (which shall be open, public courts) at such times and places as he may think proper, and at such courts to hear and determine any claim, dispute or demand as hereinafter mentioned, that is to say:—

Summarily:—  
When claim is for tort not exceeding \$500, or for debt not exceeding \$1,000.

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 ;

In other claims and real estate cases, —jury if demanded.

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 a gambling debt or any such intoxicating liquor or intoxicant.

Rule of decision.

No action for gambling debt or intoxicant.

Judgment, how given.

**86.** Every judgment of the Stipendiary Magistrate 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 deliver and enter the same subsequently, and such judgment shall be as effectual as if rendered in Court at the trial.

Execution of judgment.

**87.** Execution of any such judgment shall be carried into effect in the manner prescribed by any ordinance of the Lieutenant-Governor in Council, or if no such ordinance be then in force, then in like manner as a judgement to the same amount in the Province of Manitoba.

Appeal in certain cases.

**88.** 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 eighty-fifth 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 in Council.

New trial.

Salaries and allowances.

**89.** 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 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
- To the Registrar, not exceeding.....2,000
- To District Registrars, not exceeding.....1,000
- To the Sheriff, not exceeding.....1,200

Travelling allowances.

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.

**PROHIBITION OF INTOXICANTS.**

Intoxicants not to be manufactured imported or sold without permission.

**90.** Intoxicating liquors and other intoxicants are prohibited to be manufactured, compounded 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, or had in possession, except by special permission in writing of the Lieutenant-Governor of the said Territories :

Annual return  
of permissions.

(2.) Provided that the Lieutenant-Governor of the said Territories shall make an annual return up to the thirty-first December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicants in each case, to the Minister of the Interior, who shall lay the same before Parliament.

Penalty for  
manufacturing,  
&c., without  
permission.

(3.) Any 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 may be or may have been, 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.

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

(4.) And if any such intoxicating liquor or intoxicant is imported, or manufactured or made in the said Territories, or brought into the same, or is sold, exchanged, traded or bartered, in contravention of this Act, it shall be absolutely forfeited, and may be seized by any officer of the Customs or Excise, or by any Constable or other duly qualified person wheresoever found ; and on complaint made before him, any Stipendiary Magistrate, or Justice of the Peace, may, on the evidence of one credible witness that this Act has been contravened in respect thereof, order the said intoxicating liquor or intoxicant so seized to be forthwith destroyed ; or in case of the same not having been seized, then on complaint as aforesaid, such 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 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 two hundred dollars, nor less than fifty dollars and the costs of prosecution ; and the half of such penalty shall belong

Penalty and  
costs.

Application of  
fine.

to the informer, and the other half to Her Majesty.

Penalty for having same in possession

Application.

5. 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.

Forfeiture of things accessory to offence.

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

Penalty for refusing to assist constable.

7. Every person who refuses or neglects to aid any constable, sub-constable, or other duly authorized person in the execution of any act or duty required by this section, or who knowingly refuses to give information, or gives false information in respect to any matter arising therefrom, shall be subject to a penalty not exceeding two hundred dollars nor less than fifty dollars, one half of which shall go to the informer.

"Intoxicating liquor" and "intoxicant" defined.

8. The expression "intoxicating liquor" shall mean and include all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids ; and the expression "intoxicant" shall include opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them be liquid or solid.

Recovery of penalties.

9. 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 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 magistrate or justice may in his discretion levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and costs, to any common gaol or house of correction or lock-up house within the North-West Territories, for a period not exceeding six months, unless the said penalty and costs be sooner paid.

Second offence.

10. 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 magistrate or justice, to imprisonment for a period not exceeding six months.

Want of form not to invalidate seizure.

11. 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.

Customs and Excise laws to apply to N.-W.T.

12. 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.

#### ROAD ALLOWANCES.

Road allowances.

**91.** And whereas it is expedient to place all road allowances, highways and trails, existing as such previous to official surveys, under the control of the Lieutenant-Governor in Council :—

In surveyed townships to be public property of N.-W. T.

1. All road allowances in Townships now or hereafter to be surveyed and subdivided in the North-West Territories, and all road allowances set out on block lines now or hereafter to be surveyed in the same, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Lieutenant-Governor in Council, or with the advice and consent of the Legislative Assembly, if formed, for the public use of the Territories :

Roads, &c., existing prior to surveys to be transferred to N.-W. T.

2. Whenever the Government of Canada 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 by order direct the same to be surveyed by a Dominion Land Surveyor, and thereafter may by order 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.

Naturalization of alien residents.

31 V., c. 66.

**92.** Every alien now residing in or who hereafter comes to reside within the Territories, with intent to settle therein, and who, after a continuous residence in Canada for a period of three years or upwards, has taken before a Stipendiary Magistrate the oath of residence and allegiance prescribed by the Act of Parliament passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting Aliens and Naturalization*," shall be entitled to a certificate of naturalization, in the form hereinafter prescribed ; and thereafter such person shall enjoy all the rights and capacities which a natural-born subject of Her Majesty can enjoy :—

Form of certificate.

Whereas, A.B., late of \_\_\_\_\_ but now and for three years past residing at \_\_\_\_\_ has this day taken before the undersigned the oath of residence and allegiance prescribed by "*The North-West Territories Act, 1880*," these are therefore to certify that under and by virtue of the said Act the said A.B. has obtained all the rights and capacities of a natural-born subject.

Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

Registration of copy of certificate.

**93.** A copy of such certificate may, at the option of the party obtaining the same, be registered in the registry office for deeds in and for the Territories, and a certified copy of such registry shall be sufficient evidence of such naturalization in all courts and places whatever.

#### MISCELLANEOUS.

English or French language may be used in Council, Courts, &c.

**94.** Either the English or the French language may be used by any person in the debates of the Council or Legislative Assembly of the North-West 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.

Repealing and saving clause.

**95.** The several Acts and parts of Acts repealed by the Act thirty-eighth Victoria, chapter forty-nine, shall remain repealed ; and the Act last mentioned and the Act fortieth Victoria, chapter seven, are hereby repealed except as to the District of Keewatin, in which they shall remain in force as at present; but such repeal shall not affect any duty accrued, right acquired, or penalty, forfeiture or liability incurred, or appointment made, under the said Acts or any of them, or any offence committed under them or any of them.

Application of Acts in schedule to N.-W. T.

As to other Acts.

Future Acts.

Short title.

**96.** The several Acts and parts of Acts mentioned and contained in the Schedule to this Act, as limited in the said Schedule, with all now existing amendments thereto, whether such amendments are included in the said schedule or not, and any Acts amending them or substituted for them in the present session, shall apply to and be in force in the North-West, Territories. But, except the Acts mentioned and contained in the Schedule to this Act, and except such Acts of the Parliament of Canada or any part or parts thereof as may, under the thirteenth section of this Act or by any enactment in the Act itself, 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 thirteenth section of this Act, made applicable to or of force in the said Territories.

**97.** This Act may be known and cited as "*The North-West Territories Act, 1880.*"

North-West Territories Act. Chap. 25.

#### SCHEDULE.

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

#### TITLE.

*31st Victoria, 1867-68.*

Chap. 1 An Act respecting the Statutes of Canada.

Chap. 8 An Act respecting the Inland Revenue.

Chap. 12 An Act respecting the Public Works of Canada.

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

Chap. 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.

- Chap. 36 An Act respecting commissions, and oaths of allegiance and of office.
- Chap. 40 An Act respecting the Militia and Defence of the Dominion of Canada.
- Chap. 69 An Act for the better security of the Crown and of the Government.
- Chap. 70 An Act respecting riots and riotous assemblies.
- Chap. 71 An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
- Chap. 72 An Act respecting Accessories to and Abettors of indictable offences.
- Chap. 73 An Act respecting Police of Canada.
- Chap. 74 An Act respecting persons in custody charged with high treason or felony.

*32, 33 Victoria, 1869.*

- Chap. 18 An Act respecting offences relating to the Coin.
- Chap. 19 An Act respecting Forgery.
- Chap. 20 An Act respecting Offences against the Person.
- Chap. 21 An Act respecting Larceny and other similar offences.
- Chap. 22 An Act respecting Malicious Injuries to Property.
- Chap. 23 An Act respecting Perjury.
- Chap. 24 An Act for the better preservation of the peace in the vicinity of Public Works.
- Chap. 27 An Act respecting Cruelty to Animals.

- Chap. 29 An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law. Sections 1 to 9, both inclusive, relating to the apprehension of offenders ; sections 58 to 69, both inclusive ; sections 81 to 97, both inclusive, and section 99, 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.
- Chap. 30 An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.
- Chap. 31 An Act relating to the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. Except section twenty-six, and so much of this Act (or of any Act amending it) as gives any appeal from any conviction adjudged or made under it.

*33rd Victoria, 1870.*

- Chap. 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.
- Chap. 28 An Act to amend An Act for the better preservation of the peace in the vicinity of Public Works.
- Chap. 29 An Act to amend An Act respecting cruelty to animals.
- Chap. 36 An Act respecting the marking of timber.

*34th Victoria, 1871.*

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

*35th Victoria, 1872.*

- Chap. 1 An Act to amend the Act respecting the Statutes of Canada.
- Chap. 24 An Act to remove doubts under the Act respecting the Public Works of Canada.
- Chap. 26 The Patent Act of 1872.
- Chap. 33 An Act for the avoidance of doubts respecting Larceny of Stamps.

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

*36th Victoria, 1873.*

Chap. 50 An Act to amend the Act respecting Offences against the Person.

*37th Victoria, 1874.*

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

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

*38th Victoria, 1875.*

Chap. 7 The Post Office Act, 1875.

*40th Victoria, 1877.*

Chap. 10 An Act to amend and consolidate the Acts respecting the Customs.

Chap. 25 An Act to make provision for the Extradition of Fugitive Criminals.

Chap. 28 An Act to amend the Act respecting Offences against the Person.

Chap. 29 An Act to amend the Act respecting Larceny and other similar offences.

Chap. 43 An Act to amend the Law respecting the Incorporation of Joint-Stock Companies by Letters Patent.

*41st Victoria, 1878.*

Chap. 7 An Act to provide for the better Auditing of the Public Accounts.

Chap. 18 An Act to provide that persons charged with common assault shall be competent as witnesses.

*42nd Victoria, 1879.*

- Chap. 8 An Act respecting the Official Arbitrators.
- Chap. 9 An Act to amend and consolidate The Railway Act, 1868,  
and the Acts amending it.
- Chap. 15 An Act to alter the Duties of Customs and Excise.
- Chap. 16 An Act to amend and consolidate the Laws relating to  
Weights and Measures.
- Chap. 17 An Act to amend and consolidate the Laws respecting  
Duties imposed on Promissory Notes and Bills of Exchange.
- Chap. 20 An Act to amend The Post Office Act, 1875.
- Chap. 22 The Trade-Mark and Design Act of 1879.
- Chap. 31 The Dominion Lands Act, 1879.
- Chap. 47 An Act to make the first day of July a Public Holiday,  
by the name of Dominion Day.