

the sidewalks of the city with concrete or other permanent material, one-half the cost to be a charge against the owners of the respective properties in front of which the work should be done, and to be a first lien on such properties. A concrete sidewalk was laid, under authority of this statute, in front of L's property, and he refused to pay half the cost on the ground that his predecessor in title had in 1867, under the Act 24 Vict., c. 89, furnished the material to construct a brick sidewalk in front of the same property, and that it would be imposing a double tax on the property if he had to pay for the concrete sidewalk as well.

*Held*, reversing the judgment of the Supreme Court of Nova Scotia, that there was nothing dubious or uncertain in the Act under which the concrete sidewalk was laid; that it authorised no exception in favour of property owners who had contributed to the cost of sidewalks laid under the Act of 1861; and that to be called upon to pay half the cost of a concrete sidewalk in 1891 would not be paying twice for the same thing, because in 1867 the property had contributed bricks to construct a sidewalk which, in 1891, had become worn out, useless and dangerous.

Appeal dismissed with costs.

*MacCoy, Q.C.*, for appellant.

*Bell*, for respondent.

6 June, 1896.

North West Territories.]

#### CONGER V. KENNEDY.

*Constitutional law—Marital rights—Married woman—Separate estate—Jurisdiction of N. W. Territorial Legislature—*

*Statute—Interpretation of—R. S. C. c. 50—N. W.*

*Ter. Ord. No. 16 of 1889.*

The provisions of Ordinance No. 16 of 1889 respecting the personal property of married women, are *intra vires* of the legislature of the North West Territories of Canada, as being legislation within the definition of property and civil rights, a subject upon which the Lieutenant-Governor in Council was authorised to legislate by the Order of the Governor General in Council passed under the provisions of "The North West Territories Act," R. S. C. ch. 50. The provisions of said Ordinance No. 16 are not in-