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# BRITISH NORTH AMERICA ACTS

1867-1919

TOGETHER WITH OTHER IMPERIAL STATUTES RELATING TO CANADA; IMPERIAL ORDERS IN COUNCIL ADMITTING RUPERT'S LAND, BRITISH COLUMBIA, AND PRINCE EDWARD ISLAND, RESPECTIVELY, INTO THE UNION; THE MANITOBA, ALBERTA, SASKATCHEWAN, NORTHWEST TERRITORIES AND YUKON ACTS (CANADA) WITH VARIOUS AMENDING ACTS; AND OTHER CANADIAN STATUTES RELATING TO PROVINCIAL SUBSIDIES AND TO THE BOUNDARIES OF THE PROVINCES DOWN TO 1912.



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OTTAWA  
J. DE LABROQUERIE TACHÉ  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1919

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# THE BRITISH NORTH AMERICA ACT, 1867.

30 VICTORIA, CHAPTER 3.

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith.

[29th March, 1867.]

**W**HEREAS the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom:

And whereas such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire:

And whereas on the Establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared:

And whereas it is expedient that Provision be made for the eventual admission into the Union of other Parts of British North America:

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

## I.—PRELIMINARY.

1. This Act may be cited as The British North America Act, 1867. Short Title.

2. The Provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland. Application of Provisions referring to the Queen.

## II.—UNION.

3. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a Day therein appointed, Declaration of Union.  
not

R.S., 1906.

not being more than Six Months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be One Dominion under the Name of Canada; and on and after that Day those Three Provinces shall form and be One Dominion under that Name accordingly.

Construction of subsequent Provisions of Act.

**4.** The subsequent Provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the Day appointed for the Union taking effect in the Queen's Proclamation; and in the same Provisions, unless it is otherwise expressed or implied, the Name Canada shall be taken to mean Canada as constituted under this Act.

Four Provinces.

**5.** Canada shall be divided into Four Provinces, named Ontario, Quebec, Nova Scotia, and New Brunswick.

Provinces of Ontario and Quebec.

**6.** The Parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed, and shall form two separate Provinces. The Part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the Part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

Provinces of Nova Scotia and New Brunswick.

**7.** The Provinces of Nova Scotia and New Brunswick shall have the same Limits as at the passing of this Act.

Decennial Census.

**8.** In the general Census of the Population of Canada which is hereby required to be taken in the Year One thousand eight hundred and seventy-one, and in every Tenth Year thereafter, the respective Populations of the Four Provinces shall be distinguished.

### III.—EXECUTIVE POWER.

Declaration of Executive Power in the Queen.

**9.** The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.

Application of Provisions referring to Governor General.

**10.** The Provisions of this Act referring to the Governor General extend and apply to the Governor General for the Time being of Canada, or other the Chief Executive Officer or Administrator for the Time being carrying on the Government of Canada on behalf and in the Name of the Queen, by whatever Title he is designated.

Constitution of Privy Council for Canada.

**11.** There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada; and the Persons who are to be Members of that Council

Council shall be from Time to Time chosen and summoned by the Governor General and sworn in as Privy Councillors, and Members thereof may be from Time to Time removed by the Governor General.

**12.** All Powers, Authorities, and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the Advice, or with the Advice and Consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any Number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor General, with the Advice or with the Advice and Consent of or in conjunction with the Queen's Privy Council for Canada, or any Members thereof, or by the Governor General individually, as the Case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

All Powers under Acts to be exercised by Governor General with advice of Privy Council or alone.

**13.** The Provisions of this Act referring to the Governor General in Council shall be construed as referring to the Governor General acting by and with the Advice of the Queen's Privy Council for Canada.

Application of Provisions referring to Governor General in Council.

**14.** It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor General from Time to Time to appoint any Person or any Persons jointly or severally to be his Deputy or Deputies within any Part or Parts of Canada, and in that Capacity to exercise during the Pleasure of the Governor General such of the Powers, Authorities, and Functions of the Governor General as the Governor General deems it necessary or expedient to assign to him or them, subject to any Limitations or Directions expressed or given by the Queen; but the Appointment of such a Deputy or Deputies shall not affect the Exercise by the Governor General himself of any Power, Authority, or Function.

Power to Her Majesty to authorize Governor General to appoint Deputies.

**15.** The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

Command of Armed Forces to continue to be vested in the Queen.

**16.** Until the Queen otherwise directs the Seat of Government of Canada shall be Ottawa.

Seat of Government of Canada.

IV.

## IV.—LEGISLATIVE POWER.

Constitution of Parliament of Canada. **17.** There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

Privileges, &c., of Houses. **18.** The Privileges, Immunities, and Powers to be held, enjoyed, and exercised by the Senate and by the House of Commons and by the Members thereof respectively shall be such as are from Time to Time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the Members thereof.

First Session of the Parliament of Canada. **19.** The Parliament of Canada shall be called together not later than Six Months after the Union.

Yearly Session of the Parliament of Canada. **20.** There shall be a Session of the Parliament of Canada once at least in every Year, so that Twelve Months shall not intervene between the last Sitting of the Parliament in one Session and its first Sitting in the next Session.

*The Senate.*

Number of Senators. **21.** The Senate shall, subject to the Provisions of this Act, consist of Seventy-two Members, who shall be styled Senators.

Representation of Provinces in Senate. **22.** In relation to the Constitution of the Senate, Canada shall be deemed to consist of Three Divisions:

1. Ontario;

2. Quebec;

3. The Maritime Provinces, Nova Scotia and New Brunswick; which Three Divisions shall (subject to the Provisions of this Act) be equally represented in the Senate as follows: Ontario by Twenty-four Senators; Quebec by Twenty-four Senators; and the Maritime Provinces by Twenty-four Senators, Twelve thereof representing Nova Scotia, and Twelve thereof representing New Brunswick.

In the Case of Quebec each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A. to Chapter One of the Consolidated Statutes of Canada.

Qualifications of Senator. **23.** The Qualifications of a Senator shall be as follows:

- (1.) He shall be of the full age of Thirty Years:
- (2.) He shall be either a Natural-born Subject of the Queen, or a Subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of

of the United Kingdom of Great Britain and Ireland, or of the Legislature of One of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the Union, or of the Parliament of Canada after the Union:

- (3.) He shall be legally or equitably seised as of Freehold for his own Use and Benefit of Lands or Tenements held in free and common Socage, or seised or possessed for his own Use and Benefit of Lands or Tenements held in Franc-alleu or in Roture, within the Province for which he is appointed, of the Value of Four thousand Dollars, over and above all Rents, Dues, Debts, Charges, Mortgages, and Incumbrances due or payable out of or charged on or affecting the same:
- (4.) His Real and Personal Property shall be together worth Four thousand Dollars over and above his Debts and Liabilities:
- (5.) He shall be resident in the Province for which he is appointed:
- (6.) In the case of Quebec he shall have his Real Property Qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

**24.** The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and, subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator. Summons of Senator.

**25.** Such Persons shall be first summoned to the Senate as the Queen by Warrant under Her Majesty's Royal Sign Manual thinks fits to approve, and their Names shall be inserted in the Queen's Proclamation of Union. Summons of First Body of Senators.

**26.** If at any Time on the Recommendation of the Governor General the Queen thinks fit to direct that Three or Six Members be added to the Senate, the Governor General may by Summons to Three or Six qualified Persons (as the Case may be), representing equally the Three Divisions of Canada, add to the Senate accordingly. Addition of Senators in certain cases.

**27.** In case of such Addition being at any Time made the Governor General shall not summon any Person to the Senate, except on a further like Direction by the Queen on the like Recommendation, until each of the Three Divisions of Canada is represented by Twenty-four Senators and no more. Reduction of Senate to normal number.

**28.** The Number of Senators shall not at any Time exceed Seventy-eight. Maximum number of Senators.

Tenure of  
Place in  
Senate.

**29.** A Senator shall, subject to the Provisions of this Act, hold his Place in the Senate for Life.

Resignation  
of Place in  
Senate.

**30.** A Senator may by Writing under his Hand addressed to the Governor General resign his Place in the Senate, and thereupon the same shall be vacant.

Disqualifi-  
cation of  
Senators.

**31.** The Place of a Senator shall become vacant in any of the following Cases:—

- (1.) If for Two consecutive Sessions of the Parliament he fails to give his Attendance in the Senate:
- (2.) If he takes an Oath or makes a Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to a Foreign Power, or does an Act whereby he becomes a Subject or Citizen, or entitled to the Rights or Privileges of a Subject or Citizen, of a Foreign Power:
- (3.) If he is adjudged Bankrupt or Insolvent, or applies for the Benefit of any Law relating to Insolvent Debtors, or becomes a public Defaulter:
- (4.) If he is attainted of Treason or convicted of Felony or of any infamous Crime:
- (5.) If he ceases to be qualified in respect of Property or of Residence; provided, that a Senator shall not be deemed to have ceased to be qualified in respect of Residence by reason only of his residing at the Seat of the Government of Canada while holding an Office under that Government requiring his Presence there.

Summons on  
Vacancy in  
Senate.

**32.** When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.

Questions as  
to Qualifica-  
tions and  
Vacancies in  
Senate.

**33.** If any Question arises respecting the Qualification of a Senator or a Vacancy in the Senate the same shall be heard and determined by the Senate.

Appoint-  
ment of  
Speaker of  
Senate.

**34.** The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead.

Quorum of  
Senate.

**35.** Until the Parliament of Canada otherwise provides, the Presence of at least Fifteen Senators, including the Speaker, shall be necessary to constitute a Meeting of the Senate for the Exercise of its Powers.

Voting in  
Senate.

**36.** Questions arising in the Senate shall be decided by a Majority of Voices, and the Speaker shall in all Cases have a Vôte, and when the Voices are equal the Decision shall be deemed to be in the Negative.

*The*

*The House of Commons.*

**37.** The House of Commons shall, subject to the Provisions of this Act, consist of One hundred and eighty-one Members, of whom Eighty-two shall be elected for Ontario, Sixty-five for Quebec, Nineteen for Nova Scotia, and Fifteen for New Brunswick.

Constitution of House of Commons in Canada.

**38.** The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.

Summoning of House of Commons.

**39.** A Senator shall not be capable of being elected or of sitting or voting as a Member of the House of Commons.

Senators not to sit in House of Commons.

**40.** Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia, and New Brunswick shall, for the Purposes of the Election of Members to serve in the House of Commons, be divided into Electoral Districts as follows:

Electoral districts of the four Provinces.

1.—ONTARIO.

Ontario shall be divided into the Counties, Ridings of Counties, Cities, Parts of Cities, and Towns enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return One Member.

2.—QUEBEC.

Quebec shall be divided into Sixty-five Electoral Districts, composed of the Sixty-five Electoral Divisions into which Lower Canada is at the passing of this Act divided under Chapter Two of the Consolidated Statutes of Canada, Chapter Seventy-five of the Consolidated Statutes for Lower Canada, and the Act of the Province of Canada of the Twenty-third Year of the Queen, Chapter One, or any other Act amending the same in force at the Union, so that each such Electoral Division shall be for the Purposes of this Act an Electoral District entitled to return One Member.

3.—NOVA SCOTIA.

Each of the Eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return Two Members, and each of the other Counties One Member.

4.—NEW BRUNSWICK.

Each of the Fourteen Counties into which New Brunswick is divided, including the City and County of St. John, shall be

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an Electoral District. The City of St. John shall also be a separate Electoral District. Each of those Fifteen Electoral Districts shall be entitled to return One Member.

Continuance  
of existing  
Election  
Laws until  
Parliament  
of Canada  
otherwise  
provides.

**41.** Until the Parliament of Canada otherwise provides, all Laws in force in the several Provinces at the Union relative to the following Matters or any of them, namely,—the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces, the Voters at Elections of such Members, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which Elections may be continued, the Trial of controverted Elections, and Proceedings incident thereto, the vacating of Seats of Members, and the Execution of new Writs in case of Seats vacated otherwise than by Dissolution,—shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces.

Provided that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every male British Subject, aged Twenty-one Years or upwards, being a Householder, shall have a Vote.

Writs for  
first Elec-  
tion.

**42.** For the First Election of Members to serve in the House of Commons the Governor General shall cause Writs to be issued by such Person, in such Form, and addressed to such Returning Officers as he thinks fit.

The Person issuing Writs under this Section shall have the like Powers as are possessed at the Union by the Officers charged with the issuing of Writs for the Election of Members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia, or New Brunswick; and the Returning Officers to whom Writs are directed under this Section shall have the like Powers as are possessed at the Union by the Officers charged with the returning of Writs for the Election of Members to serve in the same respective House of Assembly or Legislative Assembly.

As to casual  
Vacancies.

**43.** In case a Vacancy in the Representation in the House of Commons of any Electoral District happens before the Meeting of the Parliament, or after the Meeting of the Parliament before Provision is made by the Parliament in this Behalf, the Provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant District.

As to Elec-  
tion of  
Speaker of  
House of  
Commons.

**44.** The House of Commons on its first assembling after a General Election shall proceed with all practicable Speed to elect One of its Members to be Speaker.

**45.**

**45.** In case of a Vacancy happening in the Office of Speaker by Death, Resignation, or otherwise, the House of Commons shall with all practicable Speed proceed to elect another of its Members to be Speaker. As to filling up Vacancy in Office of Speaker.

**46.** The Speaker shall preside at all Meetings of the House of Commons. Speaker to preside.

**47.** Until the Parliament of Canada otherwise provides, in case of the Absence for any Reason of the Speaker from the Chair of the House of Commons for a period of Forty-eight consecutive Hours, the House may elect another of its Members to act as Speaker, and the Member so elected shall during the Continuance of such Absence of the Speaker have and execute all the Powers, Privileges, and Duties of Speaker. Provision in case of absence of Speaker.

**48.** The Presence of at least Twenty Members of the House of Commons shall be necessary to constitute a Meeting of the House for the Exercise of its Powers; and for that Purpose the Speaker shall be reckoned as a Member. Quorum of House of Commons.

**49.** Questions arising in the House of Commons shall be decided by a Majority of Voices other than that of the Speaker, and when the Voices are equal, but not otherwise, the Speaker shall have a Vote. Voting in House of Commons.

**50.** Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer. Duration of House of Commons.

**51.** On the Completion of the Census in the Year One thousand eight hundred and seventy-one, and of each subsequent decennial Census, the Representation of the Four Provinces shall be readjusted by such Authority, in such Manner, and from such Time, as the Parliament of Canada from Time to Time provides, subject and according to the following Rules: Decennial Re-adjustment of Representation.

(1.) Quebec shall have the fixed Number of Sixty-five Members:

(2.) There shall be assigned to each of the other Provinces such a Number of Members as will bear the same Proportion to the Number of its Population (ascertained at such Census) as the Number Sixty-five bears to the Number of the Population of Quebec (so ascertained):

(3.) In the Computation of the Number of Members for a Province a fractional Part not exceeding One Half of the whole Number requisite for entitling the Province to a Member shall be disregarded; but a fractional Part exceeding One Half of that Number shall be equivalent to the whole Number:

(4.)

- (4.) On any such Re-adjustment the Number of Members for a Province shall not be reduced unless the Proportion which the Number of the Population of the Province bore to the Number of the aggregate Population of Canada at the then last preceding Re-adjustment of the Number of Members for the Province is ascertained at the then latest Census to be diminished by One Twentieth Part or upwards:
- (5.) Such Re-adjustment shall not take effect until the Termination of the then existing Parliament.

Increase of  
number of  
House of  
Commons.

**52.** The Number of Members of the House of Commons may be from Time to Time increased by the Parliament of Canada, provided the proportionate Representation of the Provinces prescribed by this Act is not thereby disturbed.

*Money Votes; Royal Assent.*

Appropriation and tax Bills.

**53.** Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost; shall originate in the House of Commons.

Recommendation of money votes.

**54.** It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any Tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

Royal Assent to Bills, &c.

**55.** Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's Assent, he shall declare, according to his Discretion, but subject to the Provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for the Signification of the Queen's Pleasure.

Disallowance by order in Council of Act assented to by Governor General.

**56.** Where the Governor General assents to a Bill in the Queen's Name, he shall by the first convenient Opportunity send an authentic Copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within Two Years after Receipt thereof by the Secretary of State thinks fit to disallow the Act, such Disallowance (with a Certificate of the Secretary of State of the Day on which the Act was received by him) being signified by the Governor General, by Speech or Message to each of the Houses of the Parliament or by Proclamation, shall annul the Act from and after the Day of such Signification.

**57.**

**57.** A Bill reserved for the Signification of the Queen's Pleasure shall not have any Force unless and until within Two Years from the Day on which it was presented to the Governor General for the Queen's Assent, the Governor General signifies, by Speech or Message to each of the Houses of the Parliament or by Proclamation, that it has received the Assent of the Queen in Council.

Signification of Queen's pleasure on Bill reserved.

An Entry of every such Speech, Message, or Proclamation shall be made in the Journal of each House, and a Duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada.

## V.—PROVINCIAL CONSTITUTIONS.

### *Executive Power.*

**58.** For each Province there shall be an Officer, styled the Lieutenant Governor, appointed by the Governor General in Council by Instrument under the Great Seal of Canada.

Appointment of Lieutenant Governors of Provinces.

**59.** A Lieutenant Governor shall hold Office during the Pleasure of the Governor General; but any Lieutenant Governor appointed after the Commencement of the First Session of the Parliament of Canada shall not be removable within Five Years from his Appointment, except for Cause assigned, which shall be communicated to him in Writing within One Month after the Order for his Removal is made, and shall be communicated by Message to the Senate and to the House of Commons within One Week thereafter if the Parliament is then sitting, and if not then within One Week after the Commencement of the next Session of the Parliament.

Tenure of office of Lieutenant Governor.

**60.** The Salaries of the Lieutenant Governors shall be fixed and provided by the Parliament of Canada.

Salaries of Lieutenant Governors.

**61.** Every Lieutenant Governor shall, before assuming the Duties of his Office, make and subscribe before the Governor General or some Person authorized by him, Oaths of Allegiance and Office similar to those taken by the Governor General.

Oaths, &c., of Lieutenant Governor.

**62.** The Provisions of this Act referring to the Lieutenant Governor extend and apply to the Lieutenant Governor for the Time being of each Province or other the Chief Executive Officer or Administrator for the Time being carrying on the Government of the Province, by whatever Title he is designated.

Application of provisions referring to Lieutenant Governor.

**63.** The Executive Council of Ontario and of Quebec shall be composed of such Persons as the Lieutenant Governor from Time to Time thinks fit, and in the first instance of the following Officers, namely,—the Attorney General, the Secretary and Registrar

Appointment of Executive Officers for Ontario and Quebec.

Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, with in Quebec, the Speaker of the Legislative Council and the Solicitor General.

Executive Government of Nova Scotia and New Brunswick.

**64.** The Constitution of the Executive Authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the Provisions of this Act, continue as it exists at the Union until altered under the Authority of this Act.

Powers to be exercised by Lieutenant Governor of Ontario or Quebec with advice or alone.

**65.** All Powers, Authorities, and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exerciseable by the respective Governors or Lieutenant Governors of those Provinces, with the Advice or with the Advice and Consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any Number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant Governor of Ontario and Quebec respectively, with the Advice or with the Advice and Consent of or in conjunction with the respective Executive Councils, or any Members thereof, or by the Lieutenant Governor individually, as the Case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be abolished or altered by the respective Legislatures of Ontario and Quebec.

Application of provisions referring to Lieutenant Governor in Council.

**66.** The Provisions of this Act referring to the Lieutenant Governor in Council shall be construed as referring to the Lieutenant Governor of the Province acting by and with the Advice of the Executive Council thereof.

Administration in absence, &c., of Lieutenant Governor.

**67.** The Governor General in Council may from Time to Time appoint an Administrator to execute the Office and Functions of Lieutenant Governor during his Absence, Illness, or other Inability.

Seats of Provincial Governments.

**68.** Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the Seats of Government of the Provinces shall be as follows, namely,—of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton.

## Legislative Power.

## 1.—ONTARIO.

**69.** There shall be a Legislature for Ontario consisting of the Lieutenant Governor and of One House, styled the Legislative Assembly of Ontario. Legislature for Ontario.

**70.** The Legislative Assembly of Ontario shall be composed of Eighty-two Members, to be elected to represent the Eighty-two Electoral Districts set forth in the First Schedule to this Act. Electoral districts.

## 2.—QUEBEC.

**71.** There shall be a Legislature for Quebec consisting of the Lieutenant Governor and of Two Houses, styled the Legislative Council of Quebec and the Legislative Assembly of Quebec. Legislature for Quebec.

**72.** The Legislative Council of Quebec shall be composed of Twenty-four Members, to be appointed by the Lieutenant Governor, in the Queen's Name, by Instrument under the Great Seal of Quebec, one being appointed to represent each of the Twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding Office for the Term of his Life, unless the Legislature of Quebec otherwise provides under the Provisions of this Act. Constitution of Legislative Council.

**73.** The Qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec. Qualification of Legislative Councillors.

**74.** The Place of a Legislative Councillor of Quebec shall become vacant in the Cases, *mutatis mutandis*, in which the Place of Senator becomes vacant. Resignation, Disqualification, &c.

**75.** When a Vacancy happens in the Legislative Council of Quebec by Resignation, Death, or otherwise, the Lieutenant Governor, in the Queen's Name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified Person to fill the Vacancy. Vacancies.

**76.** If any Question arises respecting the Qualification of a Legislative Councillor of Quebec, or a Vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council. Questions as to Vacancies, &c.

**77.** The Lieutenant Governor may from Time to Time, by Instrument under the Great Seal of Quebec, appoint a Member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his stead. Speaker of Legislative Council.

78.

R.S., 1906.

Quorum of  
Legislative  
Council.

**78.** Until the Legislature of Quebec otherwise provides, the Presence of at least Ten Members of the Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers.

Voting in  
Legislative  
Council.

**79.** Questions arising in the Legislative Council of Quebec shall be decided by a Majority of Voices, and the Speaker shall in all Cases have a Vote, and when the Voices are equal the Decision shall be deemed to be in the negative.

Constitution  
of Legisla-  
tive As-  
sembly of  
Quebec.

**80.** The Legislative Assembly of Quebec shall be composed of Sixty-five Members, to be elected to represent the Sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to Alteration thereof by the Legislature of Quebec: Provided that it shall not be lawful to present to the Lieutenant Governor of Quebec for Assent any Bill for altering the Limits of any of the Electoral Divisions or Districts mentioned in the Second Schedule to this Act, unless the Second and Third Readings of such Bill have been passed in the Legislative Assembly with the Concurrence of the Majority of the Members representing all those Electoral Divisions or Districts, and the Assent shall not be given to such Bill unless an Address has been presented by the Legislative Assembly to the Lieutenant Governor stating that it has been so passed.

### 3.—ONTARIO AND QUEBEC.

First Ses-  
sion of  
Legislatures.

**81.** The Legislatures of Ontario and Quebec respectively shall be called together not later than Six Months after the Union.

Summoning  
of Legisla-  
tive As-  
semblies.

**82.** The Lieutenant Governor of Ontario and of Quebec shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province.

Restriction  
on election  
of holders  
of offices.

**83.** Until the Legislature of Ontario or of Quebec otherwise provides, a Person accepting or holding in Ontario or in Quebec any Office, Commission, or Employment, permanent or temporary, at the Nomination of the Lieutenant Governor, to which an annual Salary, or any Fee, Allowance, Emolument, or profit of any Kind or Amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Province, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any Person being a Member of the Executive Council of the respective Province, or holding any of the following Offices, that is to say, the Offices of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor General, or shall disqualify

disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such Office.

**84.** Until the Legislatures of Ontario and Quebec respectively otherwise provide, all Laws which at the Union are in force in those Provinces respectively, relative to the following Matters, or any of them, namely,—the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the Assembly of Canada, the Qualifications or Disqualifications of Voters, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which such Elections may be continued, and the Trial of controverted Elections and the Proceedings incident thereto, the vacating of the Seats of Members and the issuing and Execution of new Writs in case of Seats vacated otherwise than by Dissolution,—shall respectively apply to Elections of Members to serve in the respective Legislative Assemblies of Ontario and Quebec.

Continuance  
of existing  
election  
Laws.

Provided that until the Legislature of Ontario otherwise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every male British Subject, aged Twenty-one Years or upwards, being a Householder, shall have a Vote.

**85.** Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for Four Years from the Day of the Return of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant Governor of the Province), and no longer.

Duration of  
Legislative  
Assemblies.

**86.** There shall be a session of the Legislature of Ontario and of that of Quebec once at least in every Year, so that Twelve Months shall not intervene between the last Sitting of the Legislature in each Province in one Session and its first Sitting in the next Session.

Yearly Ses-  
sion of  
Legislature.

**87.** The following Provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say,—the Provisions relating to the Election of a Speaker originally and on Vacancies, the Duties of the Speaker, the absence of the Speaker, the Quorum, and the Mode of voting, as if those Provisions were here re-enacted and made applicable in Terms to each such Legislative Assembly.

Speaker,  
Quorum, &c.

#### 4.—NOVA SCOTIA AND NEW BRUNSWICK.

**88.** The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the

Constitu-  
tions of  
the

Legislatures  
of Nova  
Scotia and  
New Brun-  
swick.

the Provisions of this Act, continue as it exists at the Union until altered under the Authority of this Act; and the House of Assembly of New Brunswick existing at the passage of this Act shall, unless sooner dissolved, continue for the Period for which it was elected.

#### 5.—ONTARIO, QUEBEC, AND NOVA SCOTIA.

First Elec-  
tions.

**89.** Each of the Lieutenant Governors of Ontario, Quebec and Nova Scotia shall cause Writs to be issued for the First Election of Members of the Legislative Assembly thereof in such Form and by such Person as he thinks fit, and at such Time and addressed to such Returning Officer as the Governor-General directs, and so that the First Election of Member of Assembly for any Electoral District or any Subdivision thereof shall be held at the same Time and at the same Places as the Election for a Member to serve in the House of Commons of Canada for that Electoral District.

#### 6.—THE FOUR PROVINCES.

Application  
to Legisla-  
tures of  
provisions  
respecting  
money votes,  
&c.

**90.** The following Provisions of this Act respecting the Parliament of Canada, namely,—the Provisions relating to Appropriation and Tax Bills, the Recommendation of Money Votes, the Assent to Bills, the Disallowance of Acts, and the Signification of Pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those Provisions were here re-enacted and made applicable in Terms to the respective Provinces and the Legislatures thereof, with the Substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of One Year for Two Years, and of the Province for Canada.

#### VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

##### *Powers of the Parliament.*

Legislative  
Authority of  
Parliament  
of Canada.

**91.** It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,—

1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.

3. The raising of Money by any Mode or System of Taxation.
4. The borrowing of Money on the Public Credit.
5. Postal Service.
6. The Census and Statistics.
7. Militia, Military and Naval Service, and Defence.
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.
9. Beacons, Buoys, Lighthouses, and Sable Island.
10. Navigation and Shipping.
11. Quarantine and the Establishment and Maintenance of Marine Hospitals.
12. Sea Coast and Inland Fisheries.
13. Ferries between a Province and any British or Foreign Country or between Two Provinces.
14. Currency and Coinage.
15. Banking, Incorporation of Banks, and the Issue of Paper Money.
16. Savings Banks.
17. Weights and Measures.
18. Bills of Exchange and Promissory Notes.
19. Interest.
20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery.
23. Copyrights.
24. Indians, and Lands reserved for the Indians.
25. Naturalization and Aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.
28. The Establishment, Maintenance, and Management of Penitentiaries.
29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

*Exclusive Powers of Provincial Legislatures.*

**92.** In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say, —

Subjects of  
exclusive  
Provincial  
Legislation.

1. The Amendment from Time to Time, notwithstanding anything in this Act, of the Constitution of the Province

- vince, except as regards the Office of Lieutenant Governor.
2. Direct Taxation within the Province in order to the Raising of a Revenue for Provincial Purposes.
  3. The borrowing of Money on the sole Credit of the Province.
  4. The Establishment and Tenure of Provincial Offices and the Appointment and Payment of Provincial Officers.
  5. The Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon.
  6. The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.
  7. The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
  8. Municipal Institutions in the Province.
  9. Shop, Saloon, Tavern, Auctioneer, and other Licenses in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.
  10. Local Works and Undertakings other than such as are of the following Classes:—
    - a. Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province:
    - b. Lines of Steam Ships between the Province and any British or Foreign Country:
    - c. Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.
  11. The Incorporation of Companies with Provincial Objects.
  12. The Solemnization of Marriage in the Province.
  13. Property and Civil Rights in the Province.
  14. The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.
  15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.
  16. Generally all Matters of a merely local or private Nature in the Province.

*Education.*

**93.** In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:—

Legislation  
respecting  
Education.

- (1.) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:
- (2.) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:
- (3.) Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education:
- (4.) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section.

M B.B.

*Uniformity of Laws in Ontario, Nova Scotia, and New Brunswick.*

**94.** Notwithstanding anything in this Act, the Parliament of Canada may make Provision for the Uniformity of all or any of the Laws relative to Property and Civil Rights in Ontario, Nova Scotia, and New Brunswick, and of the Procedure of all or any of the Courts in those Three Provinces, and from and after the passing of any Act in that Behalf the Power of the Parliament of Canada to make Laws in relation to any Matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada making Provision for such Uniformity shall not have effect in any Province unless and until it is adopted and enacted as Law by the Legislature thereof.

Legislation  
for uniform-  
ity of Laws  
in three  
Provinces.

*Agriculture.*

*Agriculture and Immigration.*

Concurrent powers of Legislation respecting Agriculture, &c.

**95.** In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

## VII.—JUDICATURE.

Appointment of Judges.

**96.** The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

Selection of Judges in Ontario, &c.

**97.** Until the Laws relative to Property and Civil Rights in Ontario, Nova Scotia, and New Brunswick, and the Procedure of the Courts in those Provinces, are made uniform, the Judges of the Courts of those Provinces appointed by the Governor General shall be selected from the respective Bars of those Provinces.

Selection of Judges in Quebec.

**98.** The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

Tenure of office of Judges of Superior Courts.

**99.** The Judges of the Superior Courts shall hold office during good Behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

Salaries, &c., of Judges.

**100.** The Salaries, Allowances, and Pensions of the Judges of the Superior, District, and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts in Cases where the Judges thereof are for the Time being paid by Salary, shall be fixed and provided by the Parliament of Canada.

General Court of Appeal, &c.

**101.** The Parliament of Canada may, notwithstanding anything in this Act, from Time to Time, provide for the Constitution, Maintenance, and Organization of a General Court of Appeal for Canada, and for the Establishment of any additional Courts for the better Administration of the Laws of Canada.

## VIII.—REVENUES; DEBTS; ASSETS; TAXATION.

Creation of Consoli-

**102.** All Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before

before and at the Union had and have Power of Appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special Powers conferred on them by this Act, shall form One Consolidated Revenue Fund, to be appropriated for the Public Service of Canada in the Manner and subject to the Charges in this Act provided. dated revenue fund.

**103.** The Consolidated Revenue Fund of Canada shall be permanently charged with the Costs, Charges, and Expenses incident to the Collection, Management, and Receipt thereof, and the same shall form the first Charge thereon, subject to be reviewed and audited in such Manner as shall be ordered by the Governor General in Council until the Parliament otherwise provides. Expenses of Collection, &c.

**104.** The annual Interest of the Public Debts of the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union shall form the Second Charge on the Consolidated Revenue Fund of Canada. Interest of Provincial public debts.

**105.** Unless altered by the Parliament of Canada, the salary of the Governor General shall be Ten thousand Pounds Sterling Money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the Third Charge thereon. Salary of Governor General.

**106.** Subject to the several Payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the Public Service. Appropriation from time to time.

**107.** All Stocks, Cash, Banker's Balances, and Securities for Money belonging to each Province at the time of the Union, except as in this Act mentioned, shall be the Property of Canada, and shall be taken in Reduction of the amount of the respective Debts of the Provinces at the Union. Transfer of stocks, &c.

**108.** The Public Works and Property of each Province, enumerated in the Third Schedule to this Act, shall be the Property of Canada. Transfer of property in schedule.

**109.** All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all Sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise; subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same. Property in Lands, Mines, &c.

Assets connected with Provincial debts.

**110.** All Assets connected with such Portions of the Public Debt of each Province as are assumed by that Province shall belong to that Province.

Canada to be liable for Provincial debts.

**111.** Canada shall be liable for the Debts and Liabilities of each Province existing at the Union.

Debts of Ontario and Quebec.

**112.** Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the Debt of the Province of Canada exceeds at the Union Sixty-two million five hundred thousand dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.

Assets of Ontario and Quebec.

**113.** The Assets enumerated in the Fourth Schedule to this Act belonging at the Union to the Province of Canada shall be the Property of Ontario and Quebec conjointly.

Debt of Nova Scotia.

**114.** Nova Scotia shall be liable to Canada for the Amount (if any) by which its Public Debt exceeds at the Union Eight million Dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.

Debt of New Brunswick.

**115.** New Brunswick shall be liable to Canada for the Amount (if any) by which its Public Debt exceeds at the Union Seven million Dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.

Payment of interest to Nova Scotia and New Brunswick.

**116.** In case the Public Debts of Nova Scotia and New Brunswick do not at the Union amount to Eight million and Seven million Dollars respectively, they shall respectively receive by half-yearly Payments in advance from the Government of Canada Interest at Five per Centum per Annum on the Difference between the actual Amounts of their respective Debts and such stipulated Amounts.

Provincial public property.

**117.** The several Provinces shall retain all their respective Public Property not otherwise disposed of in this Act, subject to the Right of Canada to assume any Lands or Public Property required for Fortifications or for the Defence of the Country.

Grants to Provinces.

**118.** The following Sums shall be paid yearly by Canada to the several Provinces for the Support of their Governments and Legislatures:

	Dollars.
Ontario - - - - -	Eighty thousand.
Quebec - - - - -	Seventy thousand.
Nova Scotia - - - - -	Sixty thousand.
New Brunswick - - - - -	Fifty thousand.

Two hundred and sixty thousand;  
and

and an annual Grant in aid of each Province shall be made, equal to Eighty Cents per Head of the Population as ascertained by the Census of One thousand eight hundred and sixty-one, and in the Case of Nova Scotia and New Brunswick, by each subsequent Decennial Census until the Population of each of those two Provinces amounts to Four hundred thousand Souls, at which Rate such Grant shall thereafter remain. Such Grants shall be in full Settlement of all future Demands on Canada, and shall be paid half-yearly in advance to each Province; but the Government of Canada shall deduct from such Grants, as against any Province, all Sums chargeable as Interest on the Public Debt of that Province in excess of the several Amounts stipulated in this Act.

**119.** New Brunswick shall receive by half-yearly Payments in advance from Canada for the Period of Ten years from the Union an additional Allowance of Sixty-three thousand Dollars per Annum; but as long as the Public Debt of that Province remains under Seven million Dollars, a Deduction equal to the Interest at Five per Centum per Annum on such Deficiency shall be made from that Allowance of Sixty-three thousand Dollars.

Further grant to New Brunswick.

**120.** All Payments to be made under this Act, or in discharge of Liabilities created under any Act of the Provinces of Canada, Nova Scotia, and New Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada otherwise directs, be made in such Form and Manner as may from Time to Time be ordered by the Governor General in Council.

Form of payments.

**121.** All Articles of the Growth, Produce, or Manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

Canadian manufactures, &c.

**122.** The Customs and Excise Laws of each Province shall, subject to the Provisions of this Act, continue in force until altered by the Parliament of Canada.

Continuance of customs and excise laws.

**123.** Where Customs Duties are, at the Union, leviable on any Goods, Wares, or Merchandises in any Two Provinces, those Goods, Wares, and Merchandises may, from and after the Union, be imported from one of those Provinces into the other of them on Proof of Payment of the Customs Duty leviable thereon in the Province of Exportation, and on Payment of such further Amount (if any) of Customs Duty as is leviable thereon in the Province of Importation.

Exportation and Importation as between two Provinces.

**124.** Nothing in this Act shall affect the Right of New Brunswick to levy the Lumber Dues provided in Chapter Fifteen

Lumber Dues in New Brunswick.

Fifteen of Title Three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the Amount of such Dues; but the Lumber of any of the Provinces other than New Brunswick shall not be subject to such Dues.

**125.** No Lands or Property belonging to Canada or any Province shall be liable to Taxation.

**126.** Such Portions of the Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick had before the Union Power of Appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all Duties and Revenues raised by them in accordance with the special Powers conferred upon them by this Act, shall in each Province form One Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

#### IX.—MISCELLANEOUS PROVISIONS.

##### *General.*

**127.** If any Person being at the passing of this Act a Member of the Legislative Council of Canada, Nova Scotia, or New Brunswick, to whom a Place in the Senate is offered, does not within Thirty Days thereafter, by Writing under his Hand addressed to the Governor General of the Province of Canada or to the Lieutenant Governor of Nova Scotia or New Brunswick (as the Case may be), accept the same, he shall be deemed to have declined the same; and any Person who, being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a Place in the Senate shall thereby vacate his Seat in such Legislative Council.

**128.** Every Member of the Senate or House of Commons of Canada shall before taking his Seat therein take and subscribe before the Governor General or some Person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall before taking his Seat therein take and subscribe before the Lieutenant Governor of the Province or some Person authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor General, or some Person authorized by him, the Declaration of Qualification contained in the same Schedule.

**129.** Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia, or New Brunswick at the Union,

Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the Authority of the Parliament or of that Legislature under this Act.

isting Laws,  
Courts,  
Officers, &c.

**130.** Until the Parliament of Canada otherwise provides, all Officers of the several Provinces having Duties to discharge in relation to Matters other than those coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces shall be Officers of Canada, and shall continue to discharge the Duties of their respective Offices under the same Liabilities, Responsibilities, and Penalties as if the Union had not been made.

Transfer of  
officers to  
Canada.

**131.** Until the Parliament of Canada otherwise provides, the Governor General in Council may from Time to Time appoint such Officers as the Governor General in Council deems necessary or proper for the effectual Execution of this Act.

Appoint-  
ment of new  
officers.

**132.** The Parliament and Government of Canada shall have all Powers necessary or proper for performing the Obligations of Canada or of any Province thereof, as Part of the British Empire, towards Foreign Countries arising under Treaties between the Empire and such Foreign Countries.

Treaty obli-  
gations.

**133.** Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

Use of Eng-  
lish and  
French Lan-  
guages.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

*Ontario and Quebec.*

**134.** Until the Legislature of Ontario or of Quebec otherwise provides, the Lieutenant Governors of Ontario and Quebec may each appoint under the Great Seal of the Province the following

Appoint-  
ment of ex-  
ecutive offi-  
cers for

Ontario and  
Quebec.

following Officers, to hold Office during Pleasure, that is to say,—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, and in the Case of Quebec the Solicitor General, and may, by Order of the Lieutenant Governor in Council, from Time to Time prescribe the Duties of those Officers and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof; and may also appoint other and additional Officers to hold Office during Pleasure, and may from Time to Time prescribe the Duties of those Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof.

Powers,  
duties, &c.,  
of Execu-  
tive officers.

**135.** Until the Legislature of Ontario or Quebec otherwise provides, all Rights, Powers, Duties, Functions, Responsibilities, or Authorities at the passing of this Act vested in or imposed on the Attorney General, Solicitor General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver General, by any Law, Statute or Ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any Officer to be appointed by the Lieutenant Governor for the Discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the Duties and Functions of the Office of Minister of Agriculture at the passing of this Act imposed by the Law of the Province of Canada, as well as those of the Commissioner of Public Works.

Great Seals.

**136.** Until altered by the Lieutenant Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same Design, as those used in the Provinces of Upper Canada and Lower Canada respectively before their Union as the Province of Canada.

Construc-  
tion of tem-  
porary Acts.

**137.** The Words “and from thence to the End of the then next ensuing Session of the Legislature,” or Words to the same Effect, used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada if the subject Matter of the Act is within the Powers of the same, as defined by this Act, or to the next Sessions of the Legislatures of Ontario and Quebec respectively if the Subject Matter of the Act is within the Powers of the same as defined by this Act.

As to Errors  
in names.

**138.** From and after the Union the Use of the Words “Upper Canada” instead of “Ontario”, or “Lower Canada”  
instead

instead of "Quebec," in any Deed, Writ, Process, Pleading, Document, Matter, or Thing, shall not invalidate the same.

**139.** Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a Time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several Matters and Things therein proclaimed shall be and continue of like Force and Effect as if the Union had not been made.

As to issue of Proclamations before Union, to commence after Union.

**140.** Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant Governor of Ontario or of Quebec, as its Subject Matter requires, under the Great Seal thereof; and from and after the Issue of such Proclamation the same and the several Matters and Things therein proclaimed shall be and continue of the like Force and Effect in Ontario or Quebec as if the Union had not been made.

As to issue of Proclamations after Union.

**141.** The Penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec.

Penitentiary.

**142.** The Division and Adjustment of the Debts, Credits, Liabilities, Properties, and Assets of Upper Canada and Lower Canada shall be referred to the Arbitration of Three Arbitrators, One chosen by the Government of Ontario, One by the Government of Quebec, and One by the Government of Canada; and the Selection of the Arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the Arbitrator chosen by the Government of Canada shall not be a Resident either in Ontario or in Quebec.

Arbitration respecting debts, &c.

**143.** The Governor General in Council may from Time to Time order that such and so many of the Records, Books, and Documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the Property of that Province; and any Copy thereof or Extract therefrom, duly certified by the Officer having charge of the Original thereof, shall be admitted as Evidence.

Division of records.

**144.** The Lieutenant Governor of Quebec may from Time to Time, by Proclamation under the Great Seal of the Province, to take effect from a day to be appointed therein, constitute Townships

Constitution of townships in Quebec.

Townships in those Parts of the Province of Quebec in which Townships are not then already constituted, and fix the Metes and Bounds thereof.

#### X.—INTERCOLONIAL RAILWAY.

Duty of Government and Parliament of Canada to make Railway herein described.

**145.** Inasmuch as the Provinces of Canada, Nova Scotia, and New Brunswick have joined in a Declaration that the Construction of the Intercolonial Railway is essential to the Consolidation of the Union of British North America, and to the Assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that Provision should be made for its immediate Construction by the Government of Canada: Therefore, in order to give effect to that Agreement, it shall be the Duty of the Government and Parliament of Canada to provide for the Commencement within Six Months after the Union, of a Railway connecting the River St. Lawrence with the City of Halifax in Nova Scotia, and for the Construction thereof without Intermission, and the Completion thereof with all practicable Speed.

#### XI.—ADMISSION OF OTHER COLONIES.

Power to admit Newfoundland, &c., into the Union.

**146.** It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-western Territory, or either of them, into the Union, on such Terms and Conditions in each Case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the Provisions of this Act; and the Provisions of any Order in Council in that Behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

As to Representation of Newfoundland and Prince Edward Island in Senate.

**147.** In case of the Admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a Representation in the Senate of Canada of Four Members, and (notwithstanding anything in this Act) in case of the Admission of Newfoundland the normal Number of Senators shall be Seventy-six and their maximum Number shall be Eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third of the Three Divisions into which Canada is, in relation to the Constitution of the Senate, divided by this Act, and accordingly, after the Admission of Prince Edward Island, whether Newfoundland is admitted or not, the Representation of Nova Scotia and New Brunswick

Brunswick in the Senate shall, as Vacancies occur, be reduced from Twelve to Ten Members respectively, and the Representation of each of those Provinces shall not be increased at any Time beyond Ten, except under the Provisions of this Act for the Appointment of Three or Six additional Senators under the Direction of the Queen.

SCHEDULES.

The FIRST SCHEDULE.

*Electoral Districts of Ontario.*

A.

EXISTING ELECTORAL DIVISIONS.

COUNTIES.

- |               |                   |
|---------------|-------------------|
| 1. Prescott.  | 6. Carleton.      |
| 2. Glengarry. | 7. Prince Edward. |
| 3. Stormont.  | 8. Halton.        |
| 4. Dundas.    | 9. Essex.         |
| 5. Russell.   |                   |

RIDINGS OF COUNTIES.

10. North Riding of Lanark.
11. South Riding of Lanark.
12. North Riding of Leeds and North Riding of Grenville.
13. South Riding of Leeds.
14. South Riding of Grenville.
15. East Riding of Northumberland.
16. West Riding of Northumberland (excepting therefrom the Township of South Monaghan).
17. East Riding of Durham.
18. West Riding of Durham.
19. North Riding of Ontario.
20. South Riding of Ontario.
21. East Riding of York.
22. West Riding of York.
23. North Riding of York.
24. North Riding of Wentworth.
25. South Riding of Wentworth.
26. East Riding of Elgin.
27. West Riding of Elgin.

28. North Riding of Waterloo.
29. South Riding of Waterloo.
30. North Riding of Brant.
31. South Riding of Brant.
32. North Riding of Oxford.
33. South Riding of Oxford.
34. East Riding of Middlesex.

CITIES, PARTS OF CITIES, AND TOWNS.

35. West Toronto.
36. East Toronto.
37. Hamilton.
38. Ottawa.
39. Kingston.
40. London.
41. Town of Brockville, with the Township of Elizabethtown thereto attached.
42. Town of Niagara, with the Township of Niagara, thereto attached.
43. Town of Cornwall, with the Township of Cornwall thereto attached.

B.

NEW ELECTORAL DIVISIONS.

44. The Provisional Judicial District of ALGOMA.  
The County of BRUCE, divided into Two Ridings, to be called respectively the North and South Ridings:—
45. The North Riding of Bruce to consist of the Townships of Bury, Lindsay, Eastnor, Albermarle, Amabel, Arran, Bruce, Elderslie, and Langeen [Saugeen?], and the Village of Southampton.
46. The South Riding of Bruce to consist of the Townships of Kincardine (including the Village of Kincardine), Greenock, Brant, Huron, Kinross [Kinloss?], Culross, and Carrick.
- The County of HURON, divided into Two Ridings, to be called respectively the North and South Ridings:—
47. The North Riding to consist of the Townships of Ashfield, Wawanosh, Turnberry, Howick, Morris, Grey, Colborne, Hullett, including the Village of Clinton, and McKillop.
48. The South Riding to consist of the Town of Goderich and the Townships of Goderich, Tuckersmith, Stanley, Hay, Osborne, and Stephen.
- The County of MIDDLESEX, divided into Ridings, to be called respectively the North, West, and East Ridings:—
49. The North Riding to consist of the Townships of McGillivray and Biddulph (taken from the County of Huron),

Huron), and Williams East, Williams West, Adelaide, and Lobo.

50. The West Riding to consist of the Townships of Delaware, Carradoc, Metcalfe, Mosa and Ekfrid, and the Village of Strathroy.

[The East Riding to consist of the Townships now embraced therein, and be bounded as it is at present.]

51. The County of LAMBTON to consist of the Townships of Bosanquet, Warwick, Plympton, Sarnia, Moore, Enniskillen, and Brooke, and the Town of Sarnia.
52. The County of KENT to consist of the Townships of Chatham, Dover, East Tilbury, Romney, Raleigh, and Harwich, and the Town of Chatham.
53. The County of BOTHWELL to consist of the Townships of Sombra, Dawn, and Euphemia (taken from the County of Lambton), and the Townships of Zone, Camden with the Gore thereof, Orford, and Howard (taken from the County of Kent).

The County of GREY, divided into Two Ridings, to be called respectively the South and North Ridings:—

54. The South Riding to consist of the Townships of Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton, and Melancthon.
55. The North Riding to consist of the Townships of Collingwood, Euphrasia, Holland, Saint-Vincent, Sydenham, Sullivan, Derby, and Keppel, Sarawak and Brooke, and the Town of Owen Sound.

The County of PERTH, divided into Two Ridings, to be called respectively the South and North Ridings:—

56. The North Riding to consist of the Townships of Wallace, Elma, Logan, Ellice, Mornington, and North Easthope, and the Town of Stratford.
57. The South Riding to consist of the Townships of Blanchard, Downie, South Easthope, Fullerton, Hibbert, and the Villages of Mitchell and Ste. Mary's.

The County of WELLINGTON, divided into Three Ridings, to be called respectively North, South and Centre Ridings:—

58. The North Riding to consist of the Townships of Amaranth, Arthur, Luther, Minto, Maryborough, Peel, and the Village of Mount Forest.
59. The Centre Riding to consist of the Townships of Garafraxa, Erin, Eramosa, Nichol, and Pilkington, and the Villages of Fergus and Elora.
60. The South Riding to consist of the Town of Guelph, and the Townships of Guelph and Puslinch.

The County of NORFOLK, divided into Two Ridings, to be called respectively the South and North Ridings:—

61. The South Riding to consist of the Townships of Charlotteville, Houghton, Walsingham, and Woodhouse, and with the Gore thereof.

62. The North Riding to consist of the Townships of Middleton, Townsend, and Windham, and the Town of Simcoe.
63. The County of HALDIMAND to consist of the Townships of Oneida, Seneca, Cayuga North, Cayuga South, Rainham, Walpole, and Dunn.
64. The County of MONCK to consist of the Townships of Canborough and Moulton, and Sherbrooke, and the Village of Dunnville (taken from the County of Haldimand), the Townships of Caister and Gainsborough (taken from the County of Lincoln), and the Townships of Pelham and Wainfleet (taken from the County of Welland).
65. The County of LINCOLN to consist of the Townships of Clinton, Grantham, Grimsby, and Louth, and the Town of St. Catherine's.
66. The County of WELLAND to consist of the Townships of Bertie, Crowland, Eumberstone, Stamford, Thorold, and Willoughby, and the Villages of Chippewa, Clifton, Fort Erie, Thorold, and Welland.
67. The County of PEEL to consist of the Townships of Chinguacousy, Toronto, and the Gore of Toronto, and the Villages of Brampton and Streetsville.
68. The County of CARDWELL to consist of the Townships of Albion and Caledon (taken from the County of Peel), and the Townships of Adjala and Mono (taken from the County of Simcoe).

The County of SIMCOE, divided into two Ridings, to be called respectively the South and North Ridings:—

69. The South Riding to consist of the Townships of West Gwillimbury, Tecumseth, Innisfil, Essa, Tossorontio, Mulmur, and the Village of Bradford.
70. The North Riding to consist of the Townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonts, Orillia and Matchedash, Tiny and Tay, Balaklava and Robinson, and the Towns of Barrie and Collingwood.

The County of VICTORIA, divided into Two Ridings, to be called respectively the South and North Ridings:—

71. The South Riding to consist of the Townships of Ops, Mariposa, Emily, Verulam, and the Town of Lindsay.
72. The North Riding to consist of the Townships of Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay and Draper, Sommerville, and Morrison, Muskoka, Monck and Watt (taken from the County of Simcoe), and any other surveyed Townships lying to the North of the said North Riding.

The County of PETERBOROUGH, divided into Two Ridings, to be called respectively the West and East Ridings:—

73. The West Riding to consist of the Townships of South Monaghan (taken from the County of Northumberland),

land), North Monaghan, Smith, and Ennismore, and the Town of Peterborough.

74. The East Riding to consist of the Townships of Asphodel, Belmont and Methuen, Douro, Dummer, Galway, Harvey, Minden, Stanhope and Dysart, Otonabee, and Snowden, and the Village of Ashburnham, and any other surveyed Townships lying to the North of the said East Riding.

The County of HASTINGS, divided into Three Ridings, to be called respectively the West, East and North Ridings:—

75. The West Riding to consist of the Town of Belleville, the Township of Sydney, and the Village of Trenton.
76. The East Riding to consist of the Townships of Thurlow, Tyendinaga, and Hungerford.
77. The North Riding to consist of the Townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora, and Lake and the Village of Stirling and any other surveyed Townships lying to the North of the said North Riding.

78. The County of LENNOX, to consist of the Townships of Richmond, Adolphustown, North Fredericksburgh, South Fredericksburgh, Ernest Town and Amherst Island, and the Village of Napanee.

79. The County of ADDINGTON to consist of the Townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough, and Bedford.

80. The County of FRONTENAC to consist of the Townships of Kingston, Wolfe Island, Pittsburg, and Howe Island, and Storrington.

The County of RENFREW, divided into two Ridings, to be called respectively the South and North Ridings:—

81. The South Riding to consist of the Townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, and the Villages of Arnprior and Renfrew.

82. The North Riding to consist of the Townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petewawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns, and Richards, and any other surveyed Townships lying North-westerly of the said North Riding.

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Every Town and incorporated Village existing at the Union, not specially mentioned in this Schedule, is to be taken as Part of the County or Riding within which it is locally situate.

## The SECOND SCHEDULE.

*Electoral Districts of Quebec specially fixed.*

COUNTIES OF—		
Pontiac.	Missisquoi.	Compton.
Ottawa.	Brome.	Wolfe and Richmond
Argenteuil.	Shefford.	Megantic.
Huntingdon.	Stanstead.	
Town of Sherbrooke.		

## The THIRD SCHEDULE.

*Provincial Public Works and Property to be the Property of Canada.*

1. Canals, with Lands and Water Power connected therewith.
2. Public Harbours.
3. Lighthouses and Piers, and Sable Island.
4. Steamboats, Dredges, and Public Vessels.
5. Rivers and Lake Improvements.
6. Railways and Railway Stocks, Mortgages, and other Debts due by Railway Companies.
7. Military Roads.
8. Custom Houses, Post Offices, and all other Public Buildings, except such as the Government of Canada appropriate for the Use of the Provincial Legislatures and Governments.
9. Property transferred by the Imperial Government, and known as Ordnance Property.
10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general Public Purposes.

## The FOURTH SCHEDULE.

*Assets to be the Property of Ontario and Quebec conjointly.*

Upper Canada Building Fund.	
Lunatic Asylums.	
Normal School.	
Court Houses	}
in	
Aylmer,	
Montreal,	
Kamouraska,	
	Lower Canada.

Law

Law Society, Upper Canada.  
Montreal Turnpike Trust.  
University Permanent Fund.  
Royal Institution.  
Consolidated Municipal Loan Fund, Upper Canada.  
Consolidated Municipal Loan Fund, Lower Canada.  
Agricultural Society, Upper Canada.  
Lower Canada Legislative Grant.  
Quebec Fire Loan.  
Tamisconata [Temiscouata?] Advance Account.  
Quebec Turnpike Trust.  
Education—East.  
Building and Jury Fund, Lower Canada.  
Municipalities Fund.  
Lower Canada Superior Education Income Fund.

## The FIFTH SCHEDULE.

### OATH OF ALLEGIANCE.

I, A. B., do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

*Note.—The Name of the King or Queen of the United Kingdom of Great Britain and Ireland for the Time being is to be substituted from Time to Time, with Proper Terms of Reference thereto.*

### DECLARATION OF QUALIFICATION.

I, A. B. do declare and testify, That I am by Law duly qualified to be appointed a Member of the Senate of Canada [*or as the Case may be*], and that I am legally or equitably seised as of Freehold for my own Use and Benefit of Lands or Tenements held in Free and Common Socage [*or seised or possessed for my own Use and Benefit of Lands or Tenements held in Franc-alleu or in Roture (as the Case may be),*] in the Province of Nova Scotia [*or as the Case may be*] of the Value of Four thousand Dollars over and above all Rents, Dues, Debts, Mortgages, Charges, and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a Title to or become possessed of the said Lands and Tenements or any Part thereof for the Purpose of enabling me to become a Member of the Senate of Canada [*or as the Case may be*], and that my Real and Personal Property are together worth Four thousand Dollars over and above my Debts and Liabilities.



# The Canada Railway Loan Act, 1867.

30-31 VICTORIA.

CHAPTER 16.

An Act for authorizing a Guarantee of Interest on a Loan to be raised by *Canada* towards the Construction of a Railway connecting *Quebec* and *Halifax*.

[12th April, 1867.]

**W**HEREAS the construction of a Railway connecting the Port of *Rivière du Loup*, in the Province of *Quebec*, with the line of railway leading from the city of *Halifax* in the Province of *Nova Scotia*, at or near the town of *Truro*, in a line, and on conditions approved by one of Her Majesty's Principal Secretaries of State, would conduce to the welfare of *Canada* and promote the interests of the *British Empire*;

And whereas it would greatly facilitate the construction of that railway (in this Act referred to as the railway) if payment of interest on part of the money required to be raised for the same were guaranteed under the authority of Parliament.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled, and by the authority of the same as follows:

1. Subject to the provisions of this Act, the Commissioners of Her Majesty's Treasury may guarantee, in such manner and form as they think fit, payment of interest at a rate not exceeding four *per centum per annum* on any principal money not exceeding the sum of three million pounds sterling, to be raised by way of loan by the Government of *Canada* for the purpose of the construction of the railway; and the Commissioners of Her Majesty's Treasury may from time to time cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, any money required for giving effect to such guarantee.

Power for Treasury to guarantee interest on loan.

2. The Commissioners of Her Majesty's Treasury shall not give any guarantee under this Act unless and until an Act of the Parliament of *Canada* has been passed, within two years after the union of *Canada* under the *British North America Act, 1867*, providing to the satisfaction of one of Her Majesty's Principal Secretaries of State, as follows:

Approval of line and use of railway for troops, &c.

1. For the construction of the railway:
2. For the use of the railway at all times for Her Majesty's military and other service:

Nor unless and until the line in which the railway is to be constructed has been approved by one of Her Majesty's Principal Secretaries of State.

Raising and expenditure of a loan charged on Canadian Revenue, with Sinking Fund, &c.

3. The Commissioners of Her Majesty's Treasury shall not give any guarantee under this Act unless and until an Act of the Parliament of *Canada* has been passed providing, to the satisfaction of the Commissioners of Her Majesty's Treasury, as follows:

1. For the raising, appropriation and expenditure for the purpose of the construction of the railway of a loan not exceeding Three Million Pounds Sterling, bearing interest at a rate not exceeding four *per centum per annum*:
2. For charging the Consolidated Revenue Fund of *Canada* with the principal and interest of the loan immediately after the charges specifically made thereon by Sections One Hundred and Three, One Hundred and Four, and One Hundred and Five of the *British North America Act, 1867*:
3. For the payment by the Government of *Canada* by way of Sinking Fund of an annual sum at the rate of one *per centum per annum* on the entire amount of principal money whereon Interest is guaranteed, to be remitted to the Commissioners of Her Majesty's Treasury by equal half-yearly payments in such manner as they from time to time direct, and to be invested and accumulated under their direction in the names of four Trustees, nominated from time to time, two by the Commissioners of Her Majesty's Treasury and two by the Government of *Canada*, such Sinking Fund and its accumulations to be invested in securities of the Provinces of *Canada, Nova Scotia* and *New Brunswick*, issued before the Union of *Canada*, or, at the option of the Government of *Canada*, in such other securities as may be proposed by that Government and approved by the Commissioners of Her Majesty's Treasury, and to be applied under the direction of the Commissioners of Her Majesty's Treasury in discharge of principal money whereon interest is guaranteed:
4. For charging the Consolidated Revenue Fund of *Canada* with the amount of the Sinking Fund immediately after the principal and interest of the loan:
5. For charging the Consolidated Revenue Fund of *Canada* with any sum issued out of the Consolidated Fund of the United Kingdom under this Act, with interest

thereon at the rate of five *per centum per annum*, immediately after the Sinking Fund;

6. For continuance of the Sinking Fund until all principal and interest of the loan, and all sums issued out of the Consolidated Fund of the United Kingdom under this Act, and all interest thereon, are fully discharged, or until the Sinking Fund and its accumulations are adequate to discharge so much thereof as remains undischarged;
7. For the raising by the Government of *Canada* (without guarantee by the Commissioners of Her Majesty's Treasury) of all such money (if any) beyond the sum of three million pounds sterling as, in the opinion of one of Her Majesty's Principal Secretaries of State, will be requisite for the construction of the railway, and for charging the Consolidated Revenue Fund of *Canada* with the money so raised, and interest, immediately after the charges made thereon in pursuance of the foregoing provisions of this section.

4. There shall be laid before both Houses of Parliament, within fourteen days next after the beginning of every session, a statement and account showing what has been done from time to time in execution or pursuance of this Act by or under the direction of the Commissioners of Her Majesty's Treasury, and one of Her Majesty's Principal Secretaries of State, and the Parliament and Government of *Canada*.

Statement  
and  
account  
to be laid  
before  
Houses of  
Parliament.

5. This Act may be cited as *The Canada Railway Loan Act, 1867.* Short title.



## RUPERT'S LAND ACT, 1868.

31-32 VICTORIA, CHAPTER 105.

An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and for admitting the same into the Dominion of Canada.

[31st July, 1868.]

**W**HEREAS by certain Letters Patent granted by His late Majesty King Charles the Second in the Twenty-second Year of His Reign certain Persons therein named were incorporated by the Name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and certain Lands and Territories, Rights of Government, and other Rights, Privileges, Liberties, Franchises, Powers, and Authorities, were thereby granted or purported to be granted to the said Governor and Company in His Majesty's Dominions in North America:

Recital of  
Charter of  
Hudson's  
Bay Com-  
pany, 22  
Car. 2.

And whereas by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for Her Majesty, by and with the Advice of Her Majesty's most Honorable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-Western Territory, or either of them, into the Union on such Terms and Conditions as are in the Address expressed and as Her Majesty thinks fit to approve, subject to the provisions of the said Act:

And whereas for the Purpose of carrying into effect the Provisions of the said British North America Act, 1867, and of admitting Rupert's Land into the said Dominion as aforesaid upon such Terms as Her Majesty thinks fit to approve, it is expedient that the said Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities, so far as the same have been lawfully granted to the said Company, should be surrendered to Her Majesty, Her Heirs and Successors, upon such Terms and Conditions as may be agreed upon by and between Her Majesty and the said Governor and Company as hereinafter mentioned:

Recital of  
Agreement  
of surrenders.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "Rupert's Land Act, 1868." Short Title.

2.

R.S., 1906.

Definition of  
"Rupert's  
Land."

**2.** For the Purposes of this Act the Term "Rupert's Land," shall include the whole of the Lands and Territories held or claimed to be held by the said Governor and Company.

Power to  
Her Majesty  
to accept  
Surrender of  
Lands, &c.,  
of the Com-  
pany upon  
certain  
Terms.

**3.** It shall be competent for the said Governor and Company to surrender to Her Majesty, and for Her Majesty by any Instrument under Her Sign Manual and Signet to accept a Surrender of all or any of the Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities whatsoever granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, upon such Terms and Conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company; provided, however, that such Surrender shall not be accepted by Her Majesty until the Terms and Conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by Her Majesty, and embodied in an Address to Her Majesty from both the Houses of the Parliament of Canada in pursuance of the One hundred and forty-sixth Section of the British North America Act, 1867; and that the said Surrender and Acceptance thereof shall be null and void unless within a Month from the Date of Such Acceptance Her Majesty does by Order in Council under the Provisions of the said last recited Act admit Rupert's Land into the said Dominion; provided further, that no Charge shall be imposed by such Terms upon the Consolidated Fund of the United Kingdom.

Extinguish-  
ment of all  
Rights of the  
Company.

**4.** Upon the Acceptance by Her Majesty of such Surrender all Rights of Government and Proprietary Rights, and all other Privileges, Liberties, Franchises, Powers, and Authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, and which shall have been so surrendered, shall be absolutely extinguished; provided that nothing herein contained shall prevent the said Governor and Company from continuing to carry on in Rupert's Land or elsewhere Trade and Commerce.

Power to  
Her Majesty  
by Order in  
Council to  
admit Ru-  
pert's Land  
into and  
form Part of  
the Domin-  
ion of  
Canada.

**5.** It shall be competent to Her Majesty by any such Order or Orders in Council as aforesaid, on Address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a Date to be therein mentioned, be admitted into and become Part of the Dominion of Canada; and thereupon it shall be lawful for the Parliament of Canada from the Date aforesaid to make, ordain, and establish within the Land and Territory so admitted as aforesaid all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein: Provided that, until otherwise enacted by the said Parliament of Canada, all  
the

the Powers, Authorities, and Jurisdiction of the several Courts of Justice now established in Rupert's Land, and of the several Officers thereof, and of all Magistrates and Justices now acting within the said Limits, shall continue in full force and effect therein.

Jurisdiction  
of present  
Courts and  
Officers con-  
tinued.



## THE MANITOBA ACT, 1870.

33 VICTORIA, CHAPTER 3 (CANADA.)

An Act to amend and continue the Act 32 and 33 Victoria, chapter 3; and to establish and provide for the Government of the Province of Manitoba.

[Assented to 12th May, 1870.]

**W**HEREAS it is probable that Her Majesty The Queen may, Preamble.  
pursuant to the British North America Act, 1867, be pleased to admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, before the next Session of the Parliament of Canada:

And Whereas it is expedient to prepare for the transfer of the said Territories to the Government of Canada at the time appointed by the Queen for such admission:

And Whereas it is expedient also to provide for the organization of part of the said Territories as a Province, and for the establishment of a Government therefor, and to make provision for the Civil Government of the remaining part of the said Territories, not included within the limits of the Province:

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

1. On, from and after the day upon which the Queen, by and with the advice and consent of Her Majesty's Most Honorable Privy Council, under the authority of the 146th Section of the British North America Act, 1867, shall, by Order in Council in that behalf, admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, there shall be formed out of the same a Province, which shall be one of the Provinces of the Dominion of Canada, and which shall be called the Province of Manitoba, and be bounded as follows: that is to say, commencing at the point where the meridian of ninety-six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude,—thence due west along the said parallel of forty-nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said North-Western Territory) to the meridian of ninety-nine degrees of west longitude,—thence due north along the said meridian of ninety-nine degrees west longitude, to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude,—  
thence

Province to be formed out of N.W. territory when united to Canada.

Its name and boundaries.

thence due east along the said parallel of fifty degrees and thirty minutes north latitude to its intersection with the before-mentioned meridian of ninety-six degrees west longitude,—thence due south along the said meridian of ninety-six degrees west longitude to the place of beginning.

(Boundaries extended; 44 Victoria, chapter 14.)

Certain provisions of B. N. A. Act, 1867, to apply to Manitoba.

**2.** On, from and after the said day on which the Order of the Queen in Council shall take effect as aforesaid, the provisions of the British North America Act, 1867, shall, except those parts thereof which are in terms made, or, by reasonable intendment, may be held to be specially applicable to, or only to affect one or more, but not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the Province of Manitoba, in the same way, and to the like extent as they apply to the several Provinces of Canada, and as if the Province of Manitoba had been one of the Provinces originally united by the said Act.

Representation in the Senate.

**3.** The said Province shall be represented in the Senate of Canada by two Members, until it shall have, according to decennial census, a population of fifty thousand souls, and from thenceforth it shall be represented therein by three Members, until it shall have, according to decennial census, a population of seventy-five thousand souls, and from thenceforth it shall be represented therein by four Members.

Representation in the House of Commons.

**4.** The said Province shall be represented, in the first instance, in the House of Commons of Canada, by four Members, and for that purpose shall be divided by proclamation of the Governor General, into four Electoral Districts, each of which shall be represented by one Member: Provided that on the completion of the census in the year 1881, and of each decennial census afterwards, the representation of the said Province shall be re-adjusted according to the provisions of the first-first section of the British North America Act, 1867.

Qualification of voters and members.

**5.** Until the Parliament of Canada otherwise provides, the qualification of voters at Elections of Members of the House of Commons shall be the same as for the Legislative Assembly hereinafter mentioned: And no person shall be qualified to be elected, or to sit and vote as a Member for any Electoral District, unless he is a duly qualified voter within the said Province.

Lieutenant-Governor.

**6.** For the said Province there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the Great Seal of Canada.

Executive Council.

**7.** The Executive Council of the Province shall be composed of such persons, and under such designations, as the Lieutenant-Governor

tenant-Governor shall, from time to time, think fit; and, in the first instance, of not more than five persons.

8. Unless and until the Executive Government of the Province otherwise directs, the seat of Government of the same shall be at Fort Garry, or within one mile thereof. Seat of Government.

9. There shall be a Legislature for the Province, consisting of the Lieutenant-Governor, and of two Houses styled respectively, the Legislative Council of Manitoba, and the Legislative Assembly of Manitoba. Legislature.

10. The Legislative Council shall, in the first instance, be composed of seven Members, and after the expiration of four years from the time of the first appointment of such seven Members, may be increased to not more than twelve Members. Every Member of the Legislative Council shall be appointed by the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Manitoba, and shall hold office for the term of his life, unless and until the Legislature of Manitoba otherwise provides under the British North America Act, 1867. Legislative Council.  
Members and their appointment, &c.

11. The Lieutenant-Governor may, from time to time, by Instrument under the Great Seal, appoint a Member of the Legislative Council to be Speaker thereof, and may remove him and appoint another in his stead. Speaker.

12. Until the Legislature of the Province otherwise provides, the presence of a majority of the whole number of the Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers. Quorum.

13. Questions arising in the Legislative Council shall be decided by a majority of voices, and the Speaker shall, in all cases, have a vote, and when the voices are equal the decision shall be deemed to be in the negative. Voting.  
Equality of votes.

14. The Legislative Assembly shall be composed of twenty-four Members, to be elected to represent the Electoral Divisions into which the said Province may be divided by the Lieutenant-Governor, as hereinafter mentioned. Legislative Assembly.

15. The presence of a majority of the Members of the Legislative Assembly shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a Member. Quorum.

16. The Lieutenant-Governor shall (within six months of the date of the Order of Her Majesty in Council, admitting Rupert's Land and the North-Western Territory into the Union), Electoral Divisions.

Union), by Proclamation under the Great Seal, divide the said Province into twenty-four Electoral Divisions, due regard being had to existing Local Divisions and population.

Qualifica-  
tion of  
voters.

**17.** Every male person shall be entitled to vote for a Member to serve in the Legislative Assembly for any Electoral Division, who is qualified as follows, that is to say, if he is:—

1. Of the full age of twenty-one years, and not subject to any legal incapacity:

2. A subject of Her Majesty by birth or naturalization:

3. And a *bonâ fide* householder within the Electoral Division, at the date of the Writ of Election for the same, and has been a *bonâ fide* householder for one year next before the said date; or,

4. If, being of the full age of twenty-one years, and not subject to any legal incapacity, and a subject of Her Majesty by birth or naturalization, he was, at any time within twelve months prior to the passing of this Act, and (though in the interim temporarily absent) is at the time of such election a *bonâ fide* householder, and was resident within the Electoral Division at the date of the Writ of Election for the same:

Special,—  
for first  
election  
only.

Proviso.

But this fourth sub-section shall apply only to the first election to be held under this Act for Members to serve in the Legislative Assembly aforesaid.

Proceedings  
at first elec-  
tion, &c.,—  
how regu-  
lated.

**18.** For the first election of Members to serve in the Legislative Assembly, and until the Legislature of the Province otherwise provides, the Lieutenant-Governor shall cause writs to be issued, by such person, in such form, and addressed to such Returning Officers as he thinks fit; and for such first election, and until the Legislature of the Province otherwise provides, the Lieutenant-Governor shall, by Proclamation, prescribe and declare the oaths to be taken by voters, the powers and duties of Returning and Deputy Returning Officers, the proceedings to be observed at such election, and the period during which such election may be continued, and such other provisions in respect to such first election as he may think fit.

Duration of  
Legislative  
Assembly.

**19.** Every Legislative Assembly shall continue for four years from the date of the return of the writs for returning the same (subject nevertheless to being sooner dissolved by the Lieutenant-Governor), and no longer; and the first Session thereof shall be called at such time as the Lieutenant-Governor shall appoint.

Sessions at  
least once a  
year.

**20.** There shall be a Session of the Legislature once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in one Session and its first sitting in the next Session.

Certain pro-  
visions of  
B. N. A.

**21.** The following provisions of the British North America Act, 1867, respecting the House of Commons of Canada, shall extend

extend and apply to the Legislative Assembly, that is to say:—  
 Provisions relating to the election of a Speaker, originally, and on vacancies,—the duties of the Speaker,—the absence of the Speaker and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to the Legislative Assembly.

Act, 1867, to apply.

**22.** In and for the Province, the said Legislature may exclusively make Laws in relation to Education, subject and according to the following provisions:—

Legislation touching schools subject to certain provisions.

(1.) Nothing in any such Law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law or practice in the Province at the Union:—

(2.) An appeal shall lie to the Governor General in Council from any Act or decision of the Legislature of the Province, or of any Provincial Authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education:

(3.) In case any such Provincial Law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper Provincial Authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial Laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section.

Power reserved to Parliament.

**23.** Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person, or in any Pleading or Process, in or issuing from any Court of Canada established under the British North America Act, 1867, or in or from all or any of the Courts of the Province. The Acts of the Legislature shall be printed and published in both those languages.

English and French languages to be used.

**24.** Inasmuch as the Province is not in debt, the said Province shall be entitled to be paid, and to receive from the Government of Canada, by half-yearly payments in advance, interest at the rate of five per centum per annum on the sum of four hundred and seventy-two thousand and ninety dollars.

Interest allowed to the Province on a certain amount of the debt of Canada.

**25.** The sum of thirty thousand dollars shall be paid yearly by Canada to the Province, for the support of its Government and Legislature, and an annual grant, in aid of the said Province, shall be made, equal to eighty cents per head of the

Subsidy to the Province for support of Government; and in

population

proportion  
to its  
population.

population, estimated at seventeen thousand souls; and such grant of eighty cents per head shall be augmented in proportion to the increase of population, as may be shown by the census that shall be taken thereof in the year one thousand eight hundred and eighty-one, and by each subsequent decennial census, until its population amounts to four hundred thousand souls, at which amount such grant shall remain thereafter, and such sum shall be in full settlement of all future demands on Canada, and shall be paid half-yearly, in advance, to the said Province.

Canada  
assumes  
certain ex-  
penses.

**26.** Canada will assume and defray the charges for the following services:—

1. Salary of the Lieutenant-Governor.
2. Salaries and allowances of the Judges of the Superior and District or County Courts.
3. Charges in respect of the Department of the Customs.
4. Postal Department.
5. Protection of Fisheries.
6. Militia.
7. Geological Survey.
8. The Penitentiary.

General pro-  
vision.

9. And such further charges as may be incident to, and connected with the services which, by the British North America Act, 1867, appertain to the General Government, and as are or may be allowed to the other Provinces.

Customs  
duties.

**27.** The Customs duties now by Law chargeable in Rupert's Land, shall be continued without increase for the period of three years from and after the passing of this Act, and the proceeds of such duties shall form part of the Consolidated Revenue Fund of Canada.

Customs  
laws.

**28.** Such provisions of the Customs Laws of Canada (other than such as prescribe the rate of duties payable) as may be from time to time declared by the Governor General in Council to apply to the Province of Manitoba, shall be applicable thereto, and in force therein accordingly.

Inland  
Revenue  
laws and  
duties.

**29.** Such provisions of the Laws of Canada respecting the Inland Revenue, including those fixing the amount of duties, as may be from time to time declared by the Governor General in Council applicable to the said Province, shall apply thereto, and be in force therein accordingly.

Ungranted  
lands vested  
in the Crown  
for Do-  
minion pur-  
poses.

**30.** All ungranted or waste lands in the Province shall be, from and after the date of the said transfer, vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion, subject to, and except and so far as the same may be affected by, the conditions and stipulations contained

contained in the agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty.

**31.** And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor General in Council may from time to time determine.

Provisions as to Indian title.  
Grant for half-breeds.

**32.** For the quieting of titles, and assuring to the settlers in the Province the peaceable possession of the lands now held by them, it is enacted as follows:—

Quieting titles.

1. All grants of land in freehold made by the Hudson's Bay Company up to the eighth day of March, in the year 1869, shall, if required by the owner, be confirmed by grant from the Crown.

Grants by H. B. Company.

2. All grants of estates less than freehold in land made by the Hudson's Bay Company up to the eighth day of March aforesaid, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.

The same.

3. All titles by occupancy with the sanction and under the license and authority of the Hudson's Bay Company up to the eighth day of March aforesaid, of land in that part of the Province in which the Indian Title has been extinguished, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.

Titles by occupancy with permission.

4. All persons in peaceable possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian Title has not been extinguished, shall have the right of pre-emption of the same, on such terms and conditions as may be determined by the Governor in Council.

By peaceable possession.

5. The Lieutenant-Governor is hereby authorized, under regulations to be made from time to time by the Governor General in Council, to make all such provisions for ascertaining and adjusting, on fair and equitable terms, the rights of Common, and rights of cutting Hay held and enjoyed by the settlers in the Province, and for the commutation of the same by grants of land from the Crown.

Lieut.-Governor to make provisions under Order in Council.

**33.** The Governor General in Council shall from time to time settle and appoint the mode and form of Grants of Land from

Governor in Council to appoint

form, &c.,  
of grants.

from the Crown, and any Order in Council for that purpose when published in the *Canada Gazette*, shall have the same force and effect as if it were a portion of this Act.

Rights of  
H. B. Com-  
pany not  
affected.

**34.** Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company, as contained in the conditions under which that Company surrendered Rupert's Land to Her Majesty.

Lieut.-  
Governor  
to govern  
N. W. Terri-  
tory for  
Canada.

**35.** And with respect to such portion of Rupert's Land and the North-Western Territory, as is not included in the Province of Manitoba, it is hereby enacted, that the Lieutenant-Governor of the said Province shall be appointed, by Commission under the Great Seal of Canada, to be the Lieutenant-Governor of the same, under the name of the North-West Territories, and subject to the provisions of the Act in the next section mentioned.

Act 32 and  
33 V., c. 3,  
extended and  
continued.

**36.** Except as hereinbefore is enacted and provided, the Act of the Parliament of Canada, passed in the now last Session thereof, and entitled, "An Act for the Temporary Government of Rupert's Land, and the North-Western Territory when united with Canada," is hereby re-enacted, extended and continued in force until the first day of January, 1871, and until the end of the Session of Parliament then next succeeding.

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ORDER OF HER MAJESTY IN COUNCIL  
ADMITTING RUPERT'S LAND AND  
THE NORTH-WESTERN TERRI-  
TORY INTO THE  
UNION.

At the Court at *Windsor*, the 23rd day of *June*, 1870.

PRESENT,

The QUEEN'S Most Excellent Majesty.  
Lord President.  
Lord Privy Seal.  
Lord Chamberlain.  
Mr. Gladstone.

WHEREAS by the "*British North America Act, 1867*," it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-Western Territory, or either of them, into the Union on such terms and conditions in each case as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act. And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland:

And whereas by an Address from the Houses of the Parliament of Canada, of which Address a copy is contained in the Schedule to this Order annexed, marked A, Her Majesty was prayed, by and with the advice of Her Most Honorable Privy Council, to unite Rupert's Land and the North-Western Territory with the Dominion of Canada, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government upon the terms and conditions therein stated:

And whereas by the "*Rupert's Land Act, 1868*," it was (amongst other things) enacted that it should be competent for the Governor and Company of Adventurers of England trading into Hudson's Bay (hereinafter called the Company) to surrender to Her Majesty, and for Her Majesty, by any Instrument under Her Sign Manual and Signet to accept a surrender of all or any of the lands, territories, rights, privileges, liberties, franchises, powers, and authorities whatsoever, granted or purported to be granted by certain Letters Patent therein recited to the said Company within Rupert's Land, upon such terms  
and

and conditions as should be agreed upon by and between Her Majesty and the said Company; provided, however, that such surrender should not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land should be admitted into the said Dominion of Canada should have been approved of by Her Majesty and embodied in an Address to Her Majesty from both the Houses of the Parliament of Canada, in pursuance of the 146th Section of the "*British North America Act, 1867*":

And it was by the same Act further enacted that it should be competent to Her Majesty, by Order or Orders in Council, on Addresses from the Houses of the Parliament of Canada, to declare that Rupert's Land should, from a date to be therein mentioned, be admitted into and become part of the Dominion of Canada:

And whereas a second Address from both the Houses of the Parliament of Canada has been received by Her Majesty praying that Her Majesty will be pleased, under the provisions of the hereinbefore recited Acts, to unite Rupert's Land on the terms and conditions expressed in certain Resolutions therein referred to and approved of by Her Majesty, of which said Resolutions and Address copies are contained in the Schedule to this Order annexed, marked B, and also to unite the North-Western Territory with the Dominion of Canada, as prayed for by and on the terms and conditions contained in the hereinbefore first recited Address, and also approved of by Her Majesty:

And whereas a draft surrender has been submitted to the Governor-General of Canada containing stipulations to the following effect, viz. :—

1. The sum of 300,000*l.* (being the sum hereinafter mentioned) shall be paid by the Canadian Government into the Bank of England to the credit of the Company within six calendar months after acceptance of the surrender aforesaid, with interest on the said sum at the rate of 5 per cent. per annum, computed from the date of such acceptance until the time of such payment.

2. The size of the blocks which the Company are to select adjoining each of their forts in the Red River limits, shall be as follows:—

	Acres.
Upper Fort Garry and town of Winnipeg, including the inclosed park around shop and ground at the entrance of the town, . . . . .	500
Lower Fort Garry (including the farm the Company now have under cultivation), . . . . .	500
White Horse Plain, . . . . .	500

3. The deduction to be made as hereinafter mentioned from the price of the materials of the Electric Telegraph, in respect of deterioration thereof, is to be certified within three calendar months

months from such acceptance as aforesaid by the agents of the Company in charge of the depots where the materials are stored. And the said price is to be paid by the Canadian Government into the Bank of England to the credit of the Company within six calendar months of such acceptance, with interest at the rate of 5 per cent. per annum on the amount of such price, computed from the date of such acceptance until the time of payment:

And whereas the said draft was on the fifth day of July, one thousand eight hundred and sixty-nine, approved by the said Governor-General in accordance with a Report from the Committee of the Queen's Privy Council for Canada; but it was not expedient that the said stipulations, not being contained in the aforesaid second Address, should be included in the surrender by the said Company to Her Majesty of their rights aforesaid or in this Order in Council.

And whereas the said Company did by deed under the seal of the said Company, and bearing date the nineteenth day of November, one thousand eight hundred and sixty-nine, of which deed a copy is contained in the Schedule to this Order annexed, marked C, surrender to Her Majesty all the rights of government, and other rights, privileges, liberties, franchises, powers and authorities granted, or purported to be granted to the said Company by the said Letters Patent herein and hereinbefore referred to, and also all similar rights which may have been exercised or assumed by the said Company in any parts of British North America not forming part of Rupert's Land, or of Canada or of British Columbia, and all the lands and territories (except and subject as in the terms and conditions therein mentioned) granted or purported to be granted to the said Company by the said Letters Patent:

And whereas such surrender has been duly accepted by Her Majesty, by an instrument under her Sign Manual and Signet, bearing date at Windsor the twenty-second day of June, one thousand eight hundred and seventy:

It is hereby Ordered and declared by Her Majesty, by and with the advice of the Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Acts of Parliament, that from and after the fifteenth day of July, one thousand eight hundred and seventy, the said North-Western Territory shall be admitted into and become part of the Dominion of Canada upon the terms and conditions set forth in the first hereinbefore recited Address, and that the Parliament of Canada shall from the day aforesaid have full power and authority to legislate for the future welfare and good government of the said Territory. And it is further ordered that, without prejudice to any obligations arising from the aforesaid approved Report, Rupert's Land shall from and after the said date be admitted into and become part of the Dominion of Canada upon the following terms and conditions, being the terms and conditions still remaining to be performed of those embodied

embodied in the said second address of the Parliament of Canada, and approved of by Her Majesty as aforesaid:—

1. Canada is to pay to the Company 300,000*l.* when Rupert's Land is transferred to the Dominion of Canada.

2. The Company are to retain the posts they actually occupy in the North-Western Territory, and may, within twelve months of the surrender, select a block of land adjoining each of its posts within any part of British North America not comprised in Canada and British Columbia, in conformity, except as regards the Red River Territory, with a list made out by the Company and communicated to the Canadian Ministers, being the list in the Schedule of the aforesaid Deed of Surrender. The actual survey is to be proceeded with, with all convenient speed.

3. The size of each block is not to exceed [10] acres round Upper Fort Garry, [300] acres round Lower Fort Garry; in the rest of the Red River Territory a number of acres to be settled at once between the Governor in Council and the Company, but so that the aggregate extent of the blocks is not to exceed 50,000 acres.

4. So far as the configuration of the country admits, the blocks shall front the river or road by which means of access are provided, and shall be approximately in the shape of parallelograms, of which the frontage shall not be more than half the depth.

5. The Company may, for fifty years after the surrender, claim in any township or district within the Fertile Belt, in which land is set out for settlement, grants of land not exceeding one twentieth part of the land so set out. The blocks so granted to be determined by lot, and the Company to pay a rateable share of the survey expenses, not exceeding 8 cents Canadian an acre. The Company may defer the exercise of their right of claiming the proportion of each township for not more than ten years after it is set out; but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

6. For the purpose of the last Article, the Fertile Belt is to be bounded as follows:—On the south by the United States boundary; on the west by the Rocky Mountains; on the north by the northern branch of the Saskatchewan; on the east by Lake Winnipeg, the Lake of the Woods, and the waters connecting them.

7. If any township shall be formed abutting on the north bank of the northern branch of the Saskatchewan River, the Company may take their one-twentieth of any such township, which for the purpose of this Article shall not extend more than five miles inland from the river, giving to the Canadian Dominion an equal quantity of the portion of lands coming to them of townships established on the southern bank.

8. In laying out any public roads, canals, &c., through any block of land reserved to the Company, the Canadian Government may take, without compensation, such land as is necessary for the purpose, not exceeding one twenty-fifth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, or which has been built upon, or which is necessary for giving the Company's servants access to any river or lake, or as a frontage to any river or lake, they shall pay to the Company the fair value of the same, and shall make compensation for any injury done to the Company or their servants.

9. It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

10. All titles to land up to the eighth day of March, one thousand eight hundred and sixty-nine, conferred by the Company are to be confirmed.

11. The Company is to be at liberty to carry on its trade without hindrance in its corporate capacity, and no exceptional tax is to be placed on the Company's land, trade or servants, nor any import duties on goods introduced by them previous to the surrender.

12. Canada is to take over the materials of the electric telegraph at cost price—such price including transport, but not including interest for money, and subject to a deduction for ascertained deterioration.

13. The Company's claim to land under agreements of Messrs. Vankoughnet and Hopkins is to be withdrawn.

14. Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the Company shall be relieved of all responsibility in respect of them.

15. The Governor in Council is authorized and empowered to arrange any details that may be necessary to carry out the above terms and conditions.

And the Right Honorable Earl Granville, one of Her Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

## SCHEDULES.

### SCHEDULE (A).

ADDRESS to HER MAJESTY the QUEEN from the Senate and House of Commons of the Dominion of Canada.

To the Queen's Most Excellent Majesty.

*Most Gracious Sovereign,*

We, your Majesty's most dutiful and loyal subjects, the Senate and Commons of the Dominion of Canada in Parliament assembled,

assembled, humbly approach your Majesty for the purpose of representing:—

That it would promote the prosperity of the Canadian people, and conduce to the advantage of the whole Empire, if the Dominion of Canada, constituted under the provisions of the "*British North America Act, 1867*," were extended westward to the shores of the Pacific Ocean.

That the colonization of the fertile lands of the Saskatchewan, the Assiniboine, and the Red River districts; the development of the mineral wealth which abounds in the region of the Northwest; and the extension of commercial intercourse through the British possessions in America from the Atlantic to the Pacific, are alike dependent on the establishment of a stable government for the maintenance of law and order in the North-Western Territories.

That the welfare of a sparse and widely scattered population of British subjects of European origin, already inhabiting these remote and unorganized territories, would be materially enhanced by the formation therein of political institutions bearing analogy, as far as circumstances will admit, to those which exist in the several Provinces of this Dominion.

That the 146th section of the "*British North America Act, 1867*," provides for the admission of Rupert's Land and the North-western Territory, or either of them, into union with Canada, upon the terms and conditions to be expressed in addresses from the Houses of Parliament of this Dominion to your Majesty, and which shall be approved of by your Majesty in Council.

That we do therefore most humbly pray that your Majesty will be graciously pleased, by and with the advice of your Most Honorable Privy Council, to unite Rupert's Land and the North-western Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good Government; and we most humbly beg to express to your Majesty that we are willing to assume the duties and obligations of government and legislation as regards these territories.

That in the event of your Majesty's Government agreeing to transfer to Canada the jurisdiction and control over the said region, the Government and Parliament of Canada will be ready to provide that the legal rights of any corporation, company or individual within the same shall be respected, and placed under the protection of Courts of competent jurisdiction.

And furthermore that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines.

**All**

All which we humbly pray your Majesty to take into your Majesty's Most gracious and favorable consideration.

The Senate, Tuesday, December 17th, 1867.

(Signed), JOSEPH CAUCHON, Speaker.

House of Commons, Monday, December 16th, 1867.

(Signed), JAMES COCKBURN, Speaker.

SCHEDULE (B).

1. *Resolutions.*

May 28th, 1869.

*Resolved*,—That the Senate and Commons of the Dominion of Canada, during the first session of the first Parliament of Canada, adopted an Address to Her Majesty, praying that Her Majesty would be graciously pleased, by and with the advice of Her Most Honorable Privy Council, under the provisions of 146th section of "*The British North America Act, 1867*"; and on the terms specified in the Address, to unite Rupert's Land and the North-west Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government, and assuring Her Majesty of the willingness of the Parliament of Canada to assume the duties and obligations of government and legislation as regards those territories.

*Resolved*,—That the Joint Address of the Senate and Commons of Canada was duly laid at the foot of the throne, and that Her Majesty, by despatch from the Right Honorable the Secretary of State for the Colonies, to the Governor General of Canada, under date of 23rd of April, 1868, signified Her willingness to comply with the prayer of the said Address; but She was advised that the requisite powers of government and legislation could not, consistently with the existing charter of the Hudson's Bay Company, be transferred to Canada without an Act of Parliament, which Act was subsequently passed by the Imperial Parliament, and received Her Majesty's Assent on the 31st July, 1868.

*Resolved*,—That by despatch dated 8th August, 1868, from the Honorable Secretary of State for the Colonies, the Governor-General was informed, that in pursuance of the powers conferred by the Act for the surrender of the Hudson Bay Territories to Her Majesty, he proposed to enter into negotiations with the Company as to the terms of such surrender, whereupon, under authority of an order of the Governor-General in Council of the 1st October, 1868, the Honorable Sir George Et. Cartier, Baronet, and the Honorable William MacDougall, C.B., were appointed a Delegation to England, to arrange the terms for the acquisition by Canada of Rupert's Land, and by another Order in Council of the same date, were authorized to

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arrange for the admission of the North-west Territory into union with Canada, either with or without Rupert's Land, as it might be found practicable and expedient.

*Resolved*,—That the Delegates proceeded on their mission to England and entered into negotiations with his Grace the Duke of Buckingham and Chandos, the Secretary of State for the Colonies, and afterwards with the Right Honorable Earl Granville, his successor in office, for the acquisition by Canada of the territorial and other rights claimed by the Hudson's Bay Company in Rupert's Land, and in any other part of British North America, not comprised in Rupert's Land, Canada, or British Columbia. That terms of agreement were conditionally assented to by the Delegates on behalf of the Dominion, and on their return to Canada were submitted with a Report dated 8th May, 1869, which was approved by His Excellency the Governor in Council, on the 14th day of the same month.

*Resolved*,—That the Senate will be prepared to concur in accepting the transfer of the territorial and other rights of the Hudson's Bay Company in Rupert's Land, and in any other part of British North America, not comprised in Rupert's Land, Canada or British Columbia, on the terms conditionally agreed to on behalf of the Government of Canada, by the Hon. Sir George Et. Cartier, Baronet, and the Hon. William MacDougall, C.B., and on behalf of the Hudson's Bay Company, by Sir Stafford H. Northcote, Governor of that Company, and approved by His Excellency in Council as aforesaid, which terms are set forth in a letter from Sir Frederic Rogers, Under-Secretary of State for the Colonies, of the 9th March, 1869, communicated to the Delegates by direction of Earl Granville, and in two subsequent Memorandums dated respectively 22nd and 29th March, 1869, containing a modification of such terms, and are in the words and figures following:

*“ Terms, as stated in the Letter from Sir Frederic Rogers, of March, 1869.*

“ 1. The Hudson's Bay Company to surrender to Her Majesty all the rights of Government, property, &c., in Rupert's Land which are specified in 31 & 32 Viet., cap. 105, sec. 4; and also all similar rights in any other part of British North America, not comprised in Rupert's Land, Canada or British Columbia.

“ 2. Canada is to pay to the Company 300,000*l.*, when Rupert's Land is transferred to the Dominion of Canada.

“ 3. The Company may, within twelve months of the surrender, select a block of land adjoining each of its stations, within the limits specified in Article 1.

“ 4. The size of the blocks not to exceed \_\_\_\_\_ acres in the Red River Territory, and the aggregate extent of the blocks is not to exceed 50,000 acres.

“ 5.

"5. So far as the configuration of the country admits, the blocks are to be in the shape of parallelograms, of which the length is not more than double the breadth.

"6. The Hudson's Bay Company may, for fifty years after the surrender, claim in any township or district within the Fertile Belt in which land is set out for settlement, select grants of land, not exceeding one-twentieth of the land so set out. The blocks so granted to be determined by lot, and the Hudson's Bay Company to pay a rateable share of the survey expenses, not exceeding an acre.

"7. For the purpose of the present agreement, the Fertile Belt is to be bounded as follows:—On the south by the United States' boundary; on the west by the Rocky Mountains; on the north by the northern branch of the Saskatchewan; on the east by Lake Winnipeg, the Lake of the Woods, and the waters connecting them.

"8. All titles to land up to the 8th March, 1869, conferred by the Company, are to be confirmed.

"9. The Company is to be at liberty to carry on its trade without hindrance, in its corporate capacity and no exceptional tax is to be placed on the Company's land, trade or servants, nor any import duty on goods introduced by them previous to the surrender.

"10. Canada is to take over the materials of the electric telegraph at cost price, such price including transport but not including interest for money, and subject to a deduction for ascertained deteriorations.

"11. The Company's claim to land under agreement of Messrs. Vankoughnet and Hopkins to be withdrawn.

"12. The details of this arrangement, including the filling up the blanks in Articles 4 and 6, to be settled at once by mutual agreement."

**MEMORANDUM.**

*"Details of Agreement between the Delegates of the Government of the Dominion, and the Directors of the Hudson's Bay Company.*

"1. It is understood that, in surrendering to Her Majesty, all the rights, &c., of the Company in any part of British North America not comprised in Rupert's Land, Canada or British Columbia, the Company are to retain the posts they actually occupy in the North West Territory.

"2. It is understood that it will be a sufficient act of selection under Article III., that the Company should, within twelve months, name the number of acres which they will require adjoining each post. The actual survey to be proceeded with, with all convenient speed.

"3. It is understood that in the Red River Settlement, the size of the blocks to be retained round Upper Fort Garry shall not

not exceed (10) acres; and that round Lower Fort Garry shall not exceed (300) acres.

"4. It is understood that a list of the stations round which the Company will require blocks of land, with the size of the blocks they will require, shall be made out forthwith, and communicated to the Canadian Ministers.

"5. It is understood that Article V. shall be construed to mean that the blocks shall front the river or road, by which means of access are provided, and shall be approximately in the form of parallelograms, of which the frontage shall not be more than half the depth.

"6. It is understood that the Company may defer the exercise of their right of claiming their proportion of each township for not more than ten years after it is set out; but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

"7. It is understood that the Blank in Article 6 shall be filled up with 8 cents (Canadian).

"8. It is understood that any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government, in communication with the Imperial Government, and that the Company shall be relieved of all responsibility in respect of them.

(Signed.)

"STAFFORD H. NORTHCOTE.

"G. E. CARTIER.

"W. MACDOUGALL.

"March 22, 1869.

*"Memorandum of a further Agreement between Sir Geo. Et. Cartier and Sir Stafford Northcote.*

"Inasmuch as the northern branch of the Saskatchewan River is the northern boundary of the Fertile Belt, and therefore any land on the northern bank is not within the territory of which the Company are to have one-twentieth part, it is understood that, in forming the townships abutting on the northern bank, the Company shall be at liberty to take their one-twentieth of any such townships, giving up to the Canadian Dominion an equal quantity of the portion of lands coming to them of townships established on the southern bank.

"It is understood that the townships on the northern bank shall not for the above purpose extend more than five miles inland from the river.

"It is understood that, in laying out any public roads, canals, &c., through any block of land reserved to the Company, the Canadian Government may take, without compensation, such land as is necessary for the purpose, not exceeding one-twentieth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, or which has been built upon, or which is necessary for

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giving the Company's servants access to any river or lake, or as a frontage to any river or lake, they shall pay the Company the fair value of the same, and shall make compensation for any injury done to the Company or their servants.

"It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

(Signed.)

"GEO. ET. CARTIER.

"STAFFORD NORTHCOTE.

"London, March 29, 1869."

*Resolved*,—That this House learns with satisfaction, by letter from the Under-Secretary of State for the Colonies, of 9th March last, that, in fulfilment of the expectations held out in Mr. Cardwell's despatch of 17th June, 1865, Her Majesty's Government will be prepared to propose to Parliament that the Imperial guarantee be given to a loan of 300,000*l.*, the amount which is proposed to be paid over by Canada on the transfer of the Company's rights.

*Resolved*,—That the Senate will be ready to concur with the House of Commons in an Address to Her Majesty, that she will be graciously pleased, by and with the advice of Her Most Honorable Privy Council, under the 146th clause of "*The British North America Act, 1867*," and the provisions of the Imperial Act, 31 & 32 Vict., cap. 105, to unite Rupert's Land on the terms and conditions expressed in the foregoing Resolutions, and also to unite the North-Western Territory with the Dominion of Canada, as prayed for by, and on the terms and conditions contained in the joint Address of the Senate and the House of Commons of Canada, adopted during the first session of the first Parliament of Canada, and hereinbefore referred to.

*Resolved*,—That upon the transference of the territories in question to the Canadian Government, it will be the duty of the Government to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer.

*Resolved*,—That the Governor in Council be authorized and empowered to arrange any details, that may be necessary to carry out the terms and conditions of the above agreement.

## 2. Address.

To the Queen's Most Excellent Majesty.

*Most Gracious Sovereign,*

WE, your Majesty's most dutiful and loyal subjects, the Senate and Commons of the Dominion of Canada in Parliament assembled, humbly approach your Majesty for the purpose of representing:—

That, during the first session of the first Parliament of this Dominion, we adopted an Address to your Majesty, praying that

that your Majesty would be graciously pleased, by and with the advice of your Majesty's Most Honorable Privy Council under the provisions of the 146th Section of "*The British North America Act, 1867*," and on the terms specified in that Address, to unite Rupert's Land and the North-West Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government, and assuring your Majesty of the willingness of the Parliament of Canada to assume the duties and obligations of Government and legislation as regards those territories.

That our joint Address was duly laid at the foot of the Throne, and that your Majesty, by despatch from the Right Honorable the Secretary of State for the Colonies to the Governor General of Canada, under date of the 23rd April, 1868, signified your Majesty's willingness to comply with the prayer of the said Address, but that your Majesty was advised that the requisite powers of government and legislation could not, consistently with the existing charter of the Hudson's Bay Company, be transferred to Canada without an Act of Parliament, which Act was subsequently passed by the Imperial Parliament, and received your Majesty's assent on the 31st July, 1868.

That by a despatch dated 8th August, 1868, from the Honorable the Secretary of State for the Colonies, the Governor General was informed that in pursuance of the powers conferred by the Act for the surrender of the Hudson's Bay territories to your Majesty he proposed to enter into negotiations with the company as to the terms of such surrender, whereupon, under authority of an Order of the Governor-General in Council, of the 1st October, 1868, the Honorable Sir George Et. Cartier, Baronet, and the Honorable William MacDougall, C.B., were appointed a delegation to England to arrange the terms for the acquisition by Canada of Rupert's Land, and by another Order in Council of the same date, were authorized to arrange for the admission of the North West Territory into union with Canada either with or without Rupert's Land, as might be found practicable and expedient.

That the delegates proceeded on their mission to England, and entered into negotiations with his Grace the Duke of Buckingham and Chandos, then Secretary of State for the Colonies, and afterwards with the Right Honorable Earl Granville, his successor in office, for the acquisition by Canada of the territorial and other rights claimed by the Hudson's Bay Company in Rupert's Land, and in any other part of British North America not comprised in Rupert's Land, Canada or British Columbia, on the terms conditionally agreed to on behalf of the Government of Canada by the Honorable Sir George Et. Cartier, Baronet, and the Honorable William MacDougall, C.B., and on behalf of the Hudson's Bay Company by Sir Stafford H. Northcote, Governor of that Company, and approved

proved by His Excellency in Council as aforesaid, which terms are set forth in a letter from Sir Frederic Rogers, Under-Secretary of State for the Colonies, of the 9th March, 1869, communicated to the delegates by direction of Earl Granville, and in two subsequent Memorandums dated respectively 22nd and 29th March, 1869, containing a modification of such terms, and are in the words and figures following:

*"Terms, as stated in the Letter from Sir Frederic Rogers of 9th March, 1869.*

*(These terms as set forth on pages 60, 61 supra are here recited at length.)*

**" MEMORANDUM.**

*"Details of Agreement between the Delegates of the Government of the Dominion and the Directors of the Hudson's Bay Company.*

*(This memorandum as set forth on pages 61, 62 supra is here recited at length.)*

*"Memorandum of a further Agreement between Sir Geo. Et. Cartier and Sir Stafford Northcote.*

*(This memorandum, also above set forth, is here recited at length.)*

That we learn with satisfaction by letter from the Under-Secretary of State for the Colonies, of the 9th March last, that, in fulfilment of the expectations held out in Mr. Cardwell's despatch of the 17th of June, 1865, your Majesty's Government will be prepared to propose to Parliament that the Imperial guarantee be given to a loan of 300,000*l.* the amount which is proposed to be paid over by Canada on the transfer of the Company's rights.

That upon the transference of the territories in question to the Canadian Government it will be our duty to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer, and we authorize and empower the Governor in Council to arrange any details that may be necessary to carry out the terms and conditions of the above agreement.

We therefore most humbly pray that your Majesty will be graciously pleased, by and with the advice of your Most Honorable Privy Council, under the 146th clause of *"The British North America Act, 1867,"* and the provisions of the Imperial Act 31 and 32 Vict. cap. 105, to unite Rupert's Land on the terms and conditions expressed in the foregoing resolutions and also to unite the North-Western Territory with the Dominion of Canada as prayed for by and on the terms and conditions

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tions contained in our joint Address adopted during the first session of the first Parliament of this Dominion, and hereinbefore referred to.

The Senate, Monday, May 31, 1869.

(Signed,) JOSEPH CAUCHON, Speaker.

House of Commons, Ottawa, May 29, 1869.

(Signed,) JAMES COCKBURN, Speaker.

#### SCHEDULE (C).

The Governor and Company of Adventurers of England trading into Hudson's Bay to HER MAJESTY QUEEN VICTORIA.

#### DEED OF SURRENDER.

To all whom these presents shall come unto, or concern, the Governor and Company of Adventurers of England, trading into Hudson's Bay, send greeting.

WHEREAS the said Governor and Company were established and incorporated by their said name of "The Governor and Company of Adventurers of England, trading into Hudson's Bay," by Letters Patent granted by His late Majesty King Charles the Second in the twenty-second year of his reign, whereby His said Majesty granted unto the said company and their successors the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds in whatsoever latitude they should be, that lay within the entrance of the straits commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid, that were not already actually possessed by, or granted to, any of His Majesty's subjects, or possessed by the subjects of any other Christian Prince or State, and that the said land should be from thenceforth reckoned and reputed as one of His Majesty's Plantations or Colonies in America, called Rupert's Land; and whereby His said Majesty made and constituted the said Governor and Company and their successors the absolute lords and proprietors of the same territory, limits and places aforesaid, and of all other the premises saving the faith, allegiance and sovereign dominion due to His said Majesty, his heirs and successors for the same; and granted to the said Governor and Company and their successors, such rights of Government and other rights, privileges and liberties, franchises, powers and authorities in Rupert's Land as therein expressed. And whereas ever since the date of the said Letters Patent, the said Governor and Company have exercised and enjoyed the sole right thereby granted of

such

such trade and commerce as therein mentioned, and have exercised and enjoyed other rights, privileges, liberties, franchises, powers, and authorities thereby granted; and the said Governor and Company may have exercised or assumed rights of Government in other parts of British North America not forming part of Rupert's Land, or of Canada, or of British Columbia. And whereas by "*The British North America Act, 1867*," it is (amongst other things) enacted that it shall be lawful for Her present Majesty Queen Victoria, by and with the advice and consent of Her Majesty's most Honorable Privy Council, on address from the Houses of Parliament of Canada, to admit Rupert's Land and the North Western Territory or either of them into the Union of the Dominion of Canada on such terms and conditions as are in the Address expressed, and as Her Majesty thinks fit to approve, subject to the provisions of the said Act. And whereas, by the "*Rupert's Land Act, 1868*," it is enacted (amongst other things) that for the purposes of that Act the term "Rupert's Land" shall include the whole of the lands and territories held or claimed to be held by the said Governor and Company, and that it shall be competent for the said Governor and Company to surrender to Her Majesty, and for Her Majesty, by any instrument under Her Sign Manual and Signet to accept a surrender of all or any of the lands, territories, rights, privileges, liberties, franchises, powers and authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, upon such terms and conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company; provided, however, that such surrender shall not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by Her Majesty, and embodied in an Address to Her Majesty from the Houses of the Parliament of Canada, in pursuance of the 146th Section of "*The British North America Act, 1867*," and that upon the acceptance by Her Majesty of such surrender, all rights of Government and proprietary rights, and all other privileges, liberties, franchises, powers and authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, and which shall have been so surrendered, shall be absolutely extinguished, provided that nothing in the said Act contained shall prevent the said Governor and Company from continuing to carry on in Rupert's Land or elsewhere trade and commerce. And whereas Her said Majesty Queen Victoria and the said Governor and Company have agreed to terms and conditions upon which the said Governor and Company shall surrender to Her said Majesty, pursuant to the provisions in that behalf in the "*Rupert's Land Act, 1868*," contained, all the rights

of

of Government and other rights, privileges, liberties, franchises, powers and authorities, and all the lands and territories (except and subject as in the said terms and conditions expressed or mentioned) granted or purported to be granted by the said Letters Patent, and also all similar rights which have been exercised or assumed by the said Governor and Company in any parts of British North America not forming part of Rupert's Land, or of Canada, or of British Columbia, in order and to the intent that, after such surrender has been effected and accepted under the provisions of the last-mentioned Act, the said Rupert's Land may be admitted into the Union of the Dominion of Canada, pursuant to the hereinbefore mentioned Acts or one of them. And whereas the said terms and conditions on which it has been agreed that the said surrender is to be made by the said Governor and Company (who are in the following articles designated as the Company) to Her said Majesty are as follows (that is to say) :—

1. The Canadian Government shall pay to the Company the sum of 300,000*l.* sterling when Rupert's Land is transferred to the Dominion of Canada.

2. The Company to retain all the posts or stations now actually possessed and occupied by them or their officers or agents whether in Rupert's Land or any other part of British North America, and may within twelve months after the acceptance of the said surrender select a block of land adjoining each of their posts or stations, within any part of British North America, not comprised in Canada and British Columbia in conformity, except as regards the Red River Territory, with a list made out by the Company and communicated to the Canadian Ministers, being the list in the annexed schedule. The actual survey is to be proceeded with, with all convenient speed.

3. The size of each block is not to exceed in the Red River Territory an amount to be agreed upon between the Company and the Governor of Canada in Council.

4. So far as the configuration of the country admits, the blocks shall front the river or road by which means of access are provided, and shall be approximately in the shape of parallelograms, and of which the frontage shall not be more than half the depth.

5. The Company may, at any time within fifty years after such acceptance of the said surrender, claim in any township or district within the fertile belt in which land is set out for settlements, grants of land not exceeding one-twentieth part of the land so set out; the blocks so granted to be determined by lot, and the Company to pay a rateable share of the survey expenses, not exceeding 8 cents Canadian an acre. The Company may defer the exercise of their right of claiming their proportion of each township or district for not more than ten years after it is set out, but their claim must be limited to an

allotment

allotment from the lands remaining unsold at the time they declare their intention to make it.

6. For the purpose of the last article the fertile belt is to be bounded as follows:—On the south by the United States' boundary; on the west by the Rocky Mountains; on the north by the Northern Branch of the Saskatchewan River; on the east by Lake Winnipeg, the Lake of the Woods and the waters connecting them.

7. If any township shall be formed abutting on the north bank of the northern branch of the Saskatchewan River, the Company may take their one-twentieth of any such township, which, for the purpose of this article, shall not extend more than five miles inland from the river, giving to the Canadian Dominion an equal quantity of the portion of land coming to them of townships established on the southern bank of the said river.

8. In laying out any public roads, canals or other public works, through any block of land reserved to the Company, the Canadian Government may take without compensation such land as is necessary for the purpose, not exceeding one-twenty-fifth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, which has been built upon, or which is necessary for giving the Company's servants access to any river or lake, or as a frontage to any river or lake, the said Government shall pay to the Company the fair value of the same, and shall make compensation for any injury done to the Company or their servants.

9. It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause, shall be appropriated for public purposes.

10. All titles to land up to the eighth day of March, one thousand eight hundred and sixty-nine, conferred by the Company, are to be confirmed.

11. The Company is to be at liberty to carry on its trade without hindrance in its corporate capacity; and no exceptional tax is to be placed on the Company's land, trade or servants, nor any import duty on goods introduced by the said Company previously to such acceptance of the said surrender.

12. Canada is to take over the materials of the electric telegraph at cost price; such price including transport, but not including interest for money, and subject to a deduction for ascertained deterioration.

13. The Company's claim to land under an agreement of Messrs. Vankoughnet and Hopkins is to be withdrawn.

14. Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the Company shall be relieved of all responsibility in respect of them.

And

R.S., 1906.

And whereas the surrender hereinafter contained is intended to be made in pursuance of the agreement, and upon the terms and conditions hereinbefore stated.

Now know ye, and these presents witness, that, in pursuance of the powers and provisions of the "*Rupert's Land Act, 1868*," and on the terms and conditions aforesaid, and also on condition of this surrender being accepted pursuant to the provisions of that Act, the said Governor and Company do hereby surrender to the Queen's Most Gracious Majesty, all the rights of Government, and other rights, privileges, liberties, franchises, powers and authorities, granted or purported to be granted to the said Governor and Company by the said recited Letters Patent of His late Majesty King Charles the Second; and also all similar rights which may have been exercised or assumed by the said Governor and Company in any parts of British North America, not forming part of Rupert's Land or of Canada, or of British Columbia, and all the lands and territories within Rupert's Land (except and subject as in the said terms and conditions mentioned) granted or purported to be granted to the said Governor and Company by the said Letters Patent. In witness whereof, the Governor and Company of Adventurers of England trading into Hudson's Bay, have hereunto caused their Common Seal to be affixed, the nineteenth day of November, One thousand eight hundred and sixty-nine.

## THE SCHEDULE ABOVE REFERRED TO.

## Northern Department, RUPERT'S LAND.

District.	Post.	Acres of Land.	
English River.....	Isle à la Crosse.....	50	
	Rapid River.....	5	
	Portage La Loche...	20	say 10 acres each end of portage.
	Green Lake.....	100	
	Cold Lake.....	10	
	Deer's Lake.....	5	
		190 acres in English River (Dist.)	
Saskatchewan.....	Edmonton House...	3,000	
	Rocky Mountain House.....	500	
	Fort Victoria.....	3,000	
	St. Paul.....	3,000	
	Fort Pitt.....	3,000	
	Battle River.....	3,000	
	Carlton House.....	3,000	
	Fort Albert.....	3,000	
	Whitefish Lake.....	500	
	Lac La Biche.....	1,000	
	Fort Assiniboine ..	50	
	Lesser Slave Lake...	500	
	Lac St. Anne.....	500	
	Lac La Nun.....	500	
	St. Albert.....	1,000	
Pigeon Lake.....	100		
Old White Mud Fort	50		
		25,700 acres in Saskatchewan District.	

Northern Department, RUPERT'S LAND—Continued.

District.	Post.	Acres of Land.
Cumberland .....	Cumberland House..	100
	Fort La Cocue .....	3,000
	Pelican Lake.....	50
	Moose Woods.....	1,000
	The Pas.....	25
	Moose Lake.....	50
	GrandeRapidPortage	100
		50 acres at each end of portage. 4,325 acres in Cumberland District.
Swan River.....	Fort Pelly.....	3,000
	Fort Ellice .....	3,000
	Q'Appelle Lakes .....	2,500
	Touchwood Hills .....	500
	Shoal River.....	50
	Manitobah .....	50
	Fairford.....	100
		9,200 acres in Swan River District.
Red River.....	Upper Fort Garry and Town of Winnipeg.....	} Such number of acres as may be agreed upon between the Company and the Governor of Canada in Council.
	Lower Fort Garry (including the farm the Com- pany now have under cultiva- tion).....	
	White Horse Plain)	
Manitobah Lake....	Oak Point .....	50
Portage La Prairie..		1,000
		1,050
Lac La Pluie ....	Fort Alexander.....	500
	Fort Frances .....	500
	Eagle's Nest .....	20
	Big Island.....	20
	Lac du Bonnet.....	20
	Rat Portage.....	50
	Shoal Lake.....	20
	Lake of the Woods..	50
	Whitefish Lake.....	20
	English River.....	20
	Hungry Hall .....	20
	Trout Lake.....	20
	Clear Water Lake..	20
	Sandy Point.....	20
		1,300 acres in Lac La Pluie District.
York. ....	York Factory .....	100
	Churchill.....	10
	Severn.....	10
	Treat Lake.....	10
	Oxford.....	100
	Jackson's Bay .....	10
	God's Lake.....	10
	Island Lake .....	10
Norway House.....	Norway House.....	100
	Berens' River.....	25
	Grand Rapid .....	10
	Nelson's River.....	10
		145
Total in Northern Department ...		42,170 acres.

## Rupert's Land and the N.-W. Territory.

## Southern Department, RUPERT'S LAND.

Albany .....	Albany Factory.....	100	635
	Martin's Falls .....	10	
	Osnaburg.....	25	
	Lac Seul.....	500	
East Main.....	Little Whale River..	50	125
	Great Whale River..	50	
	Fort George .....	25	
Moose.....	Moose Factory.....	100	145
	Hannah Bay.....	10	
	Abitibi.....	10	
	New Brunswick.....	25	
Rupert's River.....	Rupert's House.....	50	120
	Mistassing.....	10	
	Temiskamay.....	10	
	Woswonaby.....	10	
	Mechiskun .....	10	
	Pike Lake .....	10	
	Nitchequou.....	10	
	Kamapiscan.....	10	
Kinogumisee.....	Matawagamique....	50	60
	Kuckatcosh.....	10	
Total in Southern Department....		1,085 acres.	

## Montreal Department, RUPERT'S LAND.

District.	Post.	Acres of Land.	
Superior.....	Long Lake.....	10	20
	Temiscaminque.....	10	
Labrador.....	Fort Nascoapie....	75	380
	Outposts, ditto....	25	
	Fort Chimo(Ungava)	100	
	South River,outposts	30	
	George's River....	50	
	Whale River.....	50	
	North's River.....	25	
	False River.....	25	
Total in Montreal Department.....		400 acres.	

## Northern Department, NORTHWEST TERRITORY.

Athabasca.....	Fort Chippewyan...	10	606 acres in Athabasca District.
	Fort Vermilion.....	500	
	Fort Dunvegan.....	50	
	Fort St. John's.....	20	
	Forks of Athabasca River.....	10	
	Battle River.....	5	
	Fond du Lac.....	5	
	Salt River.....	5	

Northern

Northern Department, NORTH WEST TERRITORY—Continued.

District.	Post.	Acres of Land.
McKenzie's River...	Fort Simpson.....	100
	Fort Liard.....	300
	Fort Nelson.....	200
	The Rapids.....	100
	Hay River.....	25
	Fort Resolution....	20
	Fort Rae.....	10
	Fond du Lac.....	10
	Fort Norman.....	10
	Fort Good Hope...	10
	Peel's River.....	10
	Lapierre's House....	10
	Fort Halkett.....	100
		900 acres in McKenzie's R. District.
Total in North West Territory.....		1,505 acres.

RECAPITULATION.

Northern Department, Rupert's Land..	Acres.	42,170
Southern " "		1,085
Montreal " "		400
Northern Department, Northwest Territory.....		1,505
		45,160

ORDER IN COUNCIL ANNEXING ALL BRITISH  
POSSESSIONS IN NORTH AMERICA, EXCEPT  
NEWFOUNDLAND, TO CANADA.

AT THE COURT AT OSBORNE HOUSE, ISLE OF  
WIGHT, THE 31<sup>ST</sup> DAY OF JULY, 1880.

*Present:*

THE QUEEN'S MOST EXCELLENT MAJESTY,  
LORD PRESIDENT,  
LORD STEWARD,  
LORD CHAMBERLAIN.

**W**HEREAS it is expedient that all British Territories and Possessions in North America, and the Islands adjacent to such Territories and Possessions which are not already included in the Dominion of Canada, should (with the exception of the Colony of Newfoundland and its dependencies) be annexed to and form part of the said Dominion.

And whereas, the Senate and Commons of Canada in Parliament assembled, have, in and by an Address, dated the 3<sup>rd</sup> day of May, 1878, represented to Her Majesty "That it is desirable that the Parliament of Canada, on the transfer of the before-mentioned Territories being completed, should have authority to legislate for their future welfare and good government, and the power to make all needful rules and regulations respecting them, the same as in the case of the other territories (of the Dominion); and that the Parliament of Canada expressed its willingness to assume the duties and obligations consequent thereon:"

And whereas, Her Majesty is graciously pleased to accede to the desire expressed in and by the said Address:

Now, therefore, it is hereby ordered and declared by Her Majesty, by and with the advice of Her Most Honourable Privy Council, as follows:—

From and after the first day of September, 1880, all British Territories and Possessions in North America, not already included within the Dominion of Canada, and all Islands adjacent to any of such Territories or Possessions, shall (with the exception of the Colony of Newfoundland and its dependencies) become and be annexed to and form part of the said Dominion of Canada; and become and be subject to the laws for the time being in force in the said Dominion, in so far as such laws may be applicable thereto.

C. L. PEEL.

**ORDER OF HER MAJESTY IN COUNCIL  
ADMITTING BRITISH COLUMBIA  
INTO THE UNION.**

**A**T the Court at *Windsor*, the 16th day of *May*, 1871.

PRESENT.

The QUEEN'S MOST Excellent Majesty.

His Royal Highness Prince ARTHUR.

Lord Privy Seal.

Lord Chamberlain.

Earl Cowper.

Mr. Secretary Cardwell.

Earl of Kimberley.

Mr. Ayrton.

**W**HEREAS by the "*British North America Act, 1867*," provision was made for the Union of the Provinces of Canada, Nova Scotia and New Brunswick into the Dominion of Canada, and it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, on Addresses from the Houses of the Parliament of Canada, and of the Legislature of the Colony of British Columbia, to admit that Colony into the said Union, on such terms and conditions as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act; And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

And whereas by Addresses from the Houses of the Parliament of Canada, and from the Legislative Council of British Columbia respectively, of which Addresses copies are contained in the Schedule to this Order annexed, Her Majesty was prayed, by and with the advice of Her Most Honorable Privy Council, under the one hundred and forty-sixth section of the hereinbefore recited Act, to admit British Columbia into the Dominion of Canada, on the terms and conditions set forth in the said Addresses.

And whereas Her Majesty has thought fit to approve of the said terms and conditions, it is hereby ordered and declared by Her Majesty, by and with the advice of Her Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Act of Parliament, that from and after the twentieth day of July, one thousand eight hundred and seventy-one, the said Colony of British Columbia shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions

conditions set forth in the hereinbefore recited Addresses. And, in accordance with the terms of the said Addresses relating to the Electoral Districts in British Columbia, for which the first election of members to serve in the House of Commons of the said Dominion shall take place, it is hereby further ordered and declared that such electoral districts shall be as follows:—

“New Westminster District” and the “Coast District,” as defined in a public notice issued from the Lands and Works Office in the said Colony, on the 15th day of December, one thousand eight hundred and sixty-nine, by the desire of the Governor and purporting to be in accordance with the provisions of the thirty-ninth clause of the “Mineral Ordinance, 1869,” shall constitute one district, to be designated “New Westminster District” and return one Member.

“Cariboo District” and “Lillooet District,” as specified in the said public notice, shall constitute one district, to be designated “Cariboo District,” and return one Member.

“Yale District” and “Kootenay District,” as specified in the said public notice, shall constitute one District, to be designated “Yale District,” and return one Member.

Those portions of Vancouver Island, known as “Victoria District,” “Esquimalt District,” and “Metchosin District,” as defined in the official maps of those districts which are in the Land Office, Victoria, and are designated respectively, “Victoria District Official Map, 1858,” “Esquimalt District Official Map, 1858,” and “Metchosin District Official Map, A.D. 1858,” shall constitute one District, to be designated “Victoria District,” and return two Members.

All the remainder of Vancouver Island, and all such islands adjacent thereto as were formerly dependencies of the late Colony of Vancouver Island shall constitute one district, to be designated “Vancouver Island District,” and return one Member.

And the Right Honorable Earl of Kimberley, one of Her Majesty’s Principal Secretaries of State, is to give the necessary directions therein accordingly.

ARTHUR HELPS.

#### SCHEDULE.

*Address of the Senate of Canada.*

To the Queen’s Most Excellent Majesty.

*Most Gracious Sovereign,*

We, Your Majesty’s most dutiful and loyal subjects, the Senate of Canada in Parliament assembled, humbly approach Your Majesty for the purpose of representing:—

That

That by a despatch from the Governor of British Columbia, dated 23rd January, 1871, with other papers laid before this House, by message from His Excellency the Governor-General, of the 27th February last, this House learns that the Legislative Council of that colony, in council assembled, adopted, in January last, an Address representing to Your Majesty that British Columbia was prepared to enter into Union with the Dominion of Canada, upon the terms and conditions mentioned in the said Address, which is as follows:

To the Queen's Most Excellent Majesty.

*Most Gracious Sovereign,*

WE, Your Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of British Columbia, in council assembled, humbly approach Your Majesty for the purpose of representing:—

That, during the last session of the late Legislative Council, the subject of the admission of the Colony of British Columbia into the Union or Dominion of Canada was taken into consideration, and a resolution on the subject was agreed to, embodying the terms upon which it was proposed that this colony should enter the Union;

That after the close of the session, Delegates were sent by the Government of this Colony to Canada to confer with the Government of the Dominion with respect to the admission of British Columbia into the Union upon the terms proposed;

That after considerable discussion by the Delegates with the Members of the Government of the Dominion of Canada, the terms and conditions hereinafter specified were adopted by a Committee of the Privy Council of Canada, and were by them reported to the Governor-General for his approval;

That such terms were communicated to the Government of this Colony by the Governor-General of Canada, in a despatch dated July 7th, 1870, and are as follows:—

1. Canada shall be liable for the debts and liabilities of British Columbia existing at the time of the Union.

2. British Columbia not having incurred debts equal to those of the other provinces now constituting the Dominion, shall be entitled to receive, by half-yearly payments, in advance from the General Government, interest at the rate of five per cent. per annum on the difference between the actual amount of its indebtedness at the date of the Union, and the indebtedness per head of the population of Nova Scotia and New Brunswick (27.77 dollars), the population of British Columbia being taken at 60,000.

3. The following sums shall be paid by Canada to British Columbia for the support of its Government and Legislature, to wit, an annual subsidy of 35,000 dollars, and an annual grant

grant equal to 80 cents per head of the said population of 60,000, both half-yearly in advance, such grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shown by each subsequent decennial census, until the population amounts to 400,000, at which rate such grant shall thereafter remain, it being understood that the first census be taken in the year 1881.

4. The Dominion will provide an efficient mail service, fortnightly, by steam communication between Victoria and San Francisco, and twice a week between Victoria and Olympia; the vessels to be adapted for the conveyance of freight and passengers.

5. Canada will assume and defray the charges for the following services:

- A. Salary of the Lieutenant-Governor;
- B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts;
- C. The charges in respect to the Department of Customs;
- D. The Postal and Telegraphic Services;
- E. Protection and encouragement of Fisheries;
- F. Provision for the Militia;
- G. Lighthouses, Buoys and Beacons, Shipwrecked Crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria;
- H. The Geological Survey;
- I. The Penitentiary;

And such further charges as may be incident to and connected with the services which by the '*British North America Act, 1867*,' appertain to the General Government, and as are or may be allowed to the other Provinces.

6. Suitable pensions, such as shall be approved of by Her Majesty's Government shall be provided by the Government of the Dominion for those of Her Majesty's servants in the Colony whose position and emoluments derived therefrom would be affected by political changes on the admission of British Columbia into the Dominion of Canada.

7. It is agreed that the existing Customs tariff and Excise duties shall continue in force in British Columbia until the railway from the Pacific Coast and the system of railways in Canada are connected, unless the Legislature of British Columbia should sooner decide to accept the Tariff and Excise Laws of Canada. When Customs and Excise duties are, at the time of the union of British Columbia with Canada, leviable on any goods, wares or merchandizes in British Columbia, or in the other Provinces of the Dominion, those goods, wares and merchandizes may, from and after the Union, be imported into British Columbia from the Provinces now composing the Dominion, or into either of those Provinces from British Columbia, on proof of payment of the Customs or Excise duties leviable thereon in the Province of exportation, and on pay-  
ment

ment of such further amount (if any) of Customs or Excise duties as are leviable thereon in the Province of importation. This arrangement to have no force or effect after the assimilation of the Tariff and Excise duties of British Columbia with those of the Dominion.

8. British Columbia shall be entitled to be represented in the Senate by three members, and by six members in the House of Commons. The representation to be increased under the provisions of '*The British North Act, 1867.*'

9. The influence of the Dominion Government will be used to secure the continued maintenance of the naval station at Esquimalt.

10. The provisions of the '*British North America Act, 1867,*' shall (except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to and only affect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Minute) be applicable to British Columbia in the same way and to the like extent as they apply to the other Provinces of the Dominion, and as if the Colony of British Columbia had been one of the Provinces originally united by the said Act.

11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the Union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, east of the Rocky Mountains, towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and further, to secure the completion of such railway within ten years from the date of the Union.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said railway, a similar extent of public lands along the line of railway throughout its entire length in British Columbia (not to exceed however, twenty (20) miles on each side of said line,) as may be appropriated for the same purpose by the Dominion Government from the public lands of the North-West territories and the Province of Manitoba: Provided that the quantity of land which may be held under pre-emption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands; and provided further, that until the commencement, within two years, as aforesaid, from the date of the Union, of the construction of the said railway, the Government of British Columbia shall not sell or alienate any further portions of the public lands of British Columbia in any other way than under right of pre-emption

emption requiring actual residence of the pre-emptor on the land claimed by him. In consideration of the land to be so conveyed in aid of the construction of the said railway, the Dominion Government agree to pay to British Columbia from the date of the Union, the sum of 100,000 dollars per annum, in half-yearly payments in advance.

12. The Dominion Government shall guarantee the interest for ten years from the date of the completion of the works, at the rate of five per centum per annum, on such sum, not exceeding £100,000 sterling, as may be required for the construction of a first class graving dock at Esquimalt.

13. The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

14. The Constitution of the Executive Authority and of the Legislature of British Columbia shall, subject to the provisions of the '*British North America Act, 1867,*' continue as existing at the time of the Union until altered under the authority of the said Act, it being at the same time understood that the Government of the Dominion will readily consent to the introduction of responsible government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia, under the authority of the Secretary of State for the Colonies, to amend the existing Constitution of the Legislature by providing that a majority of its Members shall be elective.

The Union shall take effect according to the foregoing terms and conditions on such day as Her Majesty by and with the advice of Her Most Honorable Privy Council may appoint (on addresses from the Legislature of the Colony of British Columbia and of the Houses of Parliament of Canada in the terms of the 146th section of the '*British North America Act, 1867,*') and British Columbia may in its address specify the electoral districts for which the first election of Members to serve in the House of Commons shall take place.

That such terms have proved generally acceptable to the people of this Colony.

That

That this Council is, therefore, willing to enter into Union with the Dominion of Canada upon such terms, and humbly submit that, under the circumstances, it is expedient that the admission of this Colony into such Union, as aforesaid, should be effected at as early a date as may be found practicable under the provisions of the 146th section of the '*British North America Act, 1867.*'

We, therefore, humbly pray that Your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honorable Privy Council, under the provisions of the 146th section of '*British North America Act, 1867,*' to admit British Columbia into the Union or Dominion of Canada, on the basis of the terms and conditions offered to this Colony by the Government of the Dominion of Canada, hereinbefore set forth; and inasmuch as by the said terms British Columbia is empowered in its address to specify the electoral districts for which the first election of members to serve in the House of Commons shall take place, we humbly pray that such electoral districts may be declared, under the Order in Council, to be as follows:

That '*New Westminster District,*' and the '*Coast District,*' as defined in a public notice issued from the Lands and Works Office on the 15th day of December, 1869, by the desire of the Governor, and purporting to be in accordance with the provisions of the 39th clause of the '*Mineral Ordinance, 1869,*' shall constitute one district, to be designated '*New Westminster District,*' and return one member.

That '*Cariboo District,*' and '*Lillooet District,*' as specified in the said public notice, shall constitute one district, to be designated '*Cariboo District,*' and return one Member.

That '*Yale District,*' and '*Kootenay District,*' as specified in the said public notice, shall constitute one district, to be designated '*Yale District,*' and return one Member.

That those portions of Vancouver Island known as '*Victoria District,*' '*Esquimalt District,*' and '*Metchosin District,*' as defined in the official maps of those districts in the Land Office, Victoria, and which maps are designated respectively, '*Victoria District Official Map, 1858,*' '*Esquimalt District Official Map, 1858,*' and '*Metchosin District Official Map, 1858,*' shall constitute one district, to be designated '*Victoria District,*' and return two Members.

And, that all the remainder of Vancouver Island, and all such islands adjacent thereto as were formerly dependencies of the late colony of Vancouver Island shall constitute one district, to be designated '*Vancouver Island District,*' and return one Member.

We further humbly represent, that the proposed terms and conditions of Union of British Columbia with Canada, as stated

stated in the said Address, are in conformity with those preliminarily agreed upon between delegates from British Columbia and the Members of the Government of the Dominion of Canada, and embodied in a Report of a Committee of the Privy Council, approved by His Excellency the Governor General in Council, on the 1st July, 1870, which approved Report is as follows:

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 1st of July, 1870.*

The Committee of the Privy Council have had under consideration a Despatch, dated the 7th May, 1870, from the Governor of British Columbia, together with certain Resolutions submitted by the Government of that colony to the Legislative Council thereof—both hereunto annexed—on the subject of the proposed Union of British Columbia with the Dominion of Canada; and after several interviews between them and the Honorable Messrs. Trutch, Helmcken, and Carrall, the Delegates from British Columbia, and full discussion with them of the various questions connected with that important subject, the Committee now respectfully submit for Your Excellency's approval, the following terms and conditions to form the basis of a political union between British Columbia and the Dominion of Canada.

*(Here are set forth at length the terms of Union as stated on pages 79, 80, 81, 82 and 83 supra, in the Address of the Legislative Council of British Columbia.)*

(Certified.)

WM. H. LEE,

*Clerk Privy Council.*

We further humbly represent that we concur in the terms and conditions of Union set forth in the said Address, and approved Report of the Committee of the Privy Council above mentioned; and most respectfully pray that your Majesty will be graciously pleased, by and with the advice of your Majesty's most Honorable Privy Council, under the 146th clause of "*The British North America Act, 1867,*" to unite British Columbia with the Dominion of Canada, on the terms and conditions above set forth.

The Senate, Wednesday, April 5th, 1871.

(Signed) JOSEPH CAUCHON, *Speaker.*

*Address*

*Address of the Commons of Canada.*

To the Queen's Most Excellent Majesty.

*Most Gracious Sovereign,*

We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada in Parliament assembled, humbly approach Your Majesty for the purpose of representing:—

*(The balance of the Address is identical in form with the Address of the Senate and is omitted for that reason.)*

JAMES COCKBURN, *Speaker.*

House of Commons,

Saturday, 1st April, 1871.

*Address of the Legislative Council of British Columbia.*

To the Queen's Most Excellent Majesty.

*Most Gracious Sovereign,*

We, your Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of British Columbia in Council assembled, humbly approach your Majesty for the purpose of representing:—

*(Etc., etc., etc. The Address is set forth at length in the Address of the Senate.)*

(Signed), PHILIP J. HANKIN,  
*Speaker.*



# THE BRITISH NORTH AMERICA ACT, 1871.

34-35 VICTORIA, CHAPTER 28.

An Act respecting the establishment of Provinces  
in the Dominion of Canada.

[29th June, 1871.]

**W**HEREAS doubts have been entertained respecting the powers of the Parliament of Canada to establish Provinces in Territories admitted, or which may hereafter be admitted, into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and it is expedient to remove such doubts, and to vest such powers in the said Parliament:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited for all purposes as "The British North America Act, 1871." Short title.

**2.** The Parliament of Canada may from time to time establish new Provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such Province, and for the passing of laws for the peace, order, and good government of such Province, and for its representation in the said Parliament. Parliament of Canada may establish new Provinces and provide for the constitution, &c., thereof.

**3.** The Parliament of Canada may from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby. Alteration of limits of Provinces.

**4.** The Parliament of Canada may from time to time make provision for the administration, peace, order, and good government of any territory not for the time being included in any Province. Parliament of Canada may legislate for any territory not included in a Province.

**5.**

R.S., 1906.

Confirmation of Acts of Parliament of Canada, 32 & 33 Vict., (Canadian) cap. 3, 33 Vict., (Canadian) cap. 3.

5. The following Acts passed by the said Parliament of Canada, and intituled respectively,—“ An Act for the temporary government of Rupert’s Land and the North Western Territory when united with Canada ”; and “ An Act to amend and continue the Act thirty-two and thirty-three Victoria, chapter three, and to establish and provide for the government of the Province of Manitoba,” shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent, in the Queen’s name, of the Governor General of the said Dominion of Canada.

Limitation of powers of Parliament of Canada to legislate for an established Province.

6. Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last-mentioned Act of the said Parliament in so far as it relates to the Province of Manitoba, or of any other Act hereafter establishing new Provinces in the said Dominion, subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province.

ORDER OF HER MAJESTY IN COUNCIL  
 ADMITTING PRINCE EDWARD  
 ISLAND INTO THE  
 UNION.

At the Court at Windsor, the 26th day of *June*, 1873.

PRESENT:

The QUEEN'S Most Excellent Majesty.

Lord President.	Earl of Kimberley.
Earl Granville.	Lord Chamberlain.
Mr. Gladstone.	

WHEREAS by the "*British North America Act, 1867*," provision was made for the Union of the Provinces of Canada, Nova Scotia and New Brunswick into the Dominion of Canada, and it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, on Addresses from the Houses of the Parliament of Canada, and of the Legislature of the Colony of Prince Edward Island, to admit that Colony into the said Union on such terms and conditions as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act; and it was further enacted that the provisions of any Order in Council in that behalf, should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

And whereas by Addresses from the Houses of the Parliament of Canada, and from the Legislative Council and House of Assembly of Prince Edward Island respectively, of which Addresses, copies are contained in the Schedule to this Order annexed, Her Majesty was prayed, by and with the advice of Her Most Honorable Privy Council, under the one hundred and forty-sixth section of the hereinbefore recited Act, to admit Prince Edward Island into the Dominion of Canada, on the terms and conditions set forth in the said Addresses.

And whereas Her Majesty has thought fit to approve of the said terms and conditions, it is hereby ordered and declared by Her Majesty, by and with the advice of Her Privy Council, in pursuance and exercise of the powers vested in Her Majesty, by the said Act of Parliament, that from and after the first day of July, one thousand eight hundred and seventy-three, the said Colony of Prince Edward Island shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions set forth in the hereinbefore recited Addresses.

And

R.S., 1906.

And in accordance with the terms of the said Addresses relating to the Electoral Districts for which, the time within which, and the laws and provisions under which the first election of members to serve in the House of Commons of Canada, for such Electoral Districts shall be held, it is hereby further ordered and declared that 'Prince County' shall constitute one district, to be designated 'Prince County District,' and return two members; that 'Queen's County' shall constitute one district, to be designated 'Queen's County District,' and return two members; that 'King's County' shall constitute one district, to be designated 'King's County District,' and return two members; that the election of members to serve in the House of Commons of Canada, for such Electoral Districts shall be held within three calendar months from the day of the admission of the said Island into the Union or Dominion of Canada; that all laws which at the date of this Order in Council relating to the qualification of any person to be elected or sit or vote as a member of the House of Assembly of the said Island, and relating to the qualifications or disqualifications of voters, and to the oaths to be taken by voters, and to Returning Officers and Poll Clerks, and their powers and duties, and relating to Polling Divisions within the said Island, and relating to the proceedings at elections, and to the period during which such elections may be continued, and relating to the trial of controverted elections, and the proceedings incidental thereto, and relating to the vacating of seats of the members, and to the execution of new writs, in case of any seat being vacated otherwise than by a dissolution, and to all other matters connected with or incidental to elections of members to serve in the House of Assembly of the said Island, shall apply to elections of members to serve in the House of Commons for the Electoral Districts situate in the said Island of Prince Edward.

And the Right Honorable Earl of Kimberley, one of Her Majesty's Principal Secretaries of State is to give the necessary directions herein, accordingly.

ARTHUR HELPS.

#### SCHEDULE.

To the Queen's Most Excellent Majesty.

*Most Gracious Sovereign,*

We, Your Majesty's most dutiful and loyal subjects, the Commons of the Dominion of Canada in Parliament assembled, humbly approach Your Majesty for the purpose of representing:—

That during the present Session of Parliament we have taken into consideration the subject of the admission of the Colony of  
Prince

Prince Edward Island into the Union or Dominion of Canada, and have resolved that it is expedient that such admission should be effected at as early a date as may be found practicable, under the one hundred and forty-sixth section of the '*British North America Act, 1867*,' on the conditions hereinafter set forth, which have been agreed upon with the Delegates from the said Colony; that is to say:—

That Canada shall be liable for the debts and liabilities of Prince Edward Island at the time of the Union;

That in consideration of the large expenditure authorized by the Parliament of Canada for the construction of railways and canals, and in view of the possibility of a readjustment of the financial arrangements between Canada and the several Provinces now embraced in the Dominion, as well as the isolated and exceptional condition of Prince Edward Island, that Colony shall, on entering the Union, be entitled to incur a debt equal to fifty dollars per head of its population, as shewn by the Census Returns of 1871, that is to say: four millions seven hundred and one thousand and fifty dollars;

That Prince Edward Island not having incurred debts equal to the sum mentioned in the next preceding Resolution, shall be entitled to receive, by half-yearly payments, in advance, from the General Government, interest at the rate of five per centum per annum on the difference, from time to time, between the actual amount of its indebtedness and the amount of indebtedness authorized as aforesaid, viz., four millions seven hundred and one thousand and fifty dollars;

That Prince Edward Island shall be liable to Canada for the amount (if any) by which its public debt and liabilities at the date of the Union, may exceed four millions seven hundred and one thousand and fifty dollars and shall be chargeable with interest at the rate of five per centum per annum on such excess;

That as the Government of Prince Edward Island holds no lands from the Crown, and consequently enjoys no revenue from that source for the construction and maintenance of local works, the Dominion Government shall pay by half-yearly instalments, in advance, to the Government of Prince Edward Island, forty-five thousand dollars per annum, less interest at five per centum per annum, upon any sum not exceeding eight hundred thousand dollars which the Dominion Government may advance to the Prince Edward Island Government for the purchase of lands now held by large proprietors;

That in consideration of the transfer to the Parliament of Canada of the powers of taxation, the following sums shall be paid yearly by Canada to Prince Edward Island, for the support of its Government and Legislature, that is to say, thirty thousand dollars, and an annual grant equal to eighty cents per head of its population, as shown by the Census returns of 1871,

viz.,

viz., 94,021, both by half-yearly payments in advance—such grant of eighty cents per head to be augmented in proportion to the increase of population of the Island as may be shown by each subsequent decennial Census, until the population amounts to four hundred thousand, at which rate such grant shall thereafter remain, it being understood that the next Census shall be taken in the year 1881;

That the Dominion Government shall assume and defray all the charges for the following services, viz.:—

The salary of the Lieutenant Governor;

The salaries of the Judges of the Superior Court and of the District or County Courts when established;

The charges in respect of the Department of Customs;

The Postal Department;

The protection of the Fisheries;

The provision for the Militia;

The Lighthouses, Shipwrecked Crews, Quarantine and Marine Hospitals;

The Geological Survey;

The Penitentiary;

Efficient Steam Service for the conveyance of mails and passengers, to be established and maintained between the Island and the mainland of the Dominion, Winter and Summer, thus placing the Island in continuous communication with the Inter-colonial Railway and the railway system of the Dominion;

The maintenance of telegraphic communication between the Island and the mainland of the Dominion;

And such other charges as may be incident to, and connected with, the services which by the '*British North America Act, 1867*,' appertain to the General Government, and as are or may be allowed to the other Provinces;

That the railways under contract and in course of construction for the Government of the Island, shall be the property of Canada;

That the new building in which are held the Law Courts, Registry Office, etc., shall be transferred to Canada, on the payment of sixty-nine thousand dollars. The purchase to include the land on which the building stands, and a suitable space of ground in addition, for yard room, etc.;

That the Steam Dredge Boat in course of construction, shall be taken by the Dominion, at a cost not exceeding twenty-two thousand dollars;

That the Steam Ferry Boat owned by the Government of the Island, and used as such, shall remain the property of the Island;

That the population of Prince Edward Island having been increased by fifteen thousand or upwards since the year 1861, the Island shall be represented in the House of Commons of Canada by six Members; the representation to be readjusted,

from

from time to time, under the provisions of the '*British North America Act, 1867*';

That the constitution of the Executive Authority and of the Legislature of Prince Edward Island, shall, subject to the provisions of the '*British North America Act, 1867*,' continue, as at the time of the Union, until altered under the authority of the said Act, and the House of Assembly of Prince Edward Island existing at the date of the Union shall, unless sooner dissolved, continue for the period for which it was elected;

That the provisions in the '*British North America Act, 1867*,' shall, except those parts thereof which are in terms made, or by reasonable intendment, may be held to be especially applicable to, and only to affect one and not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by these resolutions, be applicable to Prince Edward Island, in the same way and to the same extent as they apply to the other Provinces of the Dominion, and as if the Colony of Prince Edward Island had been one of the Provinces originally united by the said Act.

That the Union shall take place on such day as Her Majesty may direct by Order in Council, on Addresses to that effect from the House of the Parliament of Canada and of the Legislature of the Colony of Prince Edward Island, under the one hundred and forty-sixth section of the '*British North America Act, 1867*,' and that the Electoral Districts for which, the time within which, and the laws and provisions under which, the first Election of Members to serve in the House of Commons of Canada for such Electoral Districts shall be held, shall be such as the said Houses of the Legislature of the said Colony of Prince Edward Island may specify in their said Addresses.

We, therefore, humbly pray that Your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the '*British North America Act, 1867*,' to admit Prince Edward Island into the Union or Dominion of Canada, on the terms and conditions hereinbefore set forth.

(Signed) JAMES COCKBURN,  
*Speaker.*

HOUSE OF COMMONS,  
20th May, 1873.

The Queen's Most Excellent Majesty.

*Most Gracious Sovereign,*

We, Your Majesty's most dutiful and loyal subjects, the Senate of the Dominion of Canada in Parliament assembled,  
humbly

humbly approach Your Majesty for the purpose of representing:—

That on the sixteenth day of May, instant, His Excellency the Governor General transmitted for our information a copy of the minutes of a Conference between a Committee of the Privy Council of Canada and certain Delegates from the Colony of Prince Edward Island, on the subject of the Union of the said Colony with the Dominion of Canada, and of the Resolutions adopted by them, as the basis of such Union, which are in the following words, that is to say:—

*(Here follows a statement of the conditions of Union as set forth in the Address of the House of Commons, Supra, pages 89, 90 and 91).*

The House of Commons having in the present Session of the Parliament of the Dominion passed an Address to Your Majesty, praying that Your Majesty would be graciously pleased, by and with the advice of Your Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the '*British North America Act, 1867,*' to admit Prince Edward Island into the Union or Dominion of Canada, on the terms and conditions set forth in the above-mentioned Resolutions.

Wherefore, we, the Senate of Canada, fully concurring in the terms and conditions expressed in the Address of the House of Commons, humbly pray that Your Majesty will be pleased, by and with the advice of Your Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the '*British North America Act, 1867,*' to admit Prince Edward Island into the Dominion of Canada.

(Signed) P. J. O. CHAUVEAU,  
*Speaker of the Senate.*

THE SENATE, May 21, 1873.

To the Queen's Most Excellent Majesty.

*Most Gracious Sovereign,*

We, Your Majesty's most dutiful and loyal subjects, the Legislative Council of Prince Edward Island, in Parliament assembled, humbly approach Your Majesty, and pray that Your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the '*British North America Act, 1867,*' to admit Prince Edward Island into the Union or Dominion of Canada, on the terms and conditions expressed in certain Resolutions recently passed by Houses of the Parliament of Canada, and also by the Houses of the Legislature of Prince Edward Island, which said Resolutions are as follows:—

*(Here*

(Here follows a statement of the conditions of Union as set forth in the Address of the House of Commons, supra.)

That for the first election of members to be returned by this Island for the House of Commons of the Dominion of Canada, this Island shall be divided into Electoral Districts as follows:— That 'Prince County' shall constitute one district and return two members; that 'Queen's County' shall constitute one district, and return two members; that 'King's County' shall constitute one district, and return two members; that the first election for members to serve in the House of Commons of Canada, shall take place within three calendar months after this Island shall be admitted, and become part of the Dominion of Canada; and we further humbly pray, that all laws which at the date of the Order in Council, by which the said Island of Prince Edward shall be admitted into the Dominion of Canada, relating to the qualification of any person to be elected to sit or vote as a member of the House of Assembly of the said Island, and relating to the qualifications or disqualifications of voters, and to the oaths to be taken by voters, and to returning officers and poll clerks, and their powers and duties, and relating to polling divisions within the said Island, and relating to the proceedings at elections, and to the period during which such election may be continued, and relating to the trial of controverted elections and the proceedings incident thereto, and relating to the vacating of seats of members, and to the execution of new writs, in case of any seat being vacated otherwise than by a dissolution, and all other matters connected with or incidental to elections of members to serve in the House of Assembly of the said Island, shall apply to elections of members to serve in the House of Commons for the Electoral Districts, situate in the said Island of Prince Edward.

(Signed) DONALD MONTGOMERY,  
President.

COMMITTEE ROOM, LEGISLATIVE COUNCIL,  
May 28, 1873.

To the Queen's Most Excellent Majesty.

*Most Gracious Sovereign,*

We, Your Majesty's most dutiful and loyal subjects, the House of Assembly of Prince Edward Island in Parliament assembled, humbly approach Your Majesty, and pray that Your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the '*British North America Act, 1867*,' to admit Prince Edward Island into the Union or Dominion of Canada, on the terms and conditions expressed in certain Resolutions recently passed by the  
Houses

Houses of the Parliament of Canada, and also by the Houses of the Legislature of Prince Edward Island, which said Resolutions are as follows:—

*(Here follows a statement of the conditions of Union as set forth in the Address of the House of Commons, supra, and the Address concludes with a paragraph identical with the last paragraph of the Address of the Legislative Council of Prince Edward Island, supra.)*

(Signed) STANISLAUS F. PERRY,  
*Speaker.*

HOUSE OF ASSEMBLY, May 28, 1873.

# THE PARLIAMENT OF CANADA ACT, 1875.

38-39 VICTORIA, CHAPTER 38.

An Act to remove certain doubts with respect to the powers of the Parliament of Canada under section eighteen of the British North America Act, 1867. A.D. 1875.

[19th July, 1875.]

**W**HEREAS by section eighteen of the British North America Act, 1867, it is provided as follows: "The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof:" 30 & 31  
Vict., c. 3.

And whereas doubts have arisen with regard to the power of defining by an Act of the Parliament of Canada, in pursuance of the said section, the said privileges, powers, or immunities; and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** Section eighteen of the British North America Act, 1867, is hereby repealed, without prejudice to anything done under that section, and the following section shall be substituted for the section so repealed. Substitution of new section for section 18 of 30 & 31 Vict., c. 3.

The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof.

**2.** The Act of the Parliament of Canada passed in the thirty-first year of the reign of Her present Majesty, chapter twenty-four, intituled "An Act to provide for oaths to witnesses" Confirmation of Act of Parliament of Canada.

R.S., 1906.

ada 31 & 32  
Vict., c. 24. nesses being administered in certain cases for the purposes of either House of Parliament," shall be deemed to be valid, and to have been valid as from the date at which the Royal Assent was given thereto by the Governor-General of the Dominion of Canada.

Short title. **3.** This Act may be cited as the *Parliament of Canada Act, 1875.*

The Canada Copyright Act, 1875.

38 & 39 VICTORIA.

CHAPTER 53.

An Act to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright.

[2nd August, 1875.]

**W**HEREAS by an Order of Her Majesty in Council, dated the 7th day of July, 1868, it was ordered that all prohibitions contained in Acts of the Imperial Parliament against the importing into the Province of Canada, or against the selling, letting out to hire, exposing for sale or hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, should be suspended so far as regarded Canada:

And whereas the Senate and House of Commons of Canada did, in the second session of the third Parliament of the Dominion of Canada, held in the thirty-eighth year of Her Majesty's reign, pass a Bill intituled: "An Act respecting Copyrights," which Bill has been reserved by the Governor General for the signification of Her Majesty's pleasure thereon:

And whereas by the said reserved Bill provision is made, subject to such conditions as in the said Bill are mentioned, for securing in Canada the rights of authors in respect of matters of copyright, and for prohibiting the importation into Canada of any work for which copyright under the said reserved Bill has been secured; and whereas doubts have arisen whether the said reserved Bill may not be repugnant to the said Order in Council, and it is expedient to remove such doubts and to confirm the said Bill:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited for all purposes as "The Canada Copyright Act, 1875."

Short title of Act.

**2.** In the construction of this Act the words "book" and "copyright" shall have respectively the same meaning as in the Act of the fifth and sixth years of Her Majesty's reign, chapter forty-five, intituled: "An Act to amend the Law of Copyright."

Definition of terms.

**3.** It shall be lawful for Her Majesty in Council to assent to the said reserved Bill, as contained in the schedule to this

Her Majesty may

assent to  
the Bill in  
schedule.

Act annexed, and if Her Majesty shall be pleased to signify Her assent thereto, the said Bill shall come into operation at such time and in such manner as Her Majesty may by Order in Council direct; anything in the Act of the twenty-eighth and twenty-ninth years of the reign of Her Majesty, chapter ninety-three, or in any other Act to the contrary notwithstanding.

Colonial  
reprints not  
to be im-  
ported into  
United  
Kingdom.

4. Where any book in which, at the time when the said reserved Bill comes into operation, there is copyright in the United Kingdom, or any book in which thereafter there shall be such copyright, becomes entitled to copyright in Canada in pursuance of the provisions of the said reserved Bill, it shall be unlawful for any person, not being the owner, in the United Kingdom, of the copyright in such book, or some person authorized by him, to import into the United Kingdom any copies of such book reprinted or republished in Canada; and for the purposes of such importation the seventeenth section of the said Act, of the fifth and sixth years of the reign of Her Majesty, chapter forty-five, shall apply to all such books in the same manner as if they had been reprinted out of the British dominions.

Order in  
Council of  
7th July,  
1868 to con-  
tinue in  
force sub-  
ject to this  
Act.

5. The said Order in Council, dated the seventh day of July one thousand eight hundred and sixty-eight, shall continue in force so far as relates to books which are not entitled to copyright for the time being, in pursuance of the said reserved Bill.

## SCHEDULE,

### An Act respecting Copyrights.

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

**1.** The Minister of Agriculture shall cause to be kept in his office books to be called the "Registers of Copyrights," in which proprietors of literary, scientific, and artistic works or compositions may have the same registered in accordance with the provisions of this Act.

**2.** The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act; such regulations and forms, being circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all documents executed and accepted by the said Minister of Agriculture shall be held valid so far as relates to all official proceedings under this Act.

**3.** If any person prints or publishes, or causes to be printed or published, any manuscript whatever, the said manuscript having not yet been printed in Canada or elsewhere, without the consent of the author or legal proprietor first obtained, such person shall be liable to the author or proprietor for all damages occasioned by such publication; to be recovered in any court of competent jurisdiction.

**4.** Any person domiciled in Canada, or in any part of the British Possessions, or being a citizen of any country having an international copyright treaty with the United Kingdom, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture, or photograph, or who invents, designs, etches, engraves, or causes to be engraved, etched, or made from his own design, any print or engraving, and the legal representatives of such person, shall have the sole right and liberty of printing, reprinting, publishing, reproducing, and vending such literary, scientific, or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years from the time of recording the copyright thereof in the manner hereinafter directed:—

- (2.) The condition for obtaining such copyright shall be that the said literary, scientific or artistic works be printed and published, or reprinted or republished in Canada, or in the case of works of art that it be produced or reproduced in Canada, whether they be so published or produced for the first time or contemporaneously with or subsequently to publication or production elsewhere: provided that in no case the exclusive privilege in Canada shall continue to exist after it has expired anywhere else.
- (3.) No immoral, or licentious, or irreligious, or treasonable, or seditious literary, scientific, or artistic work shall be the legitimate subject of such registration or copyright.

5. If at the expiration of the aforesaid term of twenty-eight years, such author, or any of the authors when the work has been originally composed and made by more than one person, be still living, or being dead has left a widow or a child or children living, the same exclusive right shall be continued to such author, or, if dead, then to such widow and child or children (as the case may be) for the further term of fourteen years; but in such case within one year after the expiration of the first term the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyright.

6. In all cases of renewal of copyright under this Act the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the "Canada Gazette."

7. No person shall be entitled to the benefit of this Act unless he has deposited in the office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary, and sculpture, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by the Minister of Agriculture, or prescribed by the rules and forms which may be made from time to time as hereinbefore provided.

8. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving aforesaid, to be deposited in the Library of the Parliament of Canada.

**9.** No person shall be entitled to the benefit of this Act unless he gives information of the copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music, engravings or photographs, upon the title page or frontispiece thereof, the following words, that is to say: "Entered according to Act of Parliament of Canada, in the year \_\_\_\_\_, by A. B., in the office of the Minister of Agriculture." But as regards paintings, drawings, statuary, and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

**10.** Pending the publication or republication in Canada of a literary, scientific, or artistic work, the author, or his legal representatives or assigns, may obtain an interim copyright by depositing in the office of the Minister of Agriculture a copy of the title, or a designation of such work intended for publication or republication in Canada, the said title or designation to be registered in an interim copyright register in the said office, to secure to the author aforesaid, or his legal representatives or assigns, the exclusive rights recognized by this Act, previous to publication or republication in Canada; the said interim registration, however, not to endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada.

(2.) In all cases of interim registration under this Act, the author or proprietor shall cause notice of such registration to be inserted once in the "Canada Gazette."

(3.) A literary work intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be the subject of registration within the meaning of this Act while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the office of the Minister of Agriculture, and that every separate article so published is preceded by the words "Registered in accordance with the Copyright Act of 1875"; but the work when published in book or pamphlet form shall be subject, besides, to the other requirements of this Act.

(4.) The importation of newspapers and magazines published in foreign countries, and containing, together with foreign original matter, portions of British copyright works republished with the consent of the author or his assigns or under the law of the country where such copyright exists, shall not be prohibited.

**11.** If any other person after the interim registration of the title of any book according to this Act within the term herein limited, or after the copyright is secured, and for the term or terms of its duration, prints, publishes, or reprints, or republishes, or imports, or causes to be so printed, published, or imported, any copy or any translation of such book without the consent of the person legally entitled to the copyright thereof first had and obtained by assignment, or knowing the same to be so printed or imported, publishes, sells, or exposes for sale, or causes to be published, sold, or exposed for sale, any copy of such book without such consent, such offender shall forfeit every copy of such book to the person then legally entitled to the copyright thereof; and shall forfeit and pay for every such copy which may be found in his possession, either printed or printing, published, imported, or exposed for sale, contrary to the intent of this Act, such sum not being less than ten cents nor more than one dollar as the court shall determine; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such copyright, and such penalty may be recovered in any court of competent jurisdiction.

**12.** If any person after the recording of any painting, drawing, statue, or other work of art within the term or terms limited by this Act, reproduces in any manner or causes to be reproduced, made, or sold, in whole or in part, copies of the said works of art without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed, or photographed, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of the same reproduction so published or exposed for sale, contrary to the true intent and meaning of this Act, such sum, not being less than ten cents nor more than one dollar, as the court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction.

**13.** If any person, after the recording of any print, cut, or engraving, map, chart, musical composition, or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches, or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to, or diminishing the main design with intent to evade the law, or prints, or reprints, or imports for sale, or causes to be so printed or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any part thereof, without the con-

sent of the proprietor or proprietors of the copyright thereof first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells, or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph, or print without such consent as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph, or print has been copied, and also every sheet thereof so copied or printed as aforesaid, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of such map, musical composition, print, cut, or engraving which may be found in his or their possession, printed or published or exposed for sale contrary to the true intent and meaning of this Act, such sum not being less than ten cents nor more than one dollar as the court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction.

**14.** Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object.

**15.** Works of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada under any Canadian or Provincial Act, shall, upon being printed and published or reprinted and republished in Canada, be entitled to copyright under this Act; but nothing in this Act shall be held to prohibit the importation from the United Kingdom of copies of such works legally printed there.

(2.) In the case of the reprinting of any such copyright work subsequent to its publication in the United Kingdom, any person who may have previous to the date of entry of such work upon the registers of copyright imported any foreign reprints, shall have the privilege of disposing of such reprints by sale or otherwise; the burden of proof, however, in such a case will lie with such person to establish the extent and regularity of the transaction.

**16.** Whenever the author of a literary, scientific, or artistic work or composition which may be the subject of copyright has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is by the said transaction virtually transferred

to the purchaser who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

**17.** If any person, not having legally acquired the copyright of a literary, scientific, or artistic work, inserts in any copy thereof printed, produced, reproduced, or imported, or impresses on any such copy that the same hath been entered according to this Act, or words purporting to assert the existence of a Canadian copyright in relation thereto, every person so offending shall incur a penalty not exceeding three hundred dollars (one moiety whereof shall be paid to the person who sues for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction.

(2.) If any person causes any work to be inserted in the Register of Interim Copyright and fails to print and publish or reprint and republish the same within the time prescribed, he shall incur a penalty not exceeding one hundred dollars (one moiety whereof shall be paid to the person who sueth for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction.

**18.** The right of an author of a literary, scientific, or artistic work to obtain a copyright, and the copyright when obtained, shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing made in duplicate, and to be recorded in the office of the Minister of Agriculture, on production of both duplicates and payment of the fee hereinafter provided. One of the duplicates shall be retained in the office of the Minister of Agriculture, and the other returned, with the certificate of registration, to the party depositing it.

**19.** In case of any person making application to register as his own the copyright of a literary, scientific, or artistic work already registered in another person's name, or in case of simultaneous conflicting applications, or of an application made by any person other than the person entered as proprietor of a registered copyright, to cancel the said copyright, the party so applying shall be notified that the question is to be settled before a court of competent jurisdiction, and no further proceedings shall be had concerning the subject before a judgment is produced, maintaining, cancelling, or otherwise settling the matter; and this registration, or cancellation, or adjustment of the said right shall then be made by the Minister of Agriculture in accordance with such decision.

**20.** Clerical errors happening in the framing or copying of any instrument drawn in the office of the Minister of Agriculture shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture.

**21.** All copies or extracts certified from the officer of the Minister of Agriculture shall be received in evidence without further proof, and without production of the originals.

**22.** Should a work copyrighted in Canada become out of print, a complaint may be lodged by any person with the Minister of Agriculture, who, on the fact being ascertained to his satisfaction, shall notify the copyright owner of the complaint and of the fact; and if, within a reasonable time, no remedy is applied by such owner, the Minister of Agriculture may grant a license to any person to publish a new edition or to import the work, specifying the number of copies, and the royalty to be paid on each to the copyright owner.

**23.** The application for the registration of an interim copyright, of a temporary copyright, and of a copyright may be made in the name of the author or of his legal representative by any person purporting to be the agent of the said author, and any fraudulent assumption of such authority shall be a misdemeanour, and shall be punished by fine and imprisonment accordingly; and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable before any court of competent jurisdiction.

**24.** If any person shall wilfully make or cause to be made any false entry in the registry books of the Minister of Agriculture, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of an entry in the said books, he shall be guilty of a misdemeanour, and shall be punished accordingly.

**25.** If a book be published anonymously it shall be sufficient to enter it in the name of the first publisher thereof, either on behalf of the unnamed author or on behalf of such first publisher, as the case may be.

**26.** It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book or books unless the same shall contain very important alterations or additions.

**27.** No act or prosecution for the recovery of any penalty under this Act shall be commenced more than two years after the cause of action arose.

The following fees shall be payable to the Minister of Agriculture before an application for any of the purposes hereinafter mentioned shall be entertained; that is to say:

	\$	cts.
On registering a copyright. . . . .	1	00
On registering an interim copyright. . . . .	0	50
On registering a temporary copyright. . . . .	0	50
On recording an assignment. . . . .	1	00
On certified copy of registration . . . . .	0	50
On registering any decision of a court of justice, for every folio . . . . .	0	50

On office copies of documents not above mentioned, the following charges shall be made:

	\$	cts.
For every single or first folio certified copy. . . . .	0	50
For every subsequent one hundred words (fractions from and under fifty being not counted, and over fifty being counted for one hundred) . . . . .	0	25

- (2.) The said fees shall be in full of all services performed under this Act by the Minister of Agriculture, or by any person employed by him in pursuance of this Act.
- (3.) All fees received under this Act shall be paid over to the Receiver General and form part of the Consolidated Revenue Fund of Canada. No fees shall be made the subject of exemption in favour of any person, and no fee exacted by this Act, once paid, shall be returned to the person who paid it.

**28.** "The Copyright Act of 1868," being the Act thirty-first Victoria, chapter fifty-four, and all other Acts or parts of Acts inconsistent with the provisions of this Act, are hereby repealed, subject to the provisions of the next following section.

**29.** All copyrights heretofore acquired under the Acts or parts of Acts repealed shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the province or provinces to which they now extend, and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

**30.** In citing this Act it shall be sufficient to call it "The Copyright Act of 1875."

# THE BRITISH NORTH AMERICA ACT, 1886.

49-50 VICTORIA, CHAPTER 35.

An Act respecting the Representation in the Parliament of Canada of Territories which for the time being form part of the Dominion of Canada, but are not included in any Province.

[25th June, 1886.]

**W**HEREAS it is expedient to empower the Parliament of Canada to provide for the representation in the Senate and House of Commons of Canada, or either of them, of any territory which for the time being forms part of the Dominion of Canada, but is not included in any province:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.** The Parliament of Canada may from time to time make provision for the representation in the Senate and House of Commons of Canada, or in either of them, of any territories which for the time being form part of the Dominion of Canada, but are not included in any province thereof.

Provision by Parliament of Canada for representation of territories.

**2.** Any Act passed by the Parliament of Canada before the passing of this Act for the purpose mentioned in this Act shall, if not disallowed by the Queen, be, and shall be deemed to have been, valid and effectual from the date at which it received the assent, in Her Majesty's name, of the Governor-General of Canada.

Effect of Acts of Parliament of Canada.

It is hereby declared that any Act passed by the Parliament of Canada, whether before or after the passing of this Act, for the purpose mentioned in this Act or in the British North America Act, 1871, has effect, notwithstanding anything in the British North America Act, 1867, and the number of Senators or the number of Members of the House of Commons specified in the last-mentioned Act is increased by the number of Senators or of Members, as the case may be, provided by any such Act of the Parliament of Canada for the representation of any provinces or territories of Canada.

34 & 35 Vict., c. 28.  
30 & 31 Vict., c. 3.

**3.** This Act may be cited as the British North America Act, 1886.

Short title and construction.

This  
R.S., 1906.

30 & 31  
Vict., c. 3. This Act and the British North America Act, 1867, and the  
34 & 35  
Vict., c. 28. British North America Act, 1871, shall be construed together,  
and may be cited together as the British North America Acts,  
1867 to 1886.

Canada (Ontario Boundary) Act, 1889.

52 & 53 VICTORIA.

CHAPTER 28.

An Act to declare the Boundaries of the Province of Ontario in the Dominion of Canada.

[12th August, 1889.]

**W**HEREAS the Senate and Commons of Canada in Parliament assembled have presented to Her Majesty the Queen the address set forth in the schedule to this Act respecting the boundaries of the Province of Ontario:

And whereas the Government of the Province of Ontario have assented to the boundaries mentioned in that Address:

And whereas such boundaries so far as the Province of Ontario adjoins the Province of Quebec are identical with those fixed by the proclamation of the Governor General issued in November, one thousand seven hundred and ninety-one, which have ever since existed:

And whereas such boundaries, so far as the Province of Ontario adjoins the Province of Manitoba, are identical with those found to be the correct boundaries by a report of the Judicial Committee of the Privy Council, which Her Majesty the Queen in Council, on the eleventh day of August one thousand eight hundred and eighty-four, ordered to be carried into execution:

And whereas it is expedient that the boundaries of the Province of Ontario should be declared by authority of Parliament in accordance with the said Address:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Canada (Ontario Boundary) Act, 1889. Short title.

2. It is hereby declared that the westerly, northerly, and easterly boundaries of the province of Ontario are those described in the Address set forth in the schedule to this Act. Declaration of boundaries of Ontario.



## Canada (Ontario Boundary) Act, 1889.

### SCHEDULE.

#### Address to the Queen from the Senate and House of Commons of Canada.

We, Your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada, in Parliament assembled, humbly approach Your Majesty with the request that Your Majesty may be graciously pleased to cause a measure to be submitted to the Parliament of the United Kingdom, declaring and providing the following to be the westerly, northerly, and easterly boundaries of the province of Ontario, that is to say:—

Commencing at the point where the international boundary between the United States of America and Canada strikes the western shores of Lake Superior, thence westerly along the said boundary to the north-west angle of the Lake of the Woods, thence along a line drawn due north until it strikes the middle line of the course of the river discharging the waters of the lake called Lake Seul or the Lonely Lake, whether above or below its confluence with the stream flowing from the Lake of the Woods towards Lake Winnipeg, and thence proceeding eastward from the point at which the before-mentioned line strikes the middle line of the course of the river last aforesaid, along the middle line of the course of the same river (whether called by the name of the English River or, as to the part below the confluence, by the name of the River Winnipeg) up to Lake Seul or the Lonely Lake, and thence along the middle line of Lake Seul or Lonely Lake to the head of that lake, and thence by a straight line to the nearest point of the middle line of the waters of Lake St. Joseph, and thence along that middle line until it reaches the foot or outlet of that lake, and thence along the middle line of the river by which the waters of Lake St. Joseph discharge themselves to the shore of the part of Hudson's Bay commonly known as James' Bay, and thence southeasterly following upon the said shore to a point where a line drawn due north from the head of Lake Temiscamingue would strike it, and thence due south along the said line to the head of the said lake, and thence through the middle channel of the said lake into the Ottawa River, and thence descending along the middle of the main channel of the said river to the intersection by the prolongation of the western limits of the Seigneurie of Rigaud, such mid-channel being as indicated on a map of the Ottawa Ship Canal Survey made by Walter Shanly, C.E., and approved by Order of the Governor General in Council, dated the

twenty-first July, one thousand eight hundred and eighty-six; and thence southerly, following the said westerly boundary of the Seigneurie of Rigaud to the south-west angle of the said Seigneurie, and then southerly along the western boundary of the augmentation of the township of Newton to the north-west angle of the Seigneurie of Longueuil, and thence south-easterly along the south-western boundary of said Seigneurie of New Longueuil to a stone boundary on the north bank of the Lake St. Francis, at the cove west of Point au Baudet, such line from the Ottawa River to Lake St. Francis being as indicated on a plan of the line of boundary between Upper and Lower Canada, made in accordance with the Act 23 Victoria, chapter 21, and approved by order of the Governor General in Council, dated the 16th March, 1861.

British Columbia (Loan) Act, 1892.

55 & 56 VICTORIA.

CHAPTER 52.

An Act to authorize an Advance to the Government of the Province of British Columbia.

[27th June, 1892.]

WHEREAS an arrangement has been made with the Government of the Province of British Columbia for the transfer to and settlement upon the sea coast and islands of that province of a number of families from the parishes in Scotland to which the Crofters' Holdings (Scotland) Act, 1886, by virtue of a determination under section nineteen of that Act, applies (in this Act referred to as "crofter parishes"), and with a view to carrying into effect the arrangement, it is expedient to authorize a temporary advance out of the Consolidated Fund of the United Kingdom to the said Government:

And whereas by an Act of the Legislative Assembly of the said Province the Lieutenant Governor in Council is authorized to accept the said loan, and to pledge the credit of the Province for the repayment thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the British Columbia (Loan) Act, 1892. Short title.

2.—(1.) In order to assist the Government of the Province of British Columbia to transfer to and settle upon the sea coast and islands of that Province families from the crofter parishes of Scotland, the Treasury may, before the first day of January one thousand eight hundred and ninety-eight advance to the said Government, on the security hereinafter mentioned, any sum or sums not exceeding in the whole one hundred and fifty thousand pounds, which shall be applied by the said Government for the purpose of effecting the said transfer and settlement on proper conditions. Advance, of £150,000 by Treasury to Government of British Columbia.

(2.) The said Government shall repay every sum advanced by equal half-yearly instalments within thirty years from the date of its advance, and the first of such instalments shall be paid within five years from the date of the advance.

(3.) The said Government shall pay interest half-yearly at the rate of three per cent per annum on the amounts advanced for the time being and not repaid.

(4.) The Treasury may agree to add to an advance all or any part of the interest accruing thereon in each of the first five years, and the interest so added in each year shall be deemed thereafter to form part of the advance, but to be in addition to the maximum advance authorized by this Act.

Conditions  
of advance.

**3.**—(1.) The said loan shall be advanced in instalments of not more than fifty thousand pounds each.

(2.) Before advancing the first instalment the Treasury shall be satisfied, by such evidence as they require, that suitable arrangements are made for the said purpose.

(3.) Before advancing any instalments after the first the Treasury shall be satisfied by such evidence as they require that the prior instalment or instalments have been duly expended for the said purpose, and that suitable arrangements have been made or are continued for the said purpose.

(4.) An advance in pursuance of this Act shall not be made until the Government of the Province of British Columbia has deposited in such manner as the Treasury require such number of the debentures hereinafter mentioned as in nominal amount are equal to the amount of the advance, inclusive of any interest which is likely to be added to the advance.

(5.) The debentures shall be debentures of the said Government issued in pursuance of Act number sixty-one of 1892 passed by the Legislative Assembly of the said Province, or of an Act to be hereafter passed by the said Legislative Assembly, and shall bear interest at the rate of three per cent per annum, and have coupons attached for such interest for not less than thirty years: Provided that the Treasury shall not dispose of any such debenture or coupon otherwise than by returning the same to the said Government until default is made in payment of any principal or interest for the time being due from that Government in respect of the advance.

(6.) If it appears to the Treasury that the purposes of this Act have been abandoned before the whole of an advance or any part thereof has been expended, they may require the Government of the Province to repay the amount not so expended, and that Government shall repay the same.

Law of the  
Province  
not to  
impair  
validity of  
charge.

**4.** Every Act hereafter passed by the Legislature of the Province of British Columbia which in any way impairs the validity or priority of the charge upon the revenues of the Province of the principal or interest of any advance made or debenture deposited in pursuance of this Act shall, so far as it impairs such validity or priority, be void unless the previous consent of the Treasury has been obtained

**5.—(1.)** Every advance under this Act shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Issue and raising of advances and application of sums repaid.

(2.) For the purpose of borrowing the amount of the advance, or money to repay to the Consolidated Fund the advance, or of paying off any money borrowed or security issued under this section, the Treasury may, if they think fit, issue exchequer bonds or exchequer bills, or treasury bills, or otherwise borrow on the credit of the charge created by this Act on the Consolidated Fund, or do all of such things, and the sum arising from such issue or borrowing shall be paid into the Exchequer.

(3.) The principal and interest of all securities issued or sums borrowed under this section shall be charged upon and issued out of the Consolidated Fund of the United Kingdom or out of the growing produce thereof.

(4.) Every exchequer bond issued in pursuance of this Act shall be for a sum of not less than one hundred pounds, and shall provide for the paying off of such bond at par at any period not exceeding five years nor less than twelve months from the date of such bond.

(5.) All sums paid by the Government of the Province in respect of the principal of or interest on any advance under this Act and all sums arising from the disposal of any debentures deposited in pursuance of this Act or of the coupons thereof shall be paid into the Exchequer.

**6.** Section fifteen of the Exchequer Bills and Bonds Act, 1866 (which section relates to the forgery of exchequer bills), shall apply to all exchequer bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of exchequer bond for exchequer bill.

Extension of 29 and 30 Vict., c. 25, to bonds.

**7.** An account of all sums issued out of the Consolidated Fund in pursuance of this Act, and of all sums paid by the Government of the Province of British Columbia in respect of the interest or principal of any advance in pursuance of this Act, shall be annually laid before Parliament in such form as the Treasury direct, so long as any such advance remains outstanding.

Count of advances.



Canadian Speaker (Appointment of Deputy) Act,  
1895.

59 VICTORIA.

CHAPTER 3.

An Act for removing Doubts as to the Validity of an Act passed by the Parliament of the Dominion of Canada respecting the Deputy Speaker of the Senate.

[5th September, 1895.]

**W**HEREAS the Parliament of Canada have passed an Act intituled "An Act respecting the Speaker of the Senate," and providing for the appointment of a deputy during the illness or absence of the Speaker of the Senate. and containing a suspending clause to the effect that the Act should not come into force until Her Majesty's pleasure thereon has been signified by proclamation in the *Canada Gazette*:

And whereas doubts have arisen as to the power of the Parliament of Canada to pass that Act, and it is expedient to remove those doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Act of the Parliament of Canada passed in the session held in the fifty-seventh and fifty-eighth years of Her Majesty's reign, entitled: "An Act respecting the Speaker of the Senate," shall be deemed to be valid, and to have been valid, as from the date at which the Royal Assent was given thereto by the Governor General of the Dominion of Canada.

Confirmation of Canadian Act with respect to Speaker of Senate.

2. This Act may be cited as the Canadian Speaker (Appointment of Deputy) Act, 1895, Session 2.

Short title.





# 61 VICTORIA.

## CHAP. 4.

### An Act respecting the Manitoba Debt Account.

[Assented to 13th June, 1898.]

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

1. The Governor in Council may direct that the sum of two hundred and sixty-seven thousand and twenty-six dollars and forty-three cents, being the cost of the erection of the legislative buildings and government house at Winnipeg, which sum was charged against the "Province of Manitoba Debt Account," be, on or from the first day of July, one thousand eight hundred and ninety-eight, credited to the said account, and that the interest payable to the said province on the said first day of July, one thousand eight hundred and ninety-eight, on the balance at the credit of the said debt account be calculated on the balance at the credit of the said account after the said sum of two hundred and sixty-seven thousand and twenty-six dollars and forty-three cents has been credited as herein provided.

Cost of legislative buildings and government house at Winnipeg.

2. The Governor in Council may, on or after the said first day of July, one thousand eight hundred and ninety-eight, pay to the Government of the province of Manitoba the sum of two hundred and thirty-one thousand five hundred and seventy-five dollars and forty-seven cents, being the total of the amounts which would have been payable to the province of Manitoba by the Dominion, in excess of the amounts actually paid, as interest from time to time payable on the balances at the credit of the said debt account, had the cost of the erection of the said legislative buildings and government house at Winnipeg not been charged against the said debt account, together with interest at the rate of five per cent per

Payment of interest to Manitoba.

annum on each of the amounts so payable in excess of the amounts actually paid, from the date when they would have been payable to the said first day of July, one thousand eight hundred and ninety-eight.

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## 3 EDWARD VII.

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### CHAP. 41.

An Act to provide for advances to the Government of the North-west Territories.

[Assented to 24th October, 1908.]

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

1. The Governor in Council may, in his discretion, from time to time, advance to the Government of the North-west Territories any sum required for local improvements in the North-west Territories, not exceeding in the whole the sum of two hundred and fifty thousand dollars. Advances for local improvements.

2. All sums so advanced to the Government of the North-west Territories shall be charged in an account to be known as "The North-west Territories Debt Account," and shall, in any financial arrangement that may be made in connection with the organization of a province or provinces in the said territories, be taken into consideration as a debt owing by the said territories to the Dominion of Canada. Account thereof.



## THE ALBERTA ACT.

4 AND 5 EDWARD VII., CHAPTER 3.

An Act to establish and provide for the Government of the Province of Alberta.

[Assented to 20th July, 1905.]

**W**HEREAS in and by *The British North America Act*, Preamble.

1871, being chapter 28 of the Acts of the Parliament of the United Kingdom passed in the session thereof held in the 34th and 35th years of the reign of Her late Majesty Queen Victoria, it is enacted that the Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province, and for its representation in the said Parliament of Canada;

And whereas it is expedient to establish as a province the territory hereinafter described, and to make provision for the government thereof and the representation thereof in the Parliament of Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Alberta Act*.

Short title.

2. The territory comprised within the following boundaries, that is to say,—commencing at the intersection of the international boundary dividing Canada from the United States of America by the fourth meridian in the system of Dominion lands surveys; thence westerly along the said international boundary to the eastern boundary of the province of British Columbia; thence northerly along the said eastern boundary of the province of British Columbia to the north-east corner of the said province; thence easterly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the system of Dominion lands surveys as the same may be hereafter defined in accordance with the said system; thence southerly along the said fourth meridian to the point of commencement,—is hereby established as a province of the Dominion of Canada, to be called and known as the province of Alberta.

Province of Alberta formed; its boundaries.

3. The provisions of *The British North America Acts*, 1867 to 1886, shall apply to the province of Alberta in the same way and to the like extent as they apply to the provinces heretofore

B.N.A. Acts, 1867 to 1886, to apply.

comprised

R.S., 1906.

comprised in the Dominion, as if the said province of Alberta had been one of the provinces originally united, except in so far as varied by this Act and except such provisions as are in terms made, or by reasonable intendment, may be held to be specially applicable to or only to affect one or more and not the whole of the said provinces.

Representa-  
tion in the  
Senate.

4. The said province shall be represented in the Senate of Canada by four members: Provided that such representation may, after the completion of the next decennial census, be from time to time increased to six by the Parliament of Canada.

Representa-  
tion in the  
House of  
Commons.

5. The said province and the province of Saskatchewan shall, until the termination of the Parliament of Canada existing at the time of the first readjustment hereinafter provided for, continue to be represented in the House of Commons as provided by chapter 60 of the statutes of 1903, each of the electoral districts defined in that part of the schedule to the said Act which relates to the North-west Territories, whether such district is wholly in one of the said provinces, or partly in one and partly in the other of them, being represented by one member.

Readjust-  
ment after  
next quin-  
quennial  
census.

6. Upon the completion of the next quinquennial census for the said province, the representation thereof shall forthwith be readjusted by the Parliament of Canada in such manner that there shall be assigned to the said province such a number of members as will bear the same proportion to the number of its population ascertained at such quinquennial census as the number sixty-five bears to the number of the population of Quebec as ascertained at the then last decennial census; and in the computation of the number of members for the said province a fractional part not exceeding one-half of the whole number requisite for entitling the province to a member shall be disregarded, and a fractional part exceeding one-half of that number shall be deemed equivalent to the whole number, and such readjustment shall take effect upon the termination of the Parliament then existing.

Subsequent  
readjust-  
ments.

2. The representation of the said province shall thereafter be readjusted from time to time according to the provisions of section 51 of *The British North America Act, 1867*.

Election of  
members of  
House of  
Commons.

7. Until the Parliament of Canada otherwise provides, the qualifications of voters for the election of members of the House of Commons and the proceedings at and in connection with elections of such members shall, *mutatis mutandis*, be those prescribed by law at the time this Act comes into force with respect to such elections in the North-west Territories.

Executive  
Council.

8. The Executive Council of the said province shall be composed of such persons, under such designations, as the Lieutenant Governor from time to time thinks fit.

9.

**9.** Unless and until the Lieutenant Governor in Council of the said province otherwise directs, by proclamation under the Great Seal, the seat of government of the said province shall be at Edmonton. Seat of Government.

**10.** All powers, authorities and functions which under any law were before the coming into force of this Act vested in or exercisable by the Lieutenant Governor of the North-west Territories, with the advice, or with the advice and consent, of the Executive Council thereof, or in conjunction with that Council or with any member or members thereof, or by the said Lieutenant Governor individually, shall, so far as they are capable of being exercised after the coming into force of this Act in relation to the government of the said province, be vested in and shall or may be exercised by the Lieutenant Governor of the said province, with the advice or with the advice and consent of, or in conjunction with, the Executive Council of the said province or any member or members thereof, or by the Lieutenant Governor individually, as the case requires, subject nevertheless to be abolished or altered by the Legislature of the said province. Powers of Lieutenant Governor and Council.

**11.** The Lieutenant Governor in Council shall, as soon as may be after this Act comes into force, adopt and provide a Great Seal of the said province, and may, from time to time, change such seal. Great Seal.

**12.** There shall be a Legislature for the said province consisting of the Lieutenant Governor and one House to be styled the Legislative Assembly of Alberta. Legislature.

**13.** Until the said Legislature otherwise provides, the Legislative Assembly shall be composed of twenty-five members, to be elected to represent the electoral divisions defined in the schedule to this Act. Legislative Assembly.

**14.** Until the said Legislature otherwise determines, all the provisions of the law with regard to the constitution of the Legislative Assembly of the North-west Territories and the election of members thereof shall apply, *mutatis mutandis*, to the Legislative Assembly of the said province and the elections of members thereof respectively. Election of members of Assembly.

**15.** The writs for the election of the members of the first Legislative Assembly of the said province shall be issued by the Lieutenant Governor and made returnable within six months after this Act comes into force. Writs for first election.

**16.** All laws and all orders and regulations made thereunder, so far as they are not inconsistent with anything contained Laws, courts and officers continued.

tained in this Act, or as to which this Act contains no provision intended as a substitute therefor, and all courts of civil and criminal jurisdiction, and all commissions, powers, authorities and functions, and all officers and functionaries, judicial, administrative and ministerial, existing immediately before the coming into force of this Act in the territory hereby established as the province of Alberta, shall continue in the said province as if this Act and *The Saskatchewan Act* had not been passed; subject, nevertheless, except with respect to such as are enacted by or existing under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, to be repealed, abolished or altered by the Parliament of Canada, or by the Legislature of the said province, according to the authority of the Parliament, or of the said Legislature: Provided that all powers, authorities and functions which, under any law, order or regulation were, before the coming into force of this Act, vested in or exercisable by any public officer or functionary of the North-west Territories shall be vested in and exercisable in and for the said province by like public officers and functionaries of the said province when appointed by competent authority.

Proviso.

Province may abolish Supreme Court of N.W.T.

Proviso.

2. The Legislature of the province may, for all purposes affecting or extending to the said province, abolish the Supreme Court of the North-west Territories, and the offices, both judicial and ministerial, thereof, and the jurisdiction, powers and authority belonging or incident to the said court: Provided that, if, upon such abolition, the Legislature constitutes a superior court of criminal jurisdiction, the procedure in criminal matters then obtaining in respect of the Supreme Court of the North-west Territories shall, until otherwise provided by competent authority, continue to apply to such superior court, and that the Governor in Council may at any time and from time to time declare all or any part of such procedure to be inapplicable to such superior court.

As to certain corporations in N.W.T.

3. All societies or associations incorporated by or under the authority of the Legislature of the North-west Territories existing at the time of the coming into force of this Act which include within their objects the regulation of the practice of or the right to practise any profession or trade in the North-west Territories, such as the legal or the medical profession, dentistry, pharmaceutical chemistry and the like, shall continue, subject, however, to be dissolved and abolished by order of the Governor in Council, and each of such societies shall have power to arrange for and effect the payment of its debts and liabilities, and the division, disposition or transfer of its property.

As to joint-stock companies.

4. Every joint-stock company lawfully incorporated by or under the authority of any ordinance of the North-west Territories shall be subject to the legislative authority of the province of Alberta if—

(a.)

(a.) the head office or the registered office of such company is at the time of the coming into force of this Act situate in the province of Alberta; and

(b.) the powers and objects of such company are such as might be conferred by the Legislature of the said province and not expressly authorized to be executed in any part of the North-west Territories beyond the limits of the said province.

**17.** Section 93 of *The British North America Act, 1867*, Education. shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:—

“1. Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the Ordinances of the North-west Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.”

2. In the appropriation by the Legislature or distribution by the Government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29 or any Act passed in amendment thereof, or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

3. Where the expression “by law” is employed in paragraph 3 of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30, and where the expression “at the Union” is employed, in the said paragraph 3, it shall be held to mean the date at which this Act comes into force.

**18.** The following amounts shall be allowed as an annual Subsidy to the province of Alberta and shall be paid by the Government of Canada, by half-yearly instalments in advance, to the said province, that is to say:—

(a.) for the support of the Government and Legislature, fifty thousand dollars; For government.

(b.) on an estimated population of two hundred and fifty thousand, at eighty cents per head, two hundred thousand dollars, subject to be increased as hereinafter mentioned, that is to say:—a census of the said province shall be taken in every fifth year, reckoning from the general census of one thousand nine hundred and one, and an approximate estimate of the population shall be made at equal intervals of time between each quinquennial and decennial census; and whenever the population, by any such census or estimate, exceeds two hundred and fifty thousand, which shall be the minimum on which the said allowance shall be calculated, the amount of the said allowance shall be increased accordingly, and so on until the population has reached eight hundred thousand souls. In proportion to population.

**19.**

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Annual  
payment to  
province.

**19.** Inasmuch as the said province is not in debt, it shall be entitled to be paid and to receive from the Government of Canada, by half-yearly payments in advance, an annual sum of four hundred and five thousand three hundred and seventy-five dollars, being the equivalent of interest at the rate of five per cent per annum on the sum of eight million one hundred and seven thousand five hundred dollars.

Compensa-  
tion to pro-  
vince for  
public lands.

**20.** Inasmuch as the said province will not have the public land as a source of revenue, there shall be paid by Canada to the province by half-yearly payments, in advance, an annual sum based upon the population of the province as from time to time ascertained by the quinquennial census thereof, as follows:—

The population of the said province being assumed to be at present two hundred and fifty thousand, the sum payable until such population reaches four hundred thousand, shall be three hundred and seventy-five thousand dollars;

Thereafter, until such population reaches eight hundred thousand, the sum payable shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

Further com-  
pensation.

2. As an additional allowance in lieu of public lands, there shall be paid by Canada to the province annually by half-yearly payments, in advance, for five years from the time this Act comes into force, to provide for the construction of necessary public buildings, the sum of ninety-three thousand seven hundred and fifty dollars.

Property in  
lands, &c.

**21.** All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the province under *The North-west Irrigation Act, 1898*, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said province with the substitution therein of the said province for the North-west Territories.

Division of  
assets and  
liabilities  
between  
Saskatche-  
wan and  
Alberta.

**22.** All properties and assets of the North-west Territories shall be divided equally between the said province and the province of Saskatchewan, and the two provinces shall be jointly and equally responsible for all debts and liabilities of the North-west Territories: Provided that, if any difference

Arbitration.

arises as to the division and adjustment of such properties,  
assets

assets, debts and liabilities, such difference shall be referred to the arbitrament of three arbitrators, one of whom shall be chosen by the Lieutenant Governor in Council of each province, and the third by the Governor in Council. The selection of such arbitrators shall not be made until the Legislatures of the provinces have met, and the arbitrator chosen by Canada shall not be resident of either province.

**23.** Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Rupert's Land to the Crown. Rights of  
H. B. Co.

**24.** The powers hereby granted to the said province shall be exercised subject to the provisions of section 16 of the contract set forth in the schedule to chapter 1 of the statutes of 1881, being an Act respecting the Canadian Pacific Railway Company. Provision as  
to C.P.R.  
Co.

**25.** This Act shall come into force on the first day of September, one thousand nine hundred and five. Commence-  
ment of Act.

## SCHEDULE.

### (Section 13.)

The province of Alberta shall be divided into twenty-five electoral divisions which shall respectively comprise and consist of the parts and portions of the province hereinafter described.

In the following descriptions where "meridians between ranges" and "boundaries of townships" or "boundaries of sections" are referred to as the boundaries of electoral divisions, these expressions mean the meridians, boundaries of townships or boundaries of sections, as the case may be, in accordance with the Dominion Lands system of surveys, and include the extension thereof in accordance with the said system.

#### *Names and Descriptions of Divisions.*

(1) The electoral division of Medicine Hat, bounded as follows:—

Commencing at the intersection of the eastern boundary of the said province of Alberta by the north boundary of the 38th township; thence westerly along the north boundary of the 38th townships to the meridian between the 10th and 11th ranges, west of the 4th meridian; thence southerly along the meridian between the 10th and 11th ranges to the southern boundary

boundary of the said province of Alberta; thence easterly along the said southern boundary of the province of Alberta to the south-east corner thereof; thence northerly along the eastern boundary of the said province of Alberta to the point of commencement.

(2) The electoral division of Cardston, bounded as follows:—

Commencing at the southern boundary of the said province of Alberta where it is intersected by the meridian between the 10th and 11th ranges, west of the 4th meridian; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 5th township; thence westerly along the north boundary of the 5th township to the St. Mary river; thence along the St. Mary river up stream to the south boundary of the Blood Indian Reserve; thence westerly along the said south boundary of the Blood Indian Reserve to the meridian between the 27th and 28th ranges west of the 4th meridian; thence southerly along the said meridian between the 27th and 28th ranges to the north boundary of the 2nd township; thence westerly along the north boundary of the 2nd townships to the meridian between the 29th and 30th ranges west of the 4th meridian; thence southerly along the said meridian between the 29th and 30th ranges to the southern shore of the Waterton Lakes; thence in a westerly and southerly direction and following the southerly and eastern shores of the said Waterton Lakes to the southern boundary of the said province of Alberta; thence easterly along the said southern boundary of the province of Alberta to the point of commencement.

(3) The electoral division of Lethbridge, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 5th township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 14th township; thence westerly along the north boundary of the 14th townships to the Bow river; thence along the Bow river up stream to the north boundary of the 19th township; thence westerly along the north boundary of the 19th townships to the meridian between the 22nd and 23rd ranges, west of the 4th meridian; thence southerly along the said meridian between the 22nd and 23rd ranges to the Belly river; thence along the Belly river down stream to the St. Mary river; thence along the St. Mary river up stream to the north boundary of the 5th township; thence easterly along the north boundary of the 5th townships to the point of commencement.

(4) The electoral division of Macleod, bounded as follows:—

Commencing at the south boundary of the Blood Indian Reserve where it is intersected by the St. Mary river; thence  
along

along the said St. Mary river down stream to the Belly river; thence along the said Belly river up stream to its most northerly intersection with the meridian between the 22nd and 23rd ranges, west of the 4th meridian; thence northerly along the said meridian between the 22nd and 23rd ranges to the north boundary of the 14th township; thence westerly along the north boundary of the 14th townships to the western boundary of the province of Alberta; thence in a southerly direction and along the said western boundary of the province of Alberta to the north boundary of the 11th township; thence easterly along the said north boundary of the 11th township to the 5th meridian; thence southerly along the said 5th meridian to the north boundary of the 10th township; thence easterly along the said north boundary of the 10th township to the meridian between the 29th and 30th ranges, west of the 4th meridian; thence southerly along the said meridian between the 29th and 30th ranges to the north boundary of the 8th township; thence easterly along the said north boundary of the 8th township to the west boundary of the Peigan Indian Reserve; thence southerly along the said west boundary of the Peigan Indian Reserve to the south-west corner of the said Peigan Indian Reserve; thence easterly along the south boundary of the said Peigan Indian Reserve to the south-east corner of the said Reserve; thence in a straight line south-easterly to the north-east corner of section 14 in the 6th township in the 27th range, west of the 4th meridian; thence along the north boundary of section 13 in the said 6th township and in the 27th range to the meridian between the 26th and 27th ranges west of the 4th meridian; thence southerly along the said meridian between the 26th and 27th ranges to the Belly river; thence along the Belly river up stream to the south boundary of the said Blood Indian Reserve; thence easterly along the said south boundary of the Blood Indian Reserve to the point of commencement.

(5) The electoral division of Pincher Creek, bounded as follows:—

Commencing at the southern boundary of the said province of Alberta, where it is intersected by the eastern shore of the Waterton lakes, thence northerly and easterly and along the said eastern shores and the southern shores of the Waterton lakes to the meridian between the 29th and 30th ranges west of the 4th meridian; thence northerly along the said meridian between the 29th and 30th ranges to the north boundary of the 2nd township; thence easterly along the said north boundary of the 2nd townships to the meridian between the 27th and 28th ranges west of the 4th meridian; thence northerly along the said meridian between the 27th and 28th ranges to the south boundary of the Blood Indian Reserve; thence westerly along the said south boundary of the Blood Indian Reserve to the Belly river; thence along the said Belly River down stream to the meridian between the 26th

and

and 27th ranges west of the 4th meridian; thence northerly along the said meridian between the 26th and 27th ranges to the northeast corner of section 13 in the 6th township in the said 27th range; thence westerly along the north boundary of the said section 13 to the northeast corner of section 14 in the said 6th township in the 27th range; thence in a straight line northwesterly to the southeast corner of the Peigan Indian Reserve; thence westerly along the south boundary of the said Peigan Indian Reserve to the southwest corner of the said Indian Reserve; thence northerly along the west boundary of the said Indian Reserve to the north boundary of the 8th township; thence westerly along the said north boundary of the 8th townships to the meridian between the 29th and 30th ranges west of the 4th meridian; thence northerly along the said meridian between the 29th and 30th ranges to the north boundary of the 10th township; thence westerly along the said north boundary of the 10th township to the 5th meridian; thence northerly along the said 5th meridian to the north boundary of the 11th township; thence westerly along the said north boundary of the 11th townships to the western boundary of the said province of Alberta; thence in a southerly direction and along the said western boundary of the province of Alberta to the southern boundary of the said province of Alberta; thence easterly along the said southern boundary of the province of Alberta to the point of commencement.

(6) The electoral district of Gleichen, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the northern boundary of the 14th township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 28th township; thence westerly along the said north boundary of the 28th townships to the meridian between the 2nd and 3rd ranges, west of the 5th meridian; thence southerly along the said meridian between the 2nd and 3rd ranges, to the north boundary of the 22nd township; thence easterly along the said north boundary of the 22nd townships to the Bow river; thence along the said Bow river down stream to the north boundary of the 14th township; thence easterly along the said north boundary of the 14th townships to the point of commencement;—excepting and reserving out of the said electoral division the city of Calgary, as incorporated by ordinances of the North-west Territories.

(7) The electoral division of Calgary City, comprising the city of Calgary as incorporated by ordinance of the North-west Territories.

(8) The electoral division of Rosebud, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 28th township; thence northerly along the said meridian between the 10th and 11th ranges to the north

north boundary of the 33rd township; thence westerly along the said north boundary of the 33rd townships to the western boundary of the province of Alberta; thence in a southerly direction and along the said western boundary of the province of Alberta to the north boundary of the 28th township; thence easterly along the said north boundary of the 28th townships to the point of commencement.

(9) The electoral division of High River, bounded as follows:—

Commencing at the meridian between the 22nd and 23rd ranges, west of the 4th meridian, where it is intersected by the north boundary of the 14th township; thence northerly along the said meridian between the 22nd and 23rd ranges to the north boundary of the 19th township; thence easterly along the said north boundary of the 19th townships to the Bow river; thence along the said Bow river up stream to the north boundary of the 22nd township; thence westerly along the said north boundary of the 22nd townships to the western boundary of the province of Alberta; thence in a southerly direction and along the said western boundary of the province of Alberta to the north boundary of the 14th township; thence easterly along the said north boundary of the 14th townships to the point of commencement.

(10) The electoral division of Banff, bounded as follows:—

Commencing at the meridian between the 24th and 25th ranges, west of the 5th meridian, where it is intersected by the north boundary of the 22nd township; thence northerly along the said meridian between the 2nd and 3rd ranges to the north boundary of the 28th township; thence westerly along the said north boundary of the 28th townships to the western boundary of the province of Alberta; thence in a southerly direction and along the said western boundary of the province of Alberta to the north boundary of the 22nd township; thence easterly along the said north boundary of the 22nd townships to the point of commencement.

(11) The electoral division of Innisfail, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 33rd township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of section twenty-four in the 36th township; thence westerly along the section line which bounds on the north the section comprising the most southerly two-thirds of the 36th townships to the Red Deer river, in the 28th range, west of the 4th meridian; thence along the said Red Deer river down stream to the north boundary of section twenty-two, in the 37th township; thence westerly along the section line which bounds on the north the sections comprising the most southerly two-thirds of the 37th townships to the western boundary of  
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the province of Alberta; thence in a southerly direction and along the said western boundary of the province of Alberta to the north boundary of the 33rd township; thence easterly along the north boundary of the 33rd townships to the point of commencement.

(12) The electoral division of Red Deer, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of section 24, in the 36th township; thence northerly along the said meridian between the 10th and 11th ranges to the said north boundary of the 38th township; thence westerly along the said north boundary of the 38th townships to where the said north boundary of the 38th townships is intersected by the Red Deer river in the 26th range, west of the 4th meridian; thence along the said Red Deer river up stream to the Blindman river; thence along the said Blindman river up stream to the north boundary of the 39th township; thence westerly along the said north boundary of the 39th townships to the North Saskatchewan river; thence along the North Saskatchewan river up stream to the section line which bounds on the north the sections comprising the most southerly two-thirds of the 37th townships; thence easterly along the said section line which bounds on the north the sections comprising the most southerly two-thirds of the 37th townships to the Red Deer river; thence along the Red Deer river up stream to the north boundary of section twenty, in the 36th township; thence easterly along the section line which bounds on the north the sections comprising the most southerly two-thirds of the said 36th townships to the point of commencement.

(13) The electoral division of Vermilion, bounded as follows:—

Commencing at the eastern boundary of the province of Alberta where it is intersected by the north boundary of the 38th township; thence northerly along the said eastern boundary of the province of Alberta to the North Saskatchewan river; thence along the North Saskatchewan river up stream to the meridian between the 10th and 11th ranges, west of the 4th meridian; thence southerly along the said meridian between the 10th and 11th ranges to the north boundary of the 54th township; thence westerly along the said north boundary of the 54th townships to the meridian between the 19th and 20th ranges, west of the 4th meridian; thence southerly along the said meridian between the 19th and 20th ranges to the north boundary of section twenty-four, in the 47th township; thence easterly along the section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th townships to the meridian between the 10th and 11th ranges, west of the 4th meridian; thence southerly

southerly along the said meridian between the 10th and 11th ranges to the north boundary of the 38th township; thence easterly along the said north boundary of the 38th townships to the point of commencement.

(14) The electoral division of Lacombe, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 38th township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 41st township; thence westerly along the said north boundary of the 41st townships to the North Saskatchewan river; thence along the said North Saskatchewan river up stream to the north boundary of the 39th township; thence easterly along the said north boundary of the 39th townships to the Blindman river; thence along the said Blindman river down stream to the Red Deer river; thence along the said Red Deer river down stream to the north boundary of the 38th township; thence easterly along the said north boundary of the 38th townships to the point of commencement.

(15) The electoral division of Ponoka, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 41st township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 44th township; thence westerly along the north boundary of the 44th townships to the North Saskatchewan river; thence along the said North Saskatchewan river up stream to the north boundary of the 41st township; thence easterly along the said north boundary of the 41st townships to the point of commencement.

(16) The electoral division of Wetaskiwin, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 44th township; thence northerly along the said meridian between the 10th and 11th ranges to the section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th township; thence westerly along the said section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th townships to the North Saskatchewan river; thence along the said North Saskatchewan river up stream to the north boundary of the 44th township; thence easterly along the said north boundary of the 44th townships to the point of commencement.

(17) The electoral division of Leduc, bounded as follows:—

Commencing at the meridian between the 19th and 20th ranges, west of the 4th meridian, where it is intersected by the section line which bounds on the north the sections comprising

prising the most southerly two-thirds of the 47th townships; thence northerly along the said meridian between the 19th and 20th ranges to the north boundary of the 50th township; thence westerly along the said north boundary of the 50th townships to where the said north boundary of the 50th townships first intersects the North Saskatchewan river; thence along the North Saskatchewan river up stream to the section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th township; thence easterly along the said section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th townships to the point of commencement.

(18) The electoral division of Strathcona, bounded as follows:—

Commencing at the meridian between the 19th and 20th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 50th township; thence northerly along the said meridian between the 19th and 20th ranges to the north boundary of the 53rd township; thence westerly along the said north boundary of the 53rd townships to the North Saskatchewan river; thence along the said North Saskatchewan river up stream to the north boundary of the 50th township; thence easterly along the said north boundary of the 50th townships to the point of commencement.

(19) The electoral division of Stonyplain, bounded as follows:—

Commencing at the meridian between the 24th and 25th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 53rd township; thence westerly along the said north boundary of the 53rd township to the rear line of lots fronting on the east side of the Sturgeon river in the Saint Albert settlement; thence in a southerly and westerly direction and along the said rear line to Big lake; thence in a westerly direction and along the southerly, westerly and northerly shores of Big lake to the south-west corner of lot D in the Saint Albert settlement, thence westerly and along the southerly limits of lots E, F, G, H and I in the said Saint Albert settlement to the south-east corner of the Indian Reserve Chief Michel Calahoo; thence westerly along the south boundary of the said Indian Reserve to the south-west corner thereof; thence northerly along the west boundary of the said Indian Reserve to the north boundary of the 54th township; thence westerly along the said north boundary of the 54th townships to the 5th meridian; thence northerly along the said 5th meridian to the south boundary of the Indian Reserve Chief Alexander; thence westerly along the south boundary of the Indian Reserve Chief Alexander to the south-west corner of the said reserve; thence northerly along the west boundary of the said Reserve Chief Alexander to the north boundary of the 55th township; thence westerly along the north boundary of the 55th townships to the western

western boundary of the province of Alberta; thence in a southerly direction and along the said western boundary of the province of Alberta to the section line which forms the north boundary of the sections comprising the most southerly two-thirds of the 37th township; thence easterly along the said section line which forms the north boundary of the sections comprising the most southerly two-thirds of the 37th townships to the North Saskatchewan river; thence along the said North Saskatchewan river down stream to its most northerly intersection with the meridian between the 24th and 25th ranges west of the 4th meridian; thence northerly along the said meridian between the 24th and 25th ranges to the point of commencement.

(20) The electoral division of Edmonton City, comprising the city of Edmonton as incorporated by ordinance of the North-west Territories.

(21) The electoral division of Victoria, bounded as follows:—

Commencing at the 4th meridian where it is intersected by the North Saskatchewan river; thence northerly along the said 4th meridian to the north boundary of the 70th township; thence westerly along the said north boundary of the 70th townships to the meridian between the 10th and 11th ranges west of the 4th meridian; thence southerly along the said meridian between the 10th and 11th ranges to the north boundary of the 58th township; thence westerly along the said north boundary of the 58th townships to the North Saskatchewan river; thence along the said North Saskatchewan river up stream to the north boundary of the 53rd township; thence easterly along the said north boundary of the 53rd township to the meridian between the 19th and 20th ranges west of the 4th meridian; thence northerly along the said meridian between the 19th and 20th ranges to the north boundary of the 54th township; thence easterly along the said north boundary of the 54th townships to the meridian between the 10th and 11th ranges, west of the 4th meridian; thence northerly along the said meridian between the 10th and 11th ranges to the North Saskatchewan river; thence along the said North Saskatchewan river down stream to the point of commencement.

(22) The electoral division of Sturgeon, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 58th township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 70th township; thence westerly along the said north boundary of the 70th townships to the meridian between the 24th and 25th ranges, west of the 4th meridian; thence southerly along the said meridian between the 24th and 25th ranges to the North Saskatchewan river; thence

thence along the said North Saskatchewan river down stream to the north boundary of the 58th township; thence easterly along the said north boundary of the 58th townships to the point of commencement. Excepting and reserving out of the said electoral division the city of Edmonton as incorporated by ordinance of the North-west Territories.

(23) The electoral division of Saint Albert, bounded as follows:—

Commencing at the meridian between the 24th and 25th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 53rd township; thence northerly along the said meridian between the 24th and 25th ranges west of the 4th meridian to the north boundary of the 70th township; thence westerly along the said north boundary of the 70th townships to the western boundary of the province of Alberta; thence in a southerly direction and along the said western boundary of the province of Alberta to the north boundary of the 55th township; thence easterly along the said north boundary of the 55th township to the Indian Reserve Chief Alexander; thence southerly along the western boundary of the said Indian Reserve Chief Alexander to the south-west corner of the said reserve; thence easterly along the south boundary of the said Indian Reserve Chief Alexander to the 5th meridian; thence southerly along the said 5th meridian to the north boundary of the 54th township; thence easterly along the said north boundary of the 54th township to the west boundary of the Indian Reserve Chief Michel Calahoo; thence southerly along the west boundary of the said Indian Reserve Chief Michel Calahoo to the south-west corner thereof; thence easterly along the south boundary of the said Indian Reserve Chief Michel Calahoo to the south-east corner thereof; thence in an easterly direction and along the southern limit of lots I, H, G, F, and E, in the Saint Albert settlement to the south-west corner of lot D in the said settlement; thence along the westerly and southerly shores of Big Lake in a westerly, southerly and easterly direction to the rear line of lot 55 in the said Saint Albert settlement; thence in an easterly direction and along the rear line of lots fronting on the east side of the Sturgeon River in the said Saint Albert settlement to the north boundary of the 53rd township; thence easterly along the north boundary of the 53rd township to the point of commencement.

(24) The electoral division of Peace River, bounded as follows:—

Commencing at the meridian between the 19th and 20th ranges, west of the 5th meridian, where it is intersected by the north boundary of the 70th township; thence northerly along the said meridian between the 19th and 20th ranges to the north boundary of the 80th township; thence easterly along the said north boundary of the 80th townships to the meridian  
between

between the 13th and 14th ranges, west of the 5th meridian; thence northerly along the said meridian between the 13th and 14th ranges to the north boundary of the 92nd township; thence easterly along the said north boundary of the 92nd townships to the meridian between the 20th and 21st ranges, west of the 4th meridian; thence northerly along the said meridian between the 20th and 21st ranges to the northern boundary of the province of Alberta; thence westerly along the said northern boundary of the province of Alberta to the north-west corner of the said province; thence in a southerly direction and along the western boundary of the said province of Alberta to the north boundary of the 70th township; thence easterly along the said north boundary of the 70th townships to the point of commencement.

(25) The electoral division of Athabaska, bounded as follows:—

Commencing at the eastern boundary of the province of Alberta where it is intersected by the north boundary of the 70th township; thence northerly along the said eastern boundary of the province of Alberta to the northern boundary of the said province; thence westerly along the said northern boundary of the province of Alberta to the meridian between the 20th and 21st ranges, west of the 4th meridian; thence southerly along the said meridian between the 20th and 21st ranges to the north boundary of the 92nd township; thence westerly along the said north boundary of the 92nd townships to the meridian between the 13th and 14th ranges, west of the 5th meridian; thence southerly along the said meridian between the 13th and 14th ranges, west of the 5th meridian to the north boundary of the 80th township; thence westerly along the said north boundary of the 80th townships to the meridian between the 19th and 20th ranges, west of the 5th meridian; thence southerly along the said meridian between the 19th and 20th ranges to the north boundary of the 70th township; thence easterly along the said north boundary of the 70th townships to the point of commencement.



## THE SASKATCHEWAN ACT.

4-5 EDWARD VII., CHAPTER 42.

An Act to establish and provide for the Government of the Province of Saskatchewan.

[Assented to 20th July, 1905.]

**W**HEREAS in and by *The British North America Act*, Preamble, 1871, being chapter 28 of the Acts of the Parliament of the United Kingdom passed in the session thereof held in the 34th and 35th years of the reign of her late Majesty Queen Victoria, it is enacted that the Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province and for its representation in the said Parliament of Canada;

And whereas it is expedient to establish as a province the territory hereinafter described, and to make provision for the government thereof and the representation thereof in the Parliament of Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Saskatchewan Act*.

Short title.

2. The territory comprised within the following boundaries, that is to say,—commencing at the intersection of the international boundary dividing Canada from the United States of America by the west boundary of the province of Manitoba, thence northerly along the said west boundary of the province of Manitoba to the north-west corner of the said province of Manitoba; thence continuing northerly along the centre of the road allowance between the twenty-ninth and thirtieth ranges west of the principal meridian in the system of Dominion lands surveys, as the said road allowance may hereafter be defined in accordance with the said system, to the second meridian in the said system of Dominion lands surveys, as the same may hereafter be defined in accordance with the said system; thence northerly along the said second meridian to the sixtieth degree of north latitude; thence westerly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the said system of Dominion lands surveys, as the same may be hereafter defined in accordance with the said system; thence southerly

Province of Saskatchewan formed; its boundaries.

southerly along the said fourth meridian to the said international boundary dividing Canada from the United States of America; thence easterly along the said international boundary to the point of commencement,—is hereby established as a province of the Dominion of Canada, to be called and known as the province of Saskatchewan.

B.N.A. Acts,  
1867 to 1886,  
to apply.

3. The provisions of *The British North America Acts, 1867* to 1886, shall apply to the province of Saskatchewan in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said province of Saskatchewan had been one of the provinces originally united, except in so far as varied by this Act and except such provisions as are in terms made, or by reasonable intendment may be held to be, specially applicable to or only to affect one or more and not the whole of the said provinces.

Representa-  
tion in the  
Senate.

4. The said province shall be represented in the Senate of Canada by four members: Provided that such representation may, after the completion of the next decennial census, be from time to time increased to six by the Parliament of Canada.

Representa-  
tion in the  
House of  
Commons.

5. The said province and the province of Alberta shall, until the termination of the Parliament of Canada existing at the time of the first readjustment hereinafter provided for, continue to be represented in the House of Commons as provided by chapter 60 of the statutes of 1903, each of the electoral districts defined in that part of the schedule to the said Act which relates to the North-west Territories, whether such district is wholly in one of the said provinces, or partly in one and partly in the other of them, being represented by one member.

Readjust-  
ment after  
next quin-  
quennial  
census.

6. Upon the completion of the next quinquennial census for the said province, the representation thereof shall forthwith be readjusted by the Parliament of Canada in such manner that there shall be assigned to the said province such a number of members as will bear the same proportion to the number of its population ascertained at such quinquennial census as the number sixty-five bears to the number of the population of Quebec as ascertained at the then last decennial census; and in the computation of the number of members for the said province a fractional part not exceeding one-half of the whole number requisite for entitling the province to a member shall be disregarded, and a fractional part exceeding one-half of that number shall be deemed equivalent to the whole number, and such readjustment shall take effect upon the termination of the Parliament then existing.

2. The representation of the said province shall thereafter be readjusted from time to time according to the provisions of section 51 of *The British North America Act, 1867*. Subsequent readjustments.

7. Until the Parliament of Canada otherwise provides, the qualifications of voters for the election of members of the House of Commons and the proceedings at and in connection with elections of such members shall, *mutatis mutandis*, be those prescribed by law at the time this Act comes into force with respect to such elections in the North-west Territories. Election of members of House of Commons.

8. The Executive Council of the said province shall be composed of such persons, under such designations, as the Lieutenant Governor from time to time thinks fit. Executive Council.

9. Unless and until the Lieutenant Governor in Council of the said province otherwise directs, by proclamation under the Great Seal, the seat of government of the said province shall be at Regina. Seat of Government.

10. All powers, authorities and functions which under any law were before the coming into force of this Act vested in or exercisable by the Lieutenant Governor of the North-west Territories, with the advice, or with the advice and consent of the Executive Council thereof, or in conjunction with that Council or with any member or members thereof, or by the said Lieutenant Governor individually, shall, so far as they are capable of being exercised after the coming into force of this Act in relation to the government of the said province, be vested in and shall or may be exercised by the Lieutenant Governor of the said province, with the advice or with the advice and consent of, or in conjunction with, the Executive Council of the said province or any member or members thereof, or by the Lieutenant Governor individually, as the case requires, subject nevertheless to be abolished or altered by the legislature of the said province. Powers of Lieutenant Governor and Council.

11. The Lieutenant Governor in Council shall, as soon as may be after this Act comes into force, adopt and provide a Great Seal of the said province, and may, from time to time, change such seal. Great Seal.

12. There shall be a Legislature for the said province consisting of the Lieutenant Governor and one House, to be styled the Legislative Assembly of Saskatchewan. Legislature.

13. Until the said Legislature otherwise provides, the Legislative Assembly shall be composed of twenty-five members, to be elected to represent the electoral divisions defined in the schedule to this Act. Legislative Assembly.

14.

R.S., 1906.

Election of members of Assembly.

14. Until the said Legislature otherwise determines, all the provisions of the law with regard to the constitution of the Legislative Assembly of the North-west Territories and the election of members thereof shall apply, *mutatis mutandis*, to the Legislative Assembly of the said province and the election of members thereof respectively.

Writs for first election.

15. The writs for the election of the members of the first Legislative Assembly of the said province shall be issued by the Lieutenant Governor and made returnable within six months after this Act comes into force.

Laws, courts and officers continued.

16. All laws and all orders and regulations made thereunder, so far as they are not inconsistent with anything contained in this Act, or as to which this Act contains no provision intended as a substitute therefor, and all courts of civil and criminal jurisdiction, and all commissions, powers, authorities and functions, and all officers and functionaries, judicial, administrative and ministerial, existing immediately before the coming into force of this Act in the territory hereby established as the province of Saskatchewan, shall continue in the said province as if this Act and *The Alberta Act* had not been passed; subject, nevertheless, except with respect to such as are enacted by or existing under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, to be repealed, abolished or altered by the Parliament of Canada, or by the Legislature of the said province, according to the authority of the Parliament or of the said Legislature: Provided that all powers, authorities and functions which under any law, order or regulation were, before the coming into force of this Act, vested in or exercisable by any public officer or functionary of the North-west Territories shall be vested in and exercisable in and for the said province by like public officers and functionaries of the said province when appointed by competent authority.

Proviso

Province may abolish Supreme Court of N.W.T.

Proviso.

2. The Legislature of the province may, for all purposes affecting or extending to the said province, abolish the Supreme Court of the North-west Territories, and the offices, both judicial and ministerial, thereof, and the jurisdiction, powers and authority belonging or incident to the said court: Provided that, if upon such abolition, the Legislature constitutes a superior court of criminal jurisdiction, the procedure in criminal matters then obtaining in respect of the Supreme Court of the North-west Territories shall, until otherwise provided by competent authority, continue to apply to such superior court, and that the Governor in Council may at any time and from time to time declare all or any part of such procedure to be inapplicable to such superior court.

As to certain corporations in N.W.T.

3. All societies or associations incorporated by or under the authority of the Legislature of the North-west Territories existing

existing at the time of the coming into force of this Act which include within their objects the regulation of the practice of, or the right to practise, any profession or trade in the North-west Territories, such as the legal or the medical profession, dentistry, pharmaceutical chemistry and the like, shall continue, subject, however, to be dissolved and abolished by order of the Governor in Council, and each of such societies shall have power to arrange for and effect the payment of its debts and liabilities, and the division, disposition or transfer of its property.

4. Every joint-stock company lawfully incorporated by or under the authority of any ordinance of the North-west Territories shall be subject to the legislative authority of the province of Saskatchewan if— As to joint-stock companies.

(a.) the head office or the registered office of such company is at the time of the coming into force of this Act situate in the province of Saskatchewan; and,

(b.) the powers and objects of such company are such as might be conferred by the Legislature of the said province and not expressly authorized to be executed in any part of the North-west Territories beyond the limits of the said province.

17. Section 93 of *The British North America Act, 1867*, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:— Education.

“(1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the Ordinances of the North-west Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.”

2. In the appropriation by the Legislature or distribution by the Government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29, or any Act passed in amendment thereof or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

3. Where the expression “by law” is employed in paragraph (3) of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30; and where the expression “at the Union” is employed, in the said paragraph (3), it shall be held to mean the date at which this Act comes into force.

18. The following amounts shall be allowed as an annual subsidy to the province of Saskatchewan, and shall be paid by the Government of Canada, by half-yearly instalments in advance, to the said province, that is to say:— Subsidy to province.

(a.)

R.S., 1906.

For government.

(a.) for the support of the Government and Legislature, fifty thousand dollars;

In proportion to population.

(b.) on an estimated population of two hundred and fifty thousand, at eighty cents per head, two hundred thousand dollars, subject to be increased as hereinafter mentioned, that is to say:—a census of the said province shall be taken in every fifth year reckoning from the general census of one thousand nine hundred and one, and an approximate estimate of the population shall be made at equal intervals of time between each quinquennial and decennial census; and whenever the population, by any such census or estimate, exceeds two hundred and fifty thousand, which shall be the minimum on which the said allowance shall be calculated, the amount of the said allowance shall be increased accordingly, and so on until the population has reached eight hundred thousand souls.

Annual payment to province.

19. Inasmuch as the said province is not in debt, it shall be entitled to be paid and to receive from the Government of Canada, by half-yearly payments in advance, an annual sum of four hundred and five thousand three hundred and seventy-five dollars, being the equivalent of interest at the rate of five per cent per annum on the sum of eight million one hundred and seven thousand five hundred dollars.

Compensation to province for public lands.

20. Inasmuch as the said province will not have the public land as a source of revenue, there shall be paid by Canada to the province by half-yearly payments, in advance, an annual sum based upon the population of the province as from time to time ascertained by the quinquennial census thereof, as follows:—

The population of the said province being assumed to be at present two hundred and fifty thousand, the sum payable until such population reaches four hundred thousand, shall be three hundred and seventy-five thousand dollars;

Thereafter, until such population reaches eight hundred thousand, the sum payable shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

Further compensation.

2. As an additional allowance in lieu of public lands, there shall be paid by Canada to the province annually by half-yearly payments, in advance, for five years from the time this Act comes into force, to provide for the construction of necessary public buildings, the sum of ninety-three thousand seven hundred and fifty dollars.

Property in lands, &c.

21. All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within

within the province under *The North-west Irrigation Act, 1893*, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said province with the substitution therein of the said province for the North-west Territories.

**22.** All properties and assets of the North-west Territories shall be divided equally between the said province and the province of Alberta, and the two provinces shall be jointly and equally responsible for all debts and liabilities of the North-west Territories: Provided that, if any difference arises as to the division and adjustment of such properties, assets, debts and liabilities, such difference shall be referred to the arbitration of three arbitrators, one of whom shall be chosen by the Lieutenant Governor in Council of each province, and the third by the Governor in Council. The selection of such arbitrators shall not be made until the Legislatures of the provinces have met, and the arbitrator chosen by Canada shall not be a resident of either province.

Division of assets and liabilities between Alberta and Saskatchewan.  
Arbitration.

**23.** Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Rupert's Land to the Crown.

Rights of H. B. Co.

**24.** The powers hereby granted to the said province shall be exercised subject to the provisions of section 16 of the contract set forth in the schedule to chapter 1 of the statutes of 1881, being an Act respecting the Canadian Pacific Railway Company.

Provision as to C.P.R. Co.

**25.** This Act shall come into force on the first day of September, one thousand nine hundred and five.

Commencement of Act.

## SCHEDULE.

### (Section 13.)

The province of Saskatchewan shall be divided into twenty-five electoral divisions which shall respectively comprise and consist of the parts and portions of the province hereinafter described.

In the following descriptions where "meridians between ranges" and "boundaries of townships" or "boundaries of sections"

sections" are referred to as the boundaries of electoral divisions, these expressions mean the meridians, boundaries of townships or boundaries of sections, as the case may be, in accordance with the Dominion lands system of surveys, and include the extension thereof in accordance with the said system.

*Names and Descriptions of Divisions.*

(1) The electoral division of Souris, bounded as follows:—

Commencing at the south-east corner of the said province of Saskatchewan; thence northerly along the east boundary of the said province of Saskatchewan to the north boundary of the 6th township; thence westerly along the said north boundary of the 6th townships to the meridian between the 10th and 11th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 10th and 11th ranges to the southern boundary of the said province of Saskatchewan; thence easterly along the said southern boundary of the province of Saskatchewan to the point of commencement.

(2) The electoral division of Cannington, bounded as follows:—

Commencing at the intersection of the eastern boundary of the said province of Saskatchewan by the north boundary of the 6th township; thence northerly along the said eastern boundary of the province of Saskatchewan to the north boundary of the 11th township; thence westerly along the said north boundary of the 11th townships to the meridian between the 10th and 11th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 10th and 11th ranges to the north boundary of the 6th township; thence easterly along the said north boundary of the 6th townships to the point of commencement.

(3) The electoral division of Moosomin, bounded as follows:—

Commencing at the intersection of the eastern boundary of the said province of Saskatchewan by the north boundary of the 11th township; thence northerly along the said eastern boundary of the province of Saskatchewan to the north boundary of the 19th township; thence westerly along the said north boundary of the 19th townships to the 2nd meridian; thence southerly along the said 2nd meridian to the north boundary of the 11th township; thence easterly along the said north boundary of the 11th townships to the point of commencement.

(4) The electoral division of Whitewood, bounded as follows:—

Commencing at the 2nd meridian where it is intersected by the north boundary of the 11th township; thence northerly along the said 2nd meridian to the north boundary of the 20th township; thence westerly along the said north boundary of the

the 20th townships to the meridian between the 4th and 5th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 4th and 5th ranges to the north boundary of the 11th township; thence easterly along the said north boundary of the 11th townships to the point of commencement.

(5) The electoral division of Grenfell, bounded as follows:—

Commencing at the meridian between the 4th and 5th ranges, west of the 2nd meridian, where it is intersected by the north boundary of the 11th township; thence northerly along the said meridian between the 4th and 5th ranges to the north boundary of the 20th township; thence westerly along the said north boundary of the 20th townships to the meridian between the 6th and 7th ranges, west of the 2nd meridian; thence northerly along the said meridian between the 6th and 7th ranges to the north boundary of the 21st township; thence westerly along the said north boundary of the 21st township to the meridian between the 7th and 8th ranges, west of the 2nd meridian; thence northerly along the said meridian between the 7th and 8th ranges to the north boundary of the 22nd township; thence westerly along the said north boundary of the 22nd township to the meridian between the 8th and 9th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 8th and 9th ranges to the north boundary of the 11th township; thence easterly along the said north boundary of the 11th townships to the point of commencement.

(6) The electoral division of Wolseley, bounded as follows:—

Commencing at the meridian between the 8th and 9th ranges, west of the 2nd meridian, where it is intersected by the north boundary of the 11th township; thence northerly along the said meridian between the 8th and 9th ranges to the north boundary of the 22nd township; thence westerly along the said north boundary of the 22nd townships to the meridian between the 10th and 11th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 10th and 11th ranges to the north boundary of the 19th township; thence westerly along the said north boundary of the 19th township to the meridian between the 11th and 12th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 11th and 12th ranges to the north boundary of the 11th township; thence easterly along the said north boundary of the 11th townships to the point of commencement.

(7) The electoral division of Saltcoats, bounded as follows:—

Commencing at the intersection of the eastern boundary of the said province of Saskatchewan by the north boundary of the 19th township; thence northerly along the said eastern boundary of the province of Saskatchewan to the north boundary of the 34th township; thence westerly along the said north boundary of the 34th townships to the meridian between the 3rd and 4th ranges, west of the 2nd meridian; thence southerly  
along

along the said meridian between the 3rd and 4th ranges to the north boundary of the 20th township; thence easterly along the said north boundary of the 20th townships to the 2nd meridian; thence southerly along the said 2nd meridian to the north boundary of the 19th township; thence easterly along the said north boundary of the 19th townships to the point of commencement.

(8) The electoral division of Yorkton, bounded as follows:—

Commencing at the meridian between the 3rd and 4th ranges, west of the 2nd meridian, where it is intersected by the north boundary of the 20th township; thence northerly along the said meridian between the 3rd and 4th ranges to the north boundary of the 34th township; thence westerly along the said north boundary of the 34th townships to the meridian between the 10th and 11th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 10th and 11th ranges to the north boundary of the 22nd township; thence easterly along the said north boundary of the 22nd townships to the meridian between the 7th and 8th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 7th and 8th ranges to the north boundary of the 21st township; thence easterly along the said north boundary of the 21st township to the meridian between the 6th and 7th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 6th and 7th ranges to the north boundary of the 20th township; thence easterly along the said north boundary of the 20th townships to the point of commencement.

(9) The electoral division of South Qu'Appelle, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 2nd meridian, where it is intersected by the southern boundary of the said province of Saskatchewan; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 11th township; thence westerly along the said north boundary of the 11th township to the meridian between the 11th and 12th ranges, west of the 2nd meridian; thence northerly along the said meridian between the 11th and 12th ranges to the north boundary of the 19th township; thence westerly along the said north boundary of the 19th townships to the meridian between the 16th and 17th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 16th and 17th ranges to the southern boundary of the said province of Saskatchewan; thence easterly along the said southern boundary of the province of Saskatchewan to the point of commencement.

(10) The electoral division of North Qu'Appelle, bounded as follows:—

Commencing at the meridian between the 10th and 11th ranges, west of the 2nd meridian, where it is intersected by the north boundary of the 19th township; thence northerly  
along

along the said meridian between the 10th and 11th ranges to the north boundary of the 34th township; thence westerly along the said north boundary of the 34th townships to the meridian between the 16th and 17th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 16th and 17th ranges to the north boundary of the 19th township; thence easterly along the said north boundary of the 19th townships to the point of commencement.

(11) The electoral division of South Regina, bounded as follows:—

Commencing at the meridian between the 16th and 17th ranges, west of the 2nd meridian, where it is intersected by the southern boundary of the said province of Saskatchewan; thence northerly along the said meridian between the 16th and 17th ranges to where it is intersected by the centre of the track of the main line of the Canadian Pacific Railway; thence westerly along the said centre of the track of the main line of the Canadian Pacific Railway to where it is first intersected by the north boundary of the 17th township; thence westerly along the said north boundary of the 17th townships to the meridian between the 23rd and 24th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 23rd and 24th ranges to the southern boundary of the said province of Saskatchewan; thence easterly along the said southern boundary of the province of Saskatchewan to the point of commencement. Excepting and reserving out of the said electoral division of South Regina all that portion thereof comprised within the limits of the city of Regina as incorporated by ordinance of the North-west Territories.

(12) The electoral division of Regina City, comprising the city of Regina as incorporated by ordinance of the North-west Territories.

(13) The electoral division of Lumsden, bounded as follows:—

Commencing at the meridian between the 16th and 17th ranges, west of the 2nd meridian, where it is intersected by the centre of the track of the main line of the Canadian Pacific Railway; thence northerly along the said meridian between the 16th and 17th ranges to the north boundary of the 34th township; thence westerly along the said north boundary of the 34th townships to the meridian between the 23rd and 24th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 23rd and 24th ranges to the point where it is first intersected by the east shore of Last Mountain lake, thence southerly along the said east shore of the said lake to its intersection with the meridian between the 23rd and 24th ranges in township 24; thence southerly along the said meridian between the 23rd and 24th ranges to the north boundary of the 17th township; thence easterly along the said north boundary of the 17th townships to where it is first  
intersected

intersected by the centre of the track of the main line of the Canadian Pacific Railway; thence easterly along the said centre of the track of the main line of the Canadian Pacific Railway to the point of commencement.

(14) The electoral division of Moosejaw, bounded as follows:—

Commencing at the meridian between the 23rd and 24th ranges, west of the 2nd meridian, where it is intersected by the southern boundary of the said province of Saskatchewan; thence northerly along the said meridian between the 23rd and 24th ranges to the point where the said meridian intersects the east shore of Last Mountain lake in township 24; thence northerly along the said east shore of Last Mountain lake to its intersection with the northern boundary of township 26, thence westerly along the said north boundary of the 26th townships to the meridian between the 7th and 8th ranges, west of the 3rd meridian; thence southerly along the said meridian between the 7th and 8th ranges to the southern boundary of the said province of Saskatchewan; thence easterly along the said southern boundary of the province of Saskatchewan to the point of commencement;—excepting and reserving out of the said electoral division of Moosejaw all that portion thereof comprised within the limits of the city of Moosejaw as incorporated by ordinance of the North-west Territories.

(15) The electoral division of Moosejaw City, comprising the city of Moosejaw as incorporated by ordinance of the North-west Territories.

(16) The electoral division of Maple Creek, bounded as follows:—

Commencing at the meridian between the 7th and 8th ranges, west of the 3rd meridian, where it is intersected by the southern boundary of the said province of Saskatchewan; thence northerly along the said meridian between the 7th and 8th ranges to the north boundary of the 26th township; thence westerly along the said north boundary of the 26th townships to the western boundary of the said province of Saskatchewan; thence southerly along the said western boundary of the province of Saskatchewan to the southern boundary of the said province of Saskatchewan; thence easterly along the said southern boundary of the province of Saskatchewan to the point of commencement.

(17) The electoral division of Humboldt, bounded as follows:—

Commencing at the intersection of the eastern boundary of the said province of Saskatchewan by the north boundary of the 34th township; thence northerly along the said eastern boundary of the province of Saskatchewan to the north boundary of the 42nd township; thence westerly along the said north boundary of the 42nd townships to the meridian between the

24th and 25th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 24th and 25th ranges to the north boundary of the 34th township; thence easterly along the said north boundary of the 34th townships to the point of commencement.

(18) The electoral division of Kinistino, bounded as follows:—

Commencing at the intersection of the eastern boundary of the said province of Saskatchewan by the north boundary of the 42nd township; thence northerly along the said eastern boundary of the province of Saskatchewan to the north-east corner of the said province; thence westerly along the northern boundary of the said province of Saskatchewan to the meridian between the 24th and 25th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 24th and 25th ranges to the north limit of the Indian Reserve Chief Muskoday; thence easterly along the said north limit of the Indian Reserve Chief Muskoday to the South Saskatchewan river; thence along the South Saskatchewan river up stream to the north boundary of the 45th township; thence easterly along the said north boundary of the 45th townships to the meridian between the 24th and 25th ranges, west of the 2nd meridian; thence southerly along the said meridian between the 24th and 25th ranges, to the north boundary of the 42nd township; thence easterly along the said north boundary of the 42nd townships to the point of commencement.

(19) The electoral division of Prince Albert, bounded as follows:—

Commencing at the meridian between the 24th and 25th ranges, west of the 2nd meridian, where it is intersected by the northern boundary of the said province of Saskatchewan; thence westerly along the said northern boundary of the province of Saskatchewan to the meridian between the 5th and 6th ranges, west of the 3rd meridian; thence southerly along the said meridian between the 5th and 6th ranges to the north boundary of the 47th township; thence easterly along the said north boundary of the 47th townships to the meridian between the first and 2nd ranges, west of the 3rd meridian; thence southerly along the said meridian between the 1st and 2nd ranges to the north boundary of the 46th township; thence easterly along the said north boundary of the 46th townships to the 3rd meridian; thence southerly along the said 3rd meridian to the South Saskatchewan river; thence along the said South Saskatchewan river down stream to the north limit of the Indian Reserve Chief Muskoday; thence westerly along the said north limit of the Indian Reserve Chief Muskoday to the meridian between the 24th and 25th ranges, west of the 2nd meridian; thence northerly along the said meridian between the 24th and 25th ranges to the point of commencement; except-

ing and reserving out of the said electoral division all those portions described as follows:—

Firstly, the city of Prince Albert as incorporated by ordinances of the North-west Territories; and

Secondly, those portions of lots 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82 of the Prince Albert settlement which lie to the south of the said city of Prince Albert as incorporated and that portion of the Hudson Bay reserve outside of and adjoining the said city on the east and south and which lies to the north of the production in a straight line easterly of the southern boundary of the said lot 82 in the Prince Albert settlement; and

Thirdly, fractional sections 13 and 24 in the 48th township in the 26th range west of the 2nd meridian.

(20) The electoral division of Prince Albert City, comprising:—

Firstly, the city of Prince Albert as incorporated by ordinance of the North-west Territories; and

Secondly, those portions of lots 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82 of the Prince Albert settlement which lie to the south of the said city of Prince Albert as incorporated and that portion of the Hudson Bay reserve outside of and adjoining the said city on the east and south and which lies to the north of the production in a straight line easterly of the southern boundary of the said lot 82 in the Prince Albert settlement; and

Thirdly, fractional sections 13 and 24 in the 48th township in the 26th range west of the 2nd meridian.

(21) The electoral division of Batoche, bounded as follows:—

Commencing at the meridian between the 23rd and 24th ranges, west of the 2nd meridian, where it is intersected by the north boundary of the 26th township; thence northerly along the said meridian between the 23rd and 24th ranges to the north boundary of the 34th township; thence westerly along the said north boundary of the 34th township to the meridian between the 24th and 25th ranges, west of the 2nd meridian; thence northerly along the said meridian between the 24th and 25th ranges to the north boundary of the 45th township; thence westerly along the said north boundary of the 45th townships to where it first intersects the South Saskatchewan river; thence along the said South Saskatchewan river up stream to the north boundary of the 40th township; thence easterly along the said north boundary of the 40th townships to the meridian between the 1st and 2nd ranges, west of the 3rd meridian; thence southerly along the said meridian between the 1st and 2nd ranges to the north boundary of the 26th township; thence easterly along the said north boundary of the 26th townships to the point of commencement.

(22)

(22) The electoral division of Saskatoon, bounded as follows:—

Commencing at the meridian between the 1st and 2nd ranges, west of the 3rd meridian, where it is intersected by the north boundary of the 26th township; thence northerly along the said meridian between the 1st and 2nd ranges to the north boundary of the 40th township; thence westerly along the said north boundary of the 40th township to the South Saskatchewan river; thence along the said South Saskatchewan river down stream to the north boundary of the 41st township; thence westerly along the said north boundary of the 41st townships to the North Saskatchewan river; thence along the said North Saskatchewan river up stream to the meridian between the 13th and 14th ranges west of the 3rd meridian; thence southerly along the said meridian between the 13th and 14th ranges to the north boundary of the 26th township; thence easterly along the said north boundary of the 26th townships to the point of commencement.

(23) The electoral division of Rosthern bounded as follows:—

Commencing at the north boundary of the 41st township where it is intersected by the South Saskatchewan river; thence along the said South Saskatchewan river down stream to the 3rd meridian; thence northerly along the said 3rd meridian to the north boundary of the 46th township; thence westerly along the said north boundary of the 46th township to the meridian between the 1st and 2nd ranges, west of the 3rd meridian; thence northerly along the said meridian between the 1st and 2nd ranges to the north boundary of the 47th township; thence westerly along the said north boundary of the 47th townships to the meridian between the 5th and 6th ranges, west of the 3rd meridian; thence southerly along the said meridian between the 5th and 6th ranges to the North Saskatchewan river; thence along the said North Saskatchewan river up stream to the north boundary of the 41st township; thence easterly along the said north boundary of the 41st townships to the point of commencement.

(24) The electoral division of Redberry, bounded as follows:—

Commencing at the meridian between the 5th and 6th ranges, west of the 3rd meridian, where it is intersected by the North Saskatchewan river; thence northerly along the said meridian between the 5th and 6th ranges, to the northern boundary of the said province of Saskatchewan; thence westerly along the said northern boundary of the province of Saskatchewan to the meridian between the 13th and 14th ranges, west of the 3rd meridian; thence southerly along the said meridian between the 13th and 14th ranges, to the North Saskatchewan river; thence along the said North Saskatchewan river down stream to the point of commencement.

(25)

(25) The electoral division of Battleford, bounded as follows:—

Commencing at the meridian between the 13th and 14th ranges, west of the 3rd meridian, where it is intersected by the north boundary of the 26th township; thence northerly along the said meridian between the 13th and 14th ranges, to the northern boundary of the said province of Saskatchewan; thence westerly along the said northern boundary of the province of Saskatchewan to the western boundary of the said province of Saskatchewan; thence southerly along the said western boundary of the province of Saskatchewan to the north boundary of the 26th township; thence easterly along the said north boundary of the 26th townships to the point of commencement.



CHAPTER 28.

An Act respecting Subsidies and Allowances to the Provinces.

SHORT TITLE.

1. This Act may be cited as the Provincial Subsidies Act. Short title.

FIXED SUBSIDIES.

*New Brunswick.*

2. The province of New Brunswick, in consideration of the Legislature thereof having passed an Act providing for the repeal of all duties of export on lumber exported from the Province, shall, so long as no such duties of export are imposed by the said Legislature, be paid, in addition to the subsidy to which the Province is entitled, a subsidy at the rate of one hundred and fifty thousand dollars annually, as indemnity for the loss of such duties and the right to impose the same. R.S., c. 46, s. 1.

Subsidy to New Brunswick in lieu of export duty on lumber.

*Prince Edward Island.*

3. To the province of Prince Edward Island, there shall continue to be paid in addition to all other subsidies and allowances payable to the Province, an annual allowance or subsidy of twenty thousand dollars, payable half-yearly in advance on the first days of July and January in each and every year.

Subsidy to Prince Edward Island.

2. To the said province of Prince Edward Island, in addition to all other sums authorized by law, there shall also continue to be paid an annual allowance of thirty thousand dollars, payable half-yearly in advance on the first days of July and January in each and every year.

Additional.

3. Such last-mentioned annual allowance shall be paid and accepted in full settlement of all claims of the Province against the Dominion of Canada on account of alleged non-fulfilment of the terms of union between the Dominion and the Province as respects the maintenance of efficient steam communication between the Island and the mainland. 50-51 V., c. 8, s. 1; 1 E. VII., c. 3, s. 1.

In settlement of certain claims.

## Manitoba.

Subsidy to  
Manitoba.

4. The following amounts shall be allowed as the annual subsidy to the province of Manitoba, and shall be paid yearly to the Province, that is to say:—

For Govern-  
ment, etc.

(a) For the support of the Government and Legislature, fifty thousand dollars;

Readjust-  
ment of per  
capita allow-  
ance accord-  
ing to  
census.

(b) On an estimated population of one hundred and fifty thousand, at eighty cents per head, one hundred and twenty thousand dollars, subject to be increased as hereinafter mentioned, that is to say: a census of the Province shall be taken in every fifth year, reckoning from the general census of one thousand eight hundred and eighty-one; and an approximate estimate of the population shall be made at equal intervals of time between each quinquennial and decennial census; and whenever the population, by any such census or estimate, exceeds one hundred and fifty thousand, which shall be the minimum on which the said allowance shall be calculated, the amount of the said allowance shall be increased accordingly, and so on, until the population has reached four hundred thousand souls;

Indemnity  
for want of  
public lands.

(c) As an indemnity for the want of public lands, one hundred thousand dollars. R.S., c. 46, s. 5.

## INTEREST ON DEBT ALLOWANCES.

Allowances  
to provinces  
in relation  
to amount  
of debt.

5. In the accounts between the several provinces of Ontario, Quebec, Nova Scotia, New Brunswick and British Columbia, respectively, and Canada, the amounts payable to and chargeable against the said provinces respectively, in so far as they depend upon the amount of debt with which each province entered the Union, shall be calculated and allowed as if,—

(a) in the case of the provinces of Ontario and Quebec respectively, the sum fixed by the one hundred and twelfth section of *The British North America Act, 1867*, was increased from sixty-two million five hundred thousand dollars to seventy-three million six hundred and eighty-eight dollars and eighty-four cents;

(b) in the case of the province of Nova Scotia, the amount fixed by the one hundred and fourteenth section of the said Act was increased in the same proportion;

(c) in the case of the province of New Brunswick, the amount fixed by the one hundred and fifteenth section of the said Act, was increased in the same proportion; and,

(d) in the case of the province of British Columbia, the amount upon which it was to receive interest fixed by or under the terms and conditions on which the province was admitted into the Dominion was increased in the same proportion.

2. The increased subsidy to be allowed to the province of Nova Scotia under this section shall be based upon the sum of nine million one hundred and eighty-six thousand seven hundred and fifty-six dollars, as if that sum had been mentioned in the one hundred and fourteenth section of *The British North America Act, 1867*, instead of the sum of eight million dollars. R.S., c. 46, s. 2.

As to Nova Scotia.

6. In the accounts between the several provinces and Canada, the amounts by which the yearly subsidy to each province was increased by the Act of the Parliament of Canada, passed in the thirty-sixth year of Her late Majesty Queen Victoria's reign, chapter thirty, as explained with respect to Nova Scotia by the Act of the said Parliament, passed in the thirty-seventh year of Her said late Majesty's reign, chapter three, shall be calculated and allowed to Ontario and Quebec jointly, as having formed the late province of Canada, and to Nova Scotia and New Brunswick, as if the said Acts had directed that such increase should be allowed from the day of the coming into force of *The British North America Act, 1867*.

Calculation of allowances to Ontario and Quebec, and to Nova Scotia and New Brunswick.

2. The total amount of the half-yearly payments which would in that case have been made on account of such increase from the first day of July, one thousand eight hundred and sixty-seven, up to and including the first day of January, one thousand eight hundred and seventy-three, with interest on each at five per centum per annum, from the day on which it would have been so paid to the first day of July, one thousand eight hundred and eighty-four, shall be deemed capital owing to the said provinces respectively, bearing interest at five per centum per annum, which interest shall be payable to them as part of their yearly subsidies from Canada. R.S., c. 46, s. 3.

Capital bearing interest at five per cent.

7. In the accounts between Canada and the provinces of British Columbia and Prince Edward Island, the amounts calculated and allowed as the debts of those provinces respectively, on the nineteenth day of April, one thousand eight hundred and eighty-four, and on which they were then paid interest by Canada, shall be increased by amounts bearing the same proportion to the respective populations of the said provinces, as ascertained by the census of one thousand eight hundred and eighty-one, as the total of the amounts to be added under the next preceding section as capital owing to Ontario and Quebec, Nova Scotia and New Brunswick, bear to the combined population of the four last-named provinces, as ascertained by the said census of one thousand eight hundred and eighty-one.

As to British Columbia and Prince Edward Island.

Increase.

2. The amounts of such increases, as regards the said provinces of British Columbia and Prince Edward Island, shall be deemed capital owing to the said provinces respectively, bearing interest at the rate of five per centum per annum, which interest shall be payable to them as part of their respective subsidies from Canada. R.S., c. 46, s. 4.

Capital bearing interest at five per cent.

Capital and  
yearly pay-  
ments  
specified.

8. The amount of the increase of the yearly subsidy and the capital on which the same is payable to the several provinces respectively, under the two last preceding sections shall be as follows:—

	Yearly increase.	Capital.
To Ontario and Quebec jointly..	\$269,875.16	\$5,397,503.13
Nova Scotia.. . . . .	39,939.68	798,793.45
New Brunswick.. . . . .	30,225.97	604,519.35
British Columbia.. . . . .	4,155.39	83,107.88
Prince Edward Island.. . . . .	9,148.68	182,973.78

R.S., c. 46, s. 4.

### Manitoba.

Calculation  
of sum on  
which inter-  
est is payable  
to Manitoba  
as subsidy.

9. The capital sum on which the province of Manitoba is entitled to receive half-yearly payments of interest at the rate of five per centum per annum, as fixed by the Act passed in the thirty-third year of Her late Majesty Queen Victoria's reign, chapter three, and as readjusted or increased by any subsequent Act, shall continue to be calculated on a population of one hundred and twenty-five thousand, at a rate *per capita* ascertained by dividing the sum of five hundred and fifty-one thousand four hundred and forty-seven dollars, by seventeen thousand, which was the estimated population of the Province under the said Act, thirty-third Victoria, chapter three,—the said sum of five hundred and fifty-one thousand four hundred and forty-seven dollars being the amount of capital on which the Province was entitled to receive interest under and by virtue of section twenty-four of the Act hereinbefore last cited and the Act thirty-sixth Victoria, chapter thirty.

Charges  
thereon.

2. The Province shall be charged with such advances as had, up to the twentieth day of July, one thousand eight hundred and eighty-five, been made to the Province, and with such expenditure as had been made therein by the Dominion for purposes of a strictly local character, and with a further sum of one hundred and fifty thousand dollars, which the Dominion Government may advance to the Province to meet the expenditure of constructing a lunatic asylum, and other exceptional services. R.S., c. 46, s. 6.

Payments  
and grant of  
lands in full  
settlement  
of certain  
claims.

10. The grant of swamp lands and the grant of lands not exceeding one hundred and fifty thousand acres as an endowment to the University of Manitoba, authorized by Part I. of the Manitoba Supplementary Provisions Act, and the payments to the province of Manitoba hereinbefore authorized, shall be made as a full settlement of all claims made by the said Province for the reimbursement of costs incurred in the government of the disputed territory, or the reference of the boundary question to the Judicial Committee of the Privy Council, and all other questions and claims discussed between the Dominion and the provincial Governments, up to the tenth day

day of January, one thousand eight hundred and eighty-five.  
R.S., c. 46, s. 7.

ADVANCES.

11. The Governor in Council may, in his discretion, advance, from time to time, to any province of Canada, any sums required for local improvements in the province, and not exceeding in the whole the amount by which the debt of the province for which Canada is responsible then falls short of the debt with which the province was allowed to enter the Union: Provided that no such advance shall be made to any province unless it has been previously sanctioned by an Act of the legislature of that province.

Advances to provinces authorized.

2. Such advances shall be deemed additions to the debt of the province, and the province may repay them to Canada, on such notice, in such sums and on such conditions as the Government of Canada and that of the province agree upon; and any amount so repaid shall be deducted from the debt of the province in calculating the subsidy payable to it. R.S., c. 46, s. 8.

Conditions of such advances.







## CHAPTER 62.

### An Act respecting the Northwest Territories.

#### SHORT TITLE.

1. This Act may be cited as the Northwest Territories Act. Short title: R.S., c. 50, s. 1.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a) 'Territories' means the Northwest Territories which comprise the Territories formerly known as Rupert's Land and the Northwestern Territory, except such portions thereof as form the provinces of Manitoba, Saskatchewan and Alberta and the Yukon Territory, together with all British territories and possessions in North America and all islands adjacent thereto, not included within any province, except the colony of Newfoundland and its dependencies; Definitions.  
'Territories.'
- (b) 'Commissioner' means the Commissioner of the Northwest Territories; 'Commissioner.'
- (c) 'Council' means the Council appointed to aid the Commissioner in the administration of the Territories; 'Council.'
- (d) 'Commissioner in Council' means the Commissioner of the Territories, by and with the advice and consent of the Council; 'Commissioner in Council.'
- (e) 'Minister' means the Minister of the Interior; 'Minister.'
- (f) 'stipendiary' means a stipendiary magistrate appointed under the provisions of this Act; 'Stipendiary.'
- (g) 'intoxicating liquor' means and includes all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids; 'Intoxicating liquor.'
- (h) 'intoxicant' includes opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid; 'Intoxicant.'
- (i) 'improved arm' means and includes all arms except smooth bore shot-guns; 'Improved arm.'
- (j) 'ammunition' means fixed ammunition or ball cartridge; 'Ammunition.'
- (k) 'ordinance of the Territories' means an ordinance passed by the Lieutenant Governor in Council or the Legislative 'Ordinance of the Territories.'

lative Assembly of the Northwest Territories, or by the Commissioner in Council. R.S., c. 50, ss. 2 and 101; 60-61 V., c. 28, s. 2; 4-5 E. VII., c. 27, s. 3; Proclamation 24th July, 1905, and new.

## PART I.

### GENERAL.

#### *Commissioner.*

#### Appointment.

**3.** The Governor in Council may appoint for the Territories a chief executive officer to be styled and known as the Commissioner of the Northwest Territories. 4-5 E. VII., c. 27, s. 4.

#### Powers of Commissioner.

**4.** The executive powers vested by the Northwest Territories Act and amendments thereto in the Lieutenant Governor of the Northwest Territories or in the Lieutenant Governor of the Northwest Territories in Council on the thirty-first day of August, in the year one thousand nine hundred and five, shall be exercised by the Commissioner; and the Commissioner shall administer the government of the Territories under instructions from time to time given him by the Governor in Council or the Minister. 4-5 E. VII., c. 27, s. 4.

#### *Seat of Government.*

#### Seat of Government.

**5.** The seat of government of the Territories shall be fixed and may, from time to time, be changed by the Governor in Council. R.S., c. 50, s. 9.

#### *Council.*

#### Governor in Council to constitute.

**6.** The Governor in Council may from time to time constitute and appoint such and so many persons, not exceeding four in number, as are deemed desirable, to be a Council to aid the Commissioner in the administration of the Territories; and a majority of the Council, including the Commissioner, shall form a quorum. 4-5 E. VII., c. 27, s. 5.

#### Quorum.

#### *Legislative powers of Commissioner in Council.*

#### General powers of legislation.

**7.** The Commissioner in Council shall have the same power to make ordinances for the government of the Territories as were on the thirty-first day of August, in the year one thousand nine hundred and five, vested in the Legislative Assembly of the Northwest Territories in relation to such subjects then within the legislative authority of the said Assembly as are from time to time designated by the Governor in Council. 4-5 E. VII., c. 27, s. 6.

8. In particular, but not so as to restrict the generality of the provision of the last preceding section, the Commissioner in Council shall have power, subject to the provisions of this Act, and of any other Act of the Parliament of Canada applying to the Territories, to make ordinances for the government of the Territories in relation to such of the classes of subjects next hereinafter mentioned as are from time to time designated by the Governor in Council, that is to say:—

Specific powers.

(a) Direct taxation within the Territories in order to raise a revenue for territorial or municipal or local purposes; Direct taxation.

(b) The establishment and tenure of territorial offices and the appointment and payment of territorial officers out of territorial revenues; Territorial offices.

(c) The establishment, maintenance and management of prisons in and for the Territories, the expense thereof being payable out of territorial revenues; Prisons.

(d) Municipal institutions in the Territories, including the incorporation and powers, not inconsistent with any Act of Parliament, of irrigation districts, that is to say, associations of the land owners, and persons interested in the lands, in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands; Municipal institutions.

(e) The closing up or varying the direction of any road allowance, or of any trail which has been transferred to the Territories, and the opening and establishing of any new highway instead of any road or trail so closed, and the disposition of the land in any such road or trail; Roads.

(f) Shop, saloon, tavern, auctioneer and other licenses, in order to raise a revenue for territorial or municipal purposes; Licenses.

(g) The incorporation of companies with territorial objects, excepting railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies; Incorporation of companies.

(h) The solemnization of marriage in the Territories; Marriage.

(i) Property and civil rights in the Territories; Property and civil rights.

(j) The administration of justice in the Territories, including the constitution, organization and maintenance of territorial courts of civil jurisdiction, and procedure in such courts, but not including the appointment of any judicial officers or the constitution, organization and maintenance of courts of criminal jurisdiction, or procedure in criminal matters; Administration of justice.

(k) The mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and all matters relating to the same; Calling of juries.

(l) The defining of the powers, duties and obligations of sheriffs and clerks of the courts and their respective deputies; Sheriffs and clerks of courts.

(m)

## Alimony.

(m) The conferring on territorial courts of jurisdiction in matters of alimony;

Enforcement of territorial ordinances.  
Expenditure of territorial funds.

(n) The imposition of punishment by fine, penalty or imprisonment, for enforcing any territorial ordinances;

(o) The expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territories as the Commissioner in Council is authorized to expend;

## Local and private.

(p) Generally, all matters of a merely local or private nature in the Territories.

Power to repeal, etc., provisions of N. W. T. Act.

2. Subject as aforesaid, the Commissioner in Council shall have such of the powers of repealing, re-enacting or substituting provisions which the Legislative Assembly of the Northwest Territories, on the thirty-first day of August, in the year one thousand nine hundred and five, had with respect to corresponding provisions of the Northwest Territories Act and amendments as are from time to time designated by the Governor in Council. 54-55 V., c. 22, ss. 6 and 19; 57-58 V., c. 17, s. 20; 58-59 V., c. 31, ss. 1 and 2; 60-61 V., c. 28, ss. 6 and 7; 2 E. VII., c. 24, s. 1; 3 E. VII., c. 40, s. 3; 4-5 E. VII., c. 27, s. 6.

No greater powers than provincial legislature.

9. Nothing in the last preceding section contained shall be construed to give to the Commissioner in Council greater powers with respect to any class of subjects so designated by the Governor in Council than are given to provincial legislatures under the provisions of section ninety-two of *The British North America Act, 1867*, with respect to the similar subjects therein mentioned. 54-55 V., c. 22, s. 6; 4-5 E. VII., c. 27, s. 6.

## Education.

10. The Commissioner in Council, if authorized to make ordinances respecting education, shall pass all necessary ordinances in respect thereto; but in the laws or ordinances relating to education it shall always be provided that a majority of the ratepayers of any district or portion of the Territories, or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof. R.S., c. 50, s. 14; 61 V., c. 5, s. 1; 4-5 E. VII., c. 27, s. 6.

Ordinances to be laid before Parliament.

11. A copy of every ordinance made by the Commissioner in Council shall be transmitted to the Governor in Council within ten days after the passing thereof and shall be laid before both

both Houses of Parliament as soon as conveniently may be thereafter; and any such ordinance or any provision thereof may be disallowed by the Governor in Council at any time within two years after its passage. 4-5 E. VII., c. 27, s. 7. Disallowance.

*Laws applicable to Territories.*

**12.** Subject to the provisions of this Act, the laws of England relating to civil and criminal matters, as the same existed on the fifteenth day of July, in the year one thousand eight hundred and seventy, shall be in force in the Territories, in so far as the same are applicable to the Territories, and in so far as the same have not been, or are not hereafter, as regards the Territories, repealed, altered, varied, modified, or affected by any Act of the Parliament of the United Kingdom or of the Parliament of Canada, applicable to the Territories, or by any ordinance of the Territories. R.S., c. 50, s. 11; 60-61 V., c. 28, s. 4. Laws of England.

**13.** All laws and ordinances in force in the Territories, and not inconsistent with this Act, or repealed by the operation of the Act passed in the third year of His Majesty's reign, chapter sixty-one, and intituled *An Act respecting the Revised Statutes of Canada*, shall remain in force until it is otherwise provided or ordered by the Parliament of Canada, or by the Governor in Council or the Commissioner in Council. R.S., c. 50, s. 12; 60-61 V., c. 28, s. 5; 4-5 E. VII., c. 27, s. 6. Laws and ordinances in force continued.

**14.** Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is, by its terms, applicable only to one or more of the provinces of Canada, or is, for any reason, inapplicable to the Territories, shall, subject to the provisions of this Act, apply to and be in force in the Territories. R.S., c. 50, s. 112. Application of Acts of Canada.

**15.** The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts, not then in force in the Territories, shall be in force in the Territories generally, or in any part or parts thereof mentioned in such proclamation. R.S., c. 50, s. 112. Governor in Council may extend Acts to Territories.

**16.** Whenever in any Act of the Parliament of Canada, or in any ordinance of the Territories, any officer is designated for performing any duty therein mentioned, and there is no such officer in the Territories, the Commissioner may order by what other person or officer such duty shall be performed, and any thing done by such person or officer under such order shall be valid and lawful in the premises; or if it is in any such Act or ordinance ordered that any document or thing be transmitted to Provision for performance of duty where no such officer is designated.

to any officer, court, territorial division or place, and there is then in the Territories no such officer, court, territorial division or place, the Commissioner may order to what officer, court, territorial division or place such transmission shall be made, or may dispense with the transmission thereof. 4-5 E. VII., c. 27, s. 13.

### Wills.

Who may make.

**17.** Every person of the full age of twenty-one years may devise, bequeath or dispose of by will, executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator. R.S., c. 50, ss. 26 and 27.

Execution.

**18.** No will shall be valid unless it is in writing and 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, who shall attest and subscribe the will in the presence of the testator.

Attestation.

**2.** No form of attestation shall be necessary and no other publication than as aforesaid shall be required. R.S., c. 50, ss. 28 and 29.

Incompetence of witness not to invalidate.

**19.** If any person who attests the execution of a will is; at the time of the execution thereof, or at any time afterwards, incompetent to be admitted as a witness to prove the execution thereof, such will shall not, on that account, be invalid. R.S., c. 50, s. 30.

Executor may be witness.

**20.** No person shall, on account of his being an executor of a will, be incompetent to be admitted as a witness to prove the execution of such will, or as a witness to prove the validity or invalidity thereof. R.S., c. 50, s. 31.

Devise or bequest to attesting witness void.

**21.** If any person attests the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal property other than a charge for the payment of a debt is thereby given, such devise or legacy shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, be null and void, and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy. R.S., c. 50, s. 32.

Witness may prove execution.

Revocation.

**22.** No will or codicil, or any part thereof, shall be revoked otherwise than by,—

(a)

- (a) marriage; or,  
 (b) another will or codicil executed in manner hereinbefore required; or,  
 (c) 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,  
 (d) the burning, tearing or otherwise destroying the same, by the testator or by some person in his presence and by his direction, with the intention of revoking the same.

R.S., c. 50, s. 33.

**23.** Every will shall be construed with reference to the real and personal property affected by it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. R.S., c. 50, s. 34.

Construed as if executed immediately before death.

**24.** If any real property is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless the contrary intention appears by the will. R.S., c. 50, s. 35.

Whole interest in realty to pass unless contrary intention appears.

**25.** A holograph will written and signed by the testator himself though not witnessed shall be valid. 4-5 E. VII., c. 27, s. 11.

Holograph will.

### Married Women.

**26.** All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits derived from any occupation or trade which she carries on separately from her husband, or from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property, shall be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a *feme-sole*.

Earnings, etc.

2. No order for protection shall be necessary in respect of any such earnings or acquisitions.

No order for protection.

3. 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. R.S., c. 50, s. 36.

Possession not to make liable.

**27.** A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own cheque; and her receipt or acquittance shall be a sufficient discharge to any such bank. R.S., c. 50, s. 37.

Deposits in bank.

**28.**

Investment or deposit in fraud of husband's creditors.

**28.** Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman, shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditor; and any money so in fraud deposited or invested may be followed as if this Act had not been passed. R.S., c. 50, s. 38.

Debts of wife.

**29.** A husband shall not, by reason of any marriage, be liable for the debts of his wife, contracted before marriage, nor for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

Husband not liable.

Wife liable for ante-nuptial debts.

2. The wife shall be liable to be sued for any debts by her contracted before marriage, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried. R.S., c. 50, s. 39.

Suits by married woman.

**30.** A married woman may maintain an action in her own name for the recovery of any wages, earnings, money or property, declared by this Act or which is hereafter declared to be her separate property, and shall have, in her own name, the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman. R.S., c. 50, s. 40.

May be sued separately.

**31.** 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. R.S., c. 50, s. 40.

#### *Administration of Justice.*

Governor in Council may appoint stipendiary magistrates. Their powers.

**32.** The Governor in Council may appoint such number of persons as stipendiary magistrates, from time to time, as may be deemed expedient.

2. Every stipendiary magistrate so appointed shall have and may exercise the powers, authorities and functions which were vested in a judge of the said Supreme Court by the Northwest Territories Act and amendments thereto on the thirty-first day of August in the year one thousand nine hundred and five. 4-5 E. VII., c. 27, s. 8.

Provincial judges may be empowered to hear and

**33.** The Governor in Council may vest in any judge of any court of any province the power of hearing and determining, either in the first instance or on appeal, any civil or criminal proceeding arising within the Territories, and, in case of appeal,

appeal, may prescribe the procedure in respect thereof. 4-5 determine cases. E. VII., c. 27, s. 9.

**34.** Every stipendiary shall, previously to entering upon the duties of his office, take an oath in the form following:— Stipendiary's oath of office.

'I, \_\_\_\_\_, do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as a stipendiary magistrate of the Northwest Territories. So help me God.'

2. Such oath shall be administered by the Commissioner or by a stipendiary. R.S., c. 50, s. 47; 4-5 E. VII., c. 27, ss. 4 and 8. Before commissioner or stipendiary.

#### *Royal Northwest Mounted Police.*

**35.** The Commissioner may, subject to any orders made in that behalf, from time to time, by the Governor in Council, issue orders to the Royal Northwest Mounted Police, in aid of the administration of civil and criminal justice, and for the general peace, order and good government of the Territories. R.S., c. 50, s. 63; 57-58 V., c. 27, s. 32; 4-5 E. VII., c. 27, s. 4. Commissioner may give orders to force.

#### *Administration of Criminal Law.*

**36.** The procedure in criminal cases shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in England on the fifteenth day of July, one thousand eight hundred and seventy. Procedure in criminal cases.

2. No grand jury shall be summoned or sit in the Territories. R.S., c. 50, s. 65. No grand jury.

**37.** Every stipendiary shall have and may exercise the powers of a justice of the peace, or of any two justices of the peace under any laws or ordinances in force in the Territories. R.S., c. 50, s. 66; 4-5 E. VII., c. 27, s. 8. Stipendiary to have powers of one or more justices.

**38.** Every stipendiary may in a summary way, and without the intervention of a jury, hear, try and determine any charge against any person of having committed in the Territories, the offence of,— Summary trial of certain offences.

(a) theft or attempt to steal, or obtaining money or property by false pretenses, or, unlawfully receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, obtained or received, does not, in the opinion of such stipendiary, exceed two hundred dollars; or, Theft, etc.

(b) unlawfully wounding or inflicting any grievous bodily harm upon any other person, either with or without a weapon or instrument; or, Wounding.

(c)

Indecent assault.

(c) indecent assault on any female, or on a male person under the age of fourteen years, when such assault, if upon a female, does not, in his opinion, amount to an assault with intent to commit rape; or,

Escape, etc.

(d) escaping from lawful custody or committing prison breach, or assaulting, resisting or wilfully obstructing any judge or any public or peace officer engaged in the execution of his duty, or any person acting in aid of such officer. R.S., c. 50, s. 66; 60-61 V., c. 28, s. 14; 4-5 E. VII., c. 27, s. 8.

Trial with jury.

**39.** When any person is charged with a criminal offence not within the last preceding section, and which is not otherwise by any law made summarily triable without the consent of the accused, the charge shall be heard, tried, and determined by a stipendiary with the intervention of a jury: Provided that in any case the accused may, with his own consent, be tried by a stipendiary in a summary way and without the intervention of a jury. 54-55 V., c. 22, s. 9; 4-5 E. VII., c. 27, s. 8.

Summary trial with consent.

Jury of six.

**40.** In any case of trial with the intervention of a jury, the jury shall be composed of six jurors. 54-55 V., c. 22, s. 9; 4-5 E. VII., c. 27, s. 8.

Summary trial for one offence, conviction of another.

**41.** Whenever, upon a trial of an indictable offence in a summary way before a stipendiary under the preceding sections, the stipendiary is not satisfied that the accused is guilty of the offence with which he stands charged, but the circumstances are such that upon a trial before a jury under the Criminal Code for the like offence, the accused might be found guilty of some other offence, the stipendiary shall have the same power as to findings as a jury would have in the like circumstances under the Criminal Code, and may convict the accused of such other offence, notwithstanding that such offence is one for which, under the preceding sections, the accused could not, without his own consent, have been tried in a summary way.

Punishment in such cases.

2. The person so convicted shall be liable to the punishment by the Criminal Code or otherwise by law prescribed for the offence of which he is so found guilty. 54-55 V., c. 22, s. 10; 4-5 E. VII., c. 27, s. 8.

Notes of evidence.

**42.** The stipendiary shall, upon every such trial, take or cause to be taken down in writing full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted, after the close of the case for the prosecution, to make full answer and defence by counsel, attorney or agent. R.S., c. 50, s. 69; 4-5 E. VII., c. 27, s. 8.

Defence by counsel.

Report in capital cases.

**43.** When any person is convicted of a capital offence and is sentenced to death, the stipendiary shall forward to the Minister

ister of Justice full notes of the evidence, with his report upon the case; and the execution shall be stayed until such report is received and the pleasure of the Governor General thereon is communicated to the Commissioner. 4-5 E. VII., c. 27, s. 8. Stay of execution.

**44.** Persons required as jurors for a trial shall be summoned by a stipendiary from among such male persons as he thinks suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors, and shall be sworn by the stipendiary who presides at the trial. R.S., c. 50, s. 71; 4-5 E. VII., c. 27, s. 8. Summoning juries.

**45.** Any one arraigned for treason or an offence punishable with death, or an offence for which he may be sentenced to imprisonment for more than five years, may challenge peremptorily, and without cause, any number of jurors not exceeding six; and every peremptory challenge beyond that number shall be void. Peremptory challenges by accused.

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

3. Challenges for cause shall be the same as are provided for under the Criminal Code. R.S., c. 50, s. 72; 57-58 V., c. 17, s. 9. Challenges for cause.

**46.** If, by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the stipendiary 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 are necessary to make up a jury, who shall be subject to challenge as if summoned by the judge in the first instance; and the like proceedings shall be repeated, if necessary, until a jury is obtained competent to try the case. R.S., c. 50, s. 73; 4-5 E. VII., c. 27, s. 8. If the list of jurors is exhausted.

**47.** Any person so summoned to serve as a juror who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the stipendiary, may be fined by him in a sum not exceeding ten dollars, and committed to prison until such fine is paid. R.S., c. 50, s. 73; 4-5 E. VII., c. 27, s. 8. Juror failing to attend.

**48.** Any person duly summoned, whether on behalf of the prisoner or against him, to attend and give evidence on any such trial, shall be bound to attend on the day appointed for the same, and shall remain in attendance throughout the whole trial; and, if he fails so to attend, he shall be deemed guilty of contempt of court and may be proceeded against therefor. R.S., c. 50, s. 74. Witness failing to attend.

**49.** Upon proof to the satisfaction of the stipendiary of the summoning of any witness who fails to attend, and upon such stipendiary Bench warrants.

stipendiary being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause such witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant, with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned and to answer for his contempt.

Fine and imprisonment.

2. The stipendiary may, in a summary manner, examine and dispose of the charge of contempt against such witness who, if found guilty of contempt, may be fined or imprisoned, or both, such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labour, and not to exceed the term of ninety days. R.S., c. 50, s. 75; 4-5 E. VII., c. 27, s. 8.

Returns to Commissioner.

50. Returns of all trials and proceedings, civil and criminal, shall be made to the Commissioner in such form and at such time as he directs. R.S., c. 50, s. 76; 4-5 E. VII., c. 27, s. 4.

Repeal of 12 sections preceding.

51. The Governor in Council may, from time to time, by proclamation, declare that the twelve sections last preceding, or any of them, shall be repealed from and after the date named in such proclamation. R.S., c. 50, s. 77; 57-58 V., c. 17, s. 8.

Charge in writing against accused.

52. The trial of any person charged with a criminal offence shall be commenced by a formal charge in writing setting forth as in an indictment the offence wherewith he is charged. 54-55 V., c. 22, s. 11.

Justice holding preliminary investigation to transmit papers to stipendiary.

53. Every justice of the peace or other magistrate holding a preliminary investigation into any criminal offence which may not be tried under the provisions of Part XV. of the Criminal Code shall, immediately after the conclusion of such investigation, transmit to the nearest stipendiary, all informations, examinations, depositions, recognizances, inquisitions and papers connected with such charge.

Notice by gaoler to stipendiary of committal for trial.

2. Whenever any person charged with a criminal offence is committed to gaol for trial, the person in charge of such gaol shall, within twenty-four hours, notify the nearest stipendiary, in writing, that such prisoner is so confined, stating his name and the nature of the charge preferred against him; whereupon with as little delay as possible, the stipendiary shall cause the prisoner to be brought before him for trial, either with or without a jury, as the case requires. 54-55 V., c. 22, s. 12; 4-5 E. VII., c. 27, s. 8.

Imprisonment for two years or longer.

54. If imprisonment for any term not less than two years is awarded in any case, the convict may, on the warrant of the stipendiary, be ordered to be imprisoned in any gaol or penitentiary

penitentiary in the Territories, or to be conveyed to the penitentiary in the province of Manitoba; and whenever any convict or accused person is ordered to be conveyed to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, may hold and convey him, or retake him in case of an escape.

2. The warden of the penitentiary in Manitoba may detain and deal with any such convict or accused person in the said province, as if such penitentiary was within the Territories, or as if such convict or accused person had been ordered to be conveyed to such penitentiary by some competent court or authority in the said province. R.S., c. 50, s. 78; 4-5 E. VII., c. 27, s. 8. Manitoba penitentiary powers of warden.

55. If it is impossible or inconvenient, by reason of the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any stipendiary or justice of the peace may sentence any person convicted before him of an offence, other than the breach of a municipal by-law, to be placed and kept in the custody of the Royal Northwest Mounted Police, with or without hard labour. Detention in custody of Mounted Police.

2. Any police guard house or guard room in the Territories shall be a penitentiary, gaol or place of confinement for all purposes except the confinement of any person sentenced to imprisonment for breach of a municipal by-law. Police guard rooms authorized as places of confinement.

3. If any municipality makes arrangements with the Commissioner of the Royal Northwest Mounted Police for the maintenance of persons convicted of a breach of any by-law of such municipality during the period of their sentence, the provisions of this section shall thereafter apply to such persons in like manner as to other offenders. 54-55 V., c. 22, s. 13; 4-5 E. VII., c. 27, s. 8. Municipal offenders.

56. The Governor in Council may, from time to time, direct that any building, or any part thereof, or any inclosure, in any part of the Territories, shall be a gaol or lock-up for the confinement of prisoners charged with the commission of any offence or sentenced to any punishment or confinement therein; and confinement therein shall thereupon be held lawful and valid, whether such prisoners are being detained for trial or are under sentence of imprisonment in a penitentiary, gaol or other place of confinement. 54-55 V., c. 22, s. 14. Establishment of gaols and lock-ups.

57. The Governor in Council may, at any time, direct that any building, or any part thereof, or any inclosure shall cease to be a gaol or lock-up, and thereupon such building or part thereof, or such inclosure shall cease to be a gaol or lock-up. 54-55 V., c. 22, s. 14. Disestablishment.

58. The Governor in Council may make rules and regulations for the management, discipline and policy of such gaols Rules and regulations  
or

as to gaols  
and lock-ups.

or lock-ups, and for fixing and prescribing the duties and conduct of the gaolers and every other officer or servant employed therein, and for the diet, bedding, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein.

2. All gaolers, officers, prisoners and other persons shall be bound to obey such rules and regulations. 54-55 V., c. 22, s. 14.

Imprison-  
ment for  
offences  
against ordi-  
nances, etc

**59.** The Governor in Council may from time to time prescribe the terms and conditions upon which persons convicted or accused of any offence under any ordinance of the Territories, or any municipal by-law or regulation, or sentenced to confinement under any such ordinance, by-law or regulation, or arrested under any civil process, shall be received and kept in any gaol or lock-up created under the authority of the three last preceding sections; and he may, from time to time, specify what gaols and lock-ups shall be available for the confinement of such persons. 54-55 V., c. 22, s. 14.

#### *Coroners and Inquests.*

Who shall  
be coroners.

**60.** The Indian Commissioner for the Territories, the stipendiaries, the commissioner and assistant commissioner of the Royal Northwest Mounted Police, and such other persons as the Commissioner, from time to time, appoints, shall be coroners in and for the Territories. R.S., c. 50, s. 82; 4-5 E. VII., c. 27, ss. 4 and 8.

When only  
inquests  
may be held.

**61.** Except as hereinafter provided, no inquest shall be held upon the body of any deceased person by any coroner, unless it has been made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means, or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation, and not through mere accident or mischance. R.S., c. 50, s. 83.

Deceased  
prisoners.

**62.** 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. R.S., c. 50, s. 84.

Number of  
jury.

**63.** It shall not be necessary in any case that a coroner's jury shall exceed six persons, but, subject to the provisions of the next following section, in every case of an inquest six jurors must agree in order to render the verdict valid. R.S., c. 50, s. 85.

Less than  
six or no

**64.** Where in the opinion of a coroner it is impracticable to obtain six jurors, he may hold an inquest with a jury of a less number

number or without a jury, and in such case the inquisition shall state that the inquest has been so held, with the reasons therefor; and the verdict of the jury, if less than six in number, shall be unanimous; and if there is no jury the coroner may find such verdict as a jury might have found. 4-5 E. VII., c. 27, s. 10. jury if necessary.

**65.** Coroners shall have the same powers to summon witnesses and to punish them for disobeying a summons to appear or for refusing to be sworn or to give evidence as are enjoyed by justices of the peace. R.S., c. 50, s. 86. Powers of coroners as to witnesses.

#### *Fees in Criminal Cases and Inquests.*

**66.** The fees of coroners, jurors and witnesses attending criminal trials and inquests may be fixed, from time to time, by the Governor in Council, and paid in such manner as he directs. R.S., c. 50, s. 87. Fees.

#### *Lunatics.*

**67.** Whenever, under any law or ordinance in force in the Territories, any insane person is kept in custody until the pleasure of the Commissioner is known, or until such person is discharged by law, the Commissioner may cause such person to be removed to and confined in any asylum or place of confinement, from time to time designated for that purpose by the Governor in Council, and the superintendent or warden of such asylum or place of confinement shall receive such person and detain him therein until the pleasure of the Commissioner is known, or until such person is discharged by law. R.S., c. 50, s. 103; 4-5 E. VII., c. 27, s. 4. Removal of lunatics to asylum.

**68.** The Lieutenant-Governor of the province of Manitoba may cause any insane person who came from the Territories and who was confined in a temporary lunatic asylum on the twentieth day of July, in the year one thousand eight hundred and eighty-five, to be removed to the Manitoba lunatic asylum. R.S., c. 50, s. 103; 4-5 E. VII., c. 27, s. 4. Lunatics in confinement on 20th July, 1885.

**69.** If any insane person confined in such asylum or place of confinement under this Part escapes therefrom, any of the officers or servants thereof, or any other person or persons, at the request of such officers or servants or any of them, may within forty-eight hours after such escape if no warrant has been issued and within one month after such escape if a warrant in the form in the schedule to this Act has been issued by the superintendent or warden of such asylum or place of confinement in that behalf, retake such escaped person and return him thereto; and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape. R.S., c. 50, s. 104. Recapture of escaped lunatics.

Manitoba to be indemnified for care of lunatics.

**70.** The Minister may, subject to the approval of the Governor in Council, make such arrangements with the Lieutenant Governor of Manitoba as seems reasonable as to the compensation to be made by Canada to that province for the care and maintenance of persons detained in the Manitoba lunatic asylum or in any temporary asylum.

Detention authorized.

2. Any such person lawfully detained in any such asylum at the time of the coming into force of this Act may be detained in such asylum by the superintendent thereof until otherwise discharged by law. R.S., c. 50, ss. 103 and 105; 4-5 E. VII., c. 27, s. 4.

#### *Road Allowances.*

Road allowances under control of Commissioner.

**71.** All road allowances in townships now or hereafter surveyed and subdivided in the Territories, and all road allowances set out on block lines now or hereafter surveyed in the Territories, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Commissioner, for the public use of the Territories, subject to any ordinance made or to be made with respect thereto. 60-61 V., c. 28, s. 18; 4-5 E. VII., c. 27, s. 4.

Survey of old roads or trails.

**72.** On the Minister receiving notice from the Commissioner of any particular thoroughfare or public travelled road or trail in the Territories, which existed as such prior to the subdivision of the land into sections and which it is desired to have transferred to the Territories, the Governor in Council may pass an order authorizing the survey of such road or trail by a Dominion land surveyor, such survey to be made under instructions from the Commissioner in accordance with a manual of instructions regarding the manner of making such surveys approved by the Surveyor General of Dominion Lands. 60-61 V., c. 28, s. 19; 4-5 E. VII., c. 27, s. 4.

Transfer to Territories.

**73.** Upon approval of the returns of such survey by the Surveyor General, one copy thereof shall be filed in the Department of the Interior and one in the Land Titles Office, if there be any such office, for the district within which such road or trail is situated; and such road or trail may then be transferred by the Governor in Council for the use of the Territories, subject to any rights which may have been acquired under letters-patent issued previous to such transfer. 60-61 V., c. 28, s. 19.

Dimensions and location.

**74.** The width of such road or trail shall be one chain or sixty-six feet; and, in making the survey, the surveyor shall make such changes in the location of the road or trail as he finds necessary for improving it, without, however, altering its main direction. 60-61 V., c. 28, s. 19.

**75.**

**75.** The Commissioner may cause to be surveyed and marked on the ground such roads or trails as are from time to time deemed necessary to aid in the development of any district which cannot be served by existing road allowances or by old trails as in the preceding sections provided. Survey of new roads.

2. Such roads or trails shall be laid out one chain or sixty-six feet in width. Width.

3. In making the survey the manual of instructions aforesaid shall be followed, and one copy of the returns of such survey shall be filed in the Land Titles Office for the district within which such road or trail is situated, if there be any such office, and one copy in the office of the Commissioner. 60-61 V., c. 28, s. 21; 4-5 E. VII. c. 27, s. 4. Returns to be filed.

**76.** The effect of the filing of the returns of such survey shall be to vest the lands shown on such returns as a road or trail in His Majesty for the public use of the Territories as a highway, without prejudice, however, to the legal rights of the owner to compensation therefor. 2 E. VII., c. 24, s. 2. Lands in surveyed roads to vest in Territories.

#### *Enforcement of Territorial Ordinances.*

**77.** Unless otherwise therein specially provided, proceedings for enforcing any territorial ordinance by the imposition of punishment by fine, penalty or imprisonment may be brought summarily before a justice of the peace under the provisions of Part XV. of the Criminal Code. 57-58 V., c. 17, s. 19. Ordinances may be enforced by summary conviction.

## PART II.

### ADMINISTRATION OF CIVIL JUSTICE.

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

2. On the application to set a cause down for trial, if the action be for slander, libel, false imprisonment, malicious prosecution, seduction or breach of promise of marriage, or if the action arises out of a tort, wrong or grievance in which the damages claimed exceed five hundred dollars, or if the action be for debt or founded on contract wherein the amount claimed or the damages sought to be recovered, exceed one thousand dollars, or if the action be for the recovery of real property, and either party signify his desire to have the issue of fact therein tried by a judge with a jury, or the judge so direct, the same shall Actions of slander, etc. Jury shall

shall be tried by a jury. R.S., c. 50, s. 88; 60-61 V., c. 28, s. 15; 60-61 V., c. 32, s. 1; 4-5 E. VII., c. 27, ss. 6 and 8.

Disputed  
accounts.

**79.** In cases of disputed accounts, the stipendiary may, in place of a trial by jury, direct the evidence to be taken by the clerk of any court, or by any other competent person; which clerk or other person shall be sworn to take the evidence truly, and to reduce it to writing. R.S., c. 50, s. 88; 4-5 E. VII., c. 27, s. 8.

Judgment in  
such cases.

**80.** The stipendiary may give judgment on the verdict of the jury or upon the evidence taken by the clerk or other person as aforesaid, or may, in the case of a verdict, order a new trial, when justice seems to require it. R.S., c. 50, s. 88; 4-5 E. VII., c. 27, s. 8.

Judgment,  
orders, etc.,  
generally.

**81.** In all cases a stipendiary may give such judgment and make such orders and decrees, interlocutory and final, as appear just and agreeable to equity and good conscience. R.S., c. 50, s. 88; 4-5 E. VII., c. 27, s. 8.

No jurisdic-  
tion in cases  
of gambling  
debts.

**82.** No court, judge or stipendiary in the Territories shall have jurisdiction in respect of any action for a gambling debt, or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which was a gambling debt. R.S., c. 50 s. 88. O.C., 1 August, 1894, 58-59 V., App. lviii; 4-5 E. VII., c. 27, s. 8.

Judgment,  
how given.

**83.** Every judgment of a stipendiary shall be pronounced in open court as soon as may be after the hearing of the case; except that, in any case where the stipendiary is not prepared to pronounce judgment at the close of the trial, he may postpone judgment and deliver and enter the same subsequently, and such judgment shall be as effectual as if rendered in court at the trial. R.S., c. 50, s. 89; 4-5 E. VII., c. 27, s. 8.

Execution.

**84.** The proceedings to carry into effect any such judgment, order or decree, whether interlocutory or final, shall be as prescribed by any ordinance of the Territories; or, if no such ordinance is in force when any such judgment, order or decree is rendered, then in such manner as the stipendiary who pronounced the same directs. R.S., c. 50, s. 90; 60-61 V., c. 28, s. 16; 4-5 E. VII., c. 27, ss. 6 and 8.

Repeal by  
Governor in  
Council of  
this Part.

**85.** Notwithstanding any power conferred upon the Commissioner in Council to repeal the provisions of this Part the Governor in Council may, from time to time, by proclamation repeal such provisions or any of them, from and after the day to be named in such proclamation. 57-58 V., c. 17, s. 10; 3 E. VII., c. 40, s. 3.

PART

## PART III.

## INTOXICANTS.

**86.** No intoxicating liquor or intoxicant shall be manufactured, compounded or made in the Territories, except by special permission of the Governor in Council; nor shall any intoxicating liquor or intoxicant be imported or brought into the Territories from any province of Canada, or elsewhere, or be sold, exchanged, traded or bartered, or had in possession therein, except by special permission in writing of the Commissioner. R.S., c. 50, s. 92; 4-5 E. VII., c. 27, s. 4.

Intoxicants not to be manufactured, etc., without permission.

**87.** Intoxicating liquors or intoxicants imported or brought from any place out of Canada into the Territories, by special permission in writing of the Commissioner, shall be subject to the Customs and excise laws of Canada. R.S., c. 50, s. 92; 4-5 E. VII., c. 27, s. 4.

Customs or excise laws to apply.

**88.** The Commissioner shall make an annual return, up to the thirty-first day of December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicating liquors and intoxicants in each case, to the Minister, who shall lay the same before Parliament. R.S., c. 50, s. 93; 4-5 E. VII., c. 27, s. 4.

Returns of permissions granted by Commissioner.

**89.** If any such intoxicating liquor or intoxicant is manufactured or made in the Territories, or is imported or brought into the Territories, or sold, exchanged, traded or bartered in violation of the provisions of this Part, such liquor or intoxicant may be seized by any officer of the Customs or excise, or by any constable or other duly qualified person, wheresoever found, and shall be forfeited. R.S., c. 50, s. 94.

Forfeiture if manufactured, etc., without permission.

**90.** Any stipendiary or justice of the peace on complaint made before him, may, on evidence that the provisions of this Part have been violated in respect to any intoxicating liquor or intoxicant,—

Magistrate may order destruction and give search warrant.

(a) declare the same to be forfeited and if it has been seized, order and cause it to be forthwith destroyed; or,

(b) if such liquor or intoxicant has not been seized, issue a warrant authorizing search therefor, as in the case of stolen goods, and, if found, cause the same to be forthwith destroyed.

2. The person in whose possession any such intoxicating liquor or intoxicant is found shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

Penalty.

3. A moiety of such penalty shall belong to the person laying such information. R.S., c. 50, s. 94; 4-5 E. VII., c. 27, s. 8.

Application.

**91.**

R.S., 1906.

Still, machinery or receptacle may be seized.

**91.** The still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has, in violation of the provisions of this Part, been manufactured, imported or made, sold, exchanged, traded or bartered, including the vessel in which the original supply or any portion thereof was contained or supplied as aforesaid, and the remainder, if any, of the contents thereof, if any such still, machinery, keg, barrel, case, box, package, receptacle or vessel can be identified, may be seized by any officer of the Customs or excise or by any constable or other duly qualified person, wheresoever found within the Territories. R.S., c. 50, s. 94.

Forfeiture of still, etc.

**92.** Any stipendiary or justice of the peace may, on complaint before him, and on evidence that the provisions of this Part have been violated in respect of any such still, machinery, vessel or receptacle, declare the same forfeited, and cause the same to be forthwith destroyed; and the person in whose possession any of them are found, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, with costs.

Penalty.

Application.

2. A moiety of such penalty shall belong to the person laying the information. R.S., c. 50, s. 94; 54-55 V., c. 22, s. 15; 4-5 E. VII., c. 27, s. 8.

Forfeiture of importing vessels.

**93.** Every vehicle and every ship, vessel or boat, on which any such intoxicating liquor or intoxicant is imported or conveyed into, or through, or over any portion of the Territories, contrary to the provisions of this Part, together with the horses or other cattle employed in drawing any such vehicle as aforesaid, shall be forfeited to His Majesty, and may be seized and dealt with accordingly. 51 V., c. 19, s. 18; 4-5 E. VII., c. 27, s. 12.

Manufacturing, etc., without permission.

**94.** Every person who manufactures, makes, compounds, imports, sells, exchanges, trades or barters any intoxicating liquor or intoxicant, except by special permission as aforesaid, or in whose possession or on whose premises any intoxicating liquor or intoxicant of any kind is or has been, in violation of this Part, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

Penalty.

Application.

2. A moiety of such penalty shall belong to the person laying the information. 54-55 V., c. 22, s. 16.

Having articles exchanged for intoxicants.

**95.** Every person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant, shall, for each offence, incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

Penalty.

Application.

2. A moiety of such penalty shall belong to the person laying the information. R.S., c. 50, s. 96.

**96.** Every article, chattel, commodity or thing, in the purchase, acquisition, exchange, trade or barter of which the consideration, either wholly or in part, is any intoxicating liquor or intoxicant, shall be forfeited to His Majesty, and shall be seized, as hereinbefore provided in respect to any receptacle of any intoxicating liquor or intoxicant. R.S., c. 50, s. 97.

Forfeiture of things for which exchanged, etc.

**97.** Every person who refuses or neglects to aid any constable, sub-constable, or other duly authorized person in the execution of any act or duty required under any of the preceding provisions of this Part, or who knowingly refuses to give information, or gives false information in respect to any such matter, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

Refusing to assist constable.

Penalty.

2. A moiety of such penalty shall belong to the person laying the information. R.S., c. 50, s. 98.

Application.

**98.** Every penalty incurred under any of the provisions of this Part shall be recoverable, with costs, on summary conviction, on evidence before any stipendiary or justice of the peace, who shall, on payment of such penalty and costs, pay to the person laying the information his share thereof. R.S., c. 50, s. 99; 4-5 E. VII., c. 27, s. 8.

Recovery of penalties.

**99.** In case of non-payment of the penalty and costs immediately after conviction, the convicting stipendiary or justice of the peace may, in his discretion, levy the same by distress and sale, or may commit the person convicted to any common gaol or lock-up for a term not exceeding six months, with or without hard labour, unless the said penalty and costs are sooner paid. R.S., c. 50, s. 99; 4-5 E. VII., c. 27, s. 8.

Distress and sale in default of payment.

Imprisonment until payment.

**100.** Upon conviction for a subsequent offence, the offender shall be liable, on summary conviction, to a penalty not exceeding four hundred dollars and not less than two hundred dollars, and, in the discretion of the convicting stipendiary or justice of the peace, to imprisonment with or without hard labour in any common gaol or lock-up for a further term not exceeding six months. R.S., c. 50, s. 99; 4-5 E. VII., c. 27, s. 8.

Subsequent offence.

**101.** No seizure, prosecution, conviction or commitment under this Part shall be invalid for want of form, so long as the same is according to the true intent and meaning of this Part. R.S., c. 50, s. 100.

Seizure, conviction, etc., not invalid for want of form.

## PART IV.

### SALE OF ARMS AND AMMUNITION.

**102.** This Part shall come into force from and after a day to be named therefor by proclamation of the Governor in Council;

This Part in force only.

cil;

R.S., 1906.

upon procla- cil; and upon and after the date so named, this Part shall mation. become and be in force in the Territories or in any place therein in such proclamation designated.

May be de- 2. The Governor in Council may, in like manner, from time clared no longer in force. to time, declare this Part to be no longer in force in the Terri- tories or in any such place and may again, from time to time, declare the same to be in force therein.

Judicial notice. 3. All courts, judges and justices of the peace shall take judi- cial notice of any such proclamation. R.S., c. 50, s. 101.

Not to apply to officers of His Majesty's forces. 103. The provisions of this Part respecting the possession of arms and ammunition shall not apply to any officer or man of His Majesty's forces, of the permanent force of Canada, of the Militia force, or of the Royal Northwest Mounted Police force. R.S., c. 50, s. 101.

*Offences and Penalties.*

Possession, sale, etc., of arms, etc., without permission. 104. Every person who, in the Territories,— (a) without the permission in writing, the burden of proof of which shall be on him, of the Commissioner or of a commissioner appointed by him to give such permission, has in his possession or sells, gives, exchanges, trades or barter to or with any person, any improved arm or ammunition; or,

Sale to un- authorized person. (b) having such permission, sells, gives, exchanges, trades or barter any such arm or ammunition to or with any person not lawfully authorized to possess the same;

Penalty. shall, on summary conviction before a stipendiary or two jus- tices of the peace, be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceed- ing six months, or to both. R.S., c. 50, s. 101; 4-5 E. VII., c. 27, ss. 4 and 8.

Search for and seizure of arms and ammunition. 105. All arms and ammunition which are in the possession of any person, or which are sold, given, exchanged, traded or bartered to or with any person in violation of the last preced- ing section, shall be forfeited to his Majesty and may be seized by any constable or other peace officer; and any stipendiary or justice of the peace may issue a search warrant to search for and seize the same, as in the case of stolen goods. R.S., c. 50, s. 101; 4-5 E. VII., c. 27, s. 8.

*Regulations.*

Regulations. 106. The Governor in Council may make regulations respecting,— (a) the granting of permission to sell, exchange, trade, barter, give or possess arms and ammunition; (b) the fees to be taken in respect thereof;

(c)

- (c) the returns to be made respecting permissions granted; and;  
 (d) the disposition to be made of forfeited arms and ammunition. R.S., c. 50, s. 101.

### SCHEDULE.

#### WARRANT TO RETAKE ESCAPED PATIENT.

*Manitoba Lunatic Asylum (or as the case may be).*

To \_\_\_\_\_ and all or any of  
 the peace officers, in the county (*or as the case may be*) of \_\_\_\_\_

Whereas, on the \_\_\_\_\_ day of \_\_\_\_\_ last  
 past, being within one month from the date hereof, A.B.,  
 an insane person confined in the Manitoba Lunatic Asylum  
 (*or as the case may be*), of which I, \_\_\_\_\_ an  
 superintendent (*or warden*), did escape from the said asylum  
 (*or as the case may be*):

These are therefore to authorize and command you, or any  
 of you, the said peace officers in His Majesty's name, at any  
 time within one month from the date of the said escape, to  
 retake the said A.B., and safely convey him to this asylum (*or  
 as the case may be*) and deliver him into my charge.

Given under my hand and seal this  
 day of \_\_\_\_\_, in the year \_\_\_\_\_  
 at \_\_\_\_\_, in the county \_\_\_\_\_  
 aforesaid.

(Signature) [L.S.]

*Superintendent.*

R.S., c. 50, sch.

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## 3-4 GEORGE V.

### CHAP. 13.

#### An Act to amend the Criminal Code.

[Assented to 6th June, 1913.]

\* \* \* \* \*

S. 1063  
amended.

**31.** Section 1063 is amended by adding thereto the following subsections:—

Sentence of  
death in  
N.W.T. and  
Yukon.

“3. In the Northwest Territories and in the Yukon Territory, when any person is convicted of a capital offence and is sentenced to death the judge or stipendiary magistrate who tried the case shall forthwith forward to the Secretary of State of Canada full notes of the evidence with his report upon the case, and the execution shall be stayed until such report is received and the pleasure of the Governor General therein is communicated to the Commissioner of the Northwest Territories or of the Yukon Territory, as the case may be.

R.S., 1886, c.  
50 and R.S.,  
1906, c. 62  
amended.

“4. Sections 69 and 70 of chapter 50 of the Revised Statutes, 1886, intituled *An Act respecting the North-West Territories*, and section 43 of *The Northwest Territories Act*, chapter 62 of the Revised Statutes, 1906, are repealed.”



## CHAPTER 63.

### An Act to provide for the Government of the Yukon Territory.

#### SHORT TITLE.

1. This Act may be cited as the Yukon Act. 61 V., c. 6, s. 1. Short title.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
- (a) 'Territory' means the Yukon Territory;
  - (b) 'Commissioner' means the Commissioner of the Yukon Territory;
  - (c) 'Council' means the council elected and appointed to aid the Commissioner in the administration of the Yukon Territory;
  - (d) 'Court' means the Territorial Court for the Yukon Territory;
  - (e) 'intoxicating liquor' means and includes all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids;
  - (f) 'intoxicant' includes opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid. 61 V., c. 6, ss. 3 and 10; 62-63 V., c. 11, ss. 1 and 5; 1 E. VII., c. 41, s. 13.

#### TERRITORY.

3. The territory described in the schedule to this Act shall continue to be a separate territory under the name of the Yukon Territory. 1 E. VII., c. 41, s. 13. Continued a  
separate  
territory.

#### COMMISSIONER.

4. The Governor in Council may, by instrument under the Great Seal, appoint for the Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory. 61 V., c. 6, s. 3. Commis-  
sioner.

Administra-  
tion of  
government.

**5.** The Commissioner shall administer the government of the Territory under instructions from time to time given him by the Governor in Council or the Minister of the Interior. 61 V., c. 6, s. 4.

Provision for  
case of com-  
missioner's  
death.

**6.** In case of the death of the Commissioner, the senior member of the Council shall act as Commissioner until a successor is appointed. 61 V., c. 6, s. 21.

#### COUNCIL.

Council  
continued.

**7.** There shall continue to be a Council constituted as heretofore, to aid the Commissioner in the administration of the Territory, consisting of not more than eleven members, five of them elected as provided by this Act and ordinances made thereunder, and the remainder appointed by warrant of the Governor General under his Privy Seal.

Qualification  
for election.

**2.** Any person shall be eligible for election as a representative member of the Council who is qualified to vote at any election of a representative member.

Tenure of  
office.

**3.** The members of the Council so elected shall hold office for two years from the date of the return of their election.

Quorum.

**4.** A majority of the members of the Council including the Commissioner shall form a quorum. 62-63 V., c. 11, s. 1; 2 E. VII., c. 34, s. 1.

Oaths of  
office and  
allegiance.

**8.** The members of the Council shall, before entering upon the duties of their office, take and subscribe before the Commissioner such oaths of allegiance and office as the Governor in Council may prescribe. 62-63 V., c. 11, s. 1; 2 E. VII., c. 34, s. 1.

Qualifications  
to vote.

**9.** The natural-born and naturalized male British subjects in the Territory who have attained the full age of twenty-one years and continually resided there for a period of not less than twelve months shall be qualified to vote at an election of representative members. 2 E. VII., c. 34, s. 1.

#### COMMISSIONER IN COUNCIL.

Ordinances  
respecting  
elections.

**10.** The Commissioner in Council by ordinance,—  
(a) shall make all necessary provisions for the election of representative members of the Council;  
(b) may provide for the division of the Territory into electoral districts for the purposes of the election of the representative members of the Council;  
(c) may prescribe residence in a district prior to the date of an election therein of a representative member as a qualification necessary to entitle any person to vote in such district at such election: Provided that no term of residence

ence less than three months or more than twelve months shall be so prescribed.

2. Each of such electoral districts shall be represented in the Council by one or more of such members. 62-63 V., c. 11, s. 1; 4 E. VII., c. 42, s. 1.

- 11.** The Commissioner in Council may make ordinances,—
- (a) imposing taxes for any purpose within his jurisdiction; Other ordinances,  
Taxation.
  - (b) respecting the summoning of juries and the enforcement of the attendance of jurors for the trial of civil and criminal cases and respecting the payment of the costs and expenses in connection therewith; Juries.
  - (c) for the control and regulation of the sale of and traffic in intoxicating liquor in the Territory, subject to the provisions of any ordinance of the Governor in Council and notwithstanding anything to the contrary in any Act of Parliament; Liquor traffic.
  - (d) for the preservation of game in the Territory. 62-63 V., c. 11, s. 2; 63-64 V., c. 34, s. 1; 2 E. VII., c. 34, s. 2; 3 E. VII., c. 73, s. 1. Game.

**12.** The Commissioner in Council may also, subject to the provisions of this Act, and of any other Act of the Parliament of Canada applying to the Territory, and of any ordinances of the Governor in Council, make ordinances for the government of the Territory in relation to the classes of subjects next hereinafter mentioned, that is to say:—

- (a) The establishment and tenure of territorial offices and the appointment and payment of territorial officers out of territorial revenues; Further powers to make ordinances.  
Territorial offices and officers.
- (b) The establishment, maintenance and management of prisons in and for the Territory, the expense thereof being payable out of territorial revenues; Prisons.
- (c) Municipal institutions in the Territory; Municipal institutions.
- (d) Shop, saloon, tavern, auctioneer and other licenses in order to raise a revenue for territorial or municipal purposes; Licenses.
- (e) The incorporation of companies with territorial objects, excepting railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies; Incorporation of companies.
- (f) The solemnization of marriage in the Territory; Marriage.
- (g) Property and civil rights in the Territory; Property and civil rights.
- (h) The administration of justice in the Territory, including the constitution, organization and maintenance of territorial courts of civil jurisdiction, including procedure therein, but not including the appointment of judicial officers, or the constitution, organization and maintenance of courts of criminal jurisdiction, or procedure in criminal matters; Administration of justice.

- Sheriffs and clerks of court. (i) The defining of the powers, duties and obligations of sheriffs and clerks of the courts and their respective deputies;
- Alimony. (j) The conferring on territorial courts of jurisdiction in matters of alimony;
- Enforcing of ordinances. (k) The imposition of punishment by fine, penalty or imprisonment, for enforcing any territorial ordinances;
- Expenditure of territorial funds. (l) The expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territory as the Commissioner is authorized to expend by and with the advice of the Council or of any committee thereof;
- Local and private. (m) Generally, all matters of a merely local or private nature in the Territory.

General saving of existing powers.

2. The Commissioner in Council shall continue to have all the power and authority to make ordinances which he had at the time of the coming into force of this Act, and any power to repeal, re-enact or substitute provisions which, upon the coming into force of this Act, the Commissioner in Council had with respect to the provisions of the Northwest Territories Act, *The Revised Statutes of Canada*, chapter fifty, and the Acts in amendment thereof as applying to the Territory, is hereby preserved and shall continue with respect to the corresponding provisions of this Act, if any. 2 E. VII., c. 34, s. 2.

Powers not to exceed those of provincial legislatures.

13. Nothing in the last preceding section contained shall be construed to give to the Commissioner in Council any greater powers with respect to the subjects therein mentioned than are given to provincial legislatures under the provisions of section ninety-two of *The British North America Act, 1867*, with respect to the similar subjects therein mentioned. 2 E. VII., c. 34, s. 2.

Education.

14. The Commissioner in Council shall pass all necessary ordinances in respect to education; but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Territory or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof. 2 E. VII., c. 34, s. 2.

Ordinances to be laid before Parliament.

15. A copy of every ordinance made by the Commissioner in Council shall be despatched by mail to the Secretary of State of Canada within ten days after the passing thereof, and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter.

2. Any such ordinance may be disallowed by the Governor in Council at any time within two years after its passage. 61 V., c. 6, s. 7. Disallowance.

## ORDINANCES BY GOVERNOR IN COUNCIL.

- 16.** Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order, and good government of the Territory, and of His Majesty's subjects and others therein: Provided that no such ordinance shall,—
- (a) for the enforcement of any ordinance, impose any penalty exceeding five hundred dollars;
- (b) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the Territory for any offence;
- (c) appropriate any public land or other property of Canada without authority of Parliament, or impose any duty of Customs or any excise.
2. Without limiting the generality of the powers so conferred the Governor in Council may make ordinances,—
- (a) imposing a tax or royalty, not exceeding five per centum thereof, upon gold or silver the output of mines in the Territory, to be levied from and after the date of the ordinance imposing it; General powers.  
Proviso.  
Specific.  
Royalties on gold and silver.
- (b) prescribing and regulating the place and manner of collection of such tax or royalty, and the methods of securing and enforcing the payment thereof; Collection thereof.
- (c) providing for the confiscation and forfeiture of gold and silver upon which such tax or royalty has not been duly paid, as well as for the confiscation and forfeiture of any vessel, vehicle, cart or other receptacle containing it, or used or intended to be used for the transportation thereof; Forfeiture for non-payment.
- (d) giving to any officer of the Crown, in respect of searches, examinations, and other proceedings for the enforcement of the provisions of any such ordinance, all such powers, rights, privileges, and protection as officers of Customs have under the provisions of the Customs Act; Powers of officers.
3. No tax shall be imposed by ordinance except as in this Act provided. 2 E. VII., c. 34, s. 3. No tax except as authorized.

**17.** Every ordinance made under the authority of the last preceding section shall remain in force until the day immediately succeeding the day of prorogation of the then next session of Parliament, and no longer, unless during such session of Parliament such ordinance is approved by resolution of both Houses of Parliament. 2 E. VII., c. 34, s. 3. Ordinances must be approved by Parliament.

**18.** Every ordinance made by the Governor in Council under the provisions of this Act shall have force and effect only after it has been published for four successive weeks in the *Canada Gazette*. Publication.

Ordinances  
to be laid  
before  
Parliament.

2. All such ordinances shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof. 2 E. VII., c. 34, s. 3.

LAWS APPLICABLE TO TERRITORY.

Existing  
laws con-  
tinued.

19. Subject to the provisions of this Act, the laws relating to civil and criminal matters and the ordinances in force in the Northwest Territories on the thirteenth day of June, one thousand eight hundred and ninety-eight, shall be and remain in force in the Territory, in so far as the same are applicable thereto, and in so far as the same have not been or are not hereafter repealed, abolished or altered by the Parliament of Canada, or by any ordinance of the Governor in Council or the Commissioner in Council made under the provisions of this Act. 61 V., c. 6, s. 9.

Application  
of Acts of  
Parliament.

20. Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is, by its terms, applicable only to one or more of the provinces of Canada, or is, for any reason, inapplicable to the Territory, shall, subject to the provisions of this Act, apply to and be in force in the Territory. 61 V., c. 6, s. 9.

Acts may be  
made to  
apply by  
proclama-  
tion.

21. 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 such Act not then in force in the Territory, shall be in force in the Territory generally, or in any part or parts thereof mentioned in such proclamation. 61 V., c. 6, s. 9.

*Wills.*

Who may  
make.

22. Every person of the full age of twenty-one years may devise, bequeath or dispose of by will, executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator. 61 V., c. 6, s. 9.

Execution.

23. No will shall be valid unless it is in writing and 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, who shall attest and subscribe the will in the presence of the testator.

Attestation.

2. No form of attestation shall be necessary and no other publication than as aforesaid shall be required. 61 V., c. 6, s. 9.

24.

**24.** If any person who attests the execution of a will is, at the time of the execution thereof, or at any time afterwards, incompetent to be admitted as a witness to prove the execution thereof, such will shall not, on that account, be invalid. 61 V., c. 6, s. 9. Incompetence of witness not to invalidate.

**25.** No person shall, on account of his being an executor of a will, be incompetent to be admitted as a witness to prove the execution of such will, or as a witness to prove the validity or invalidity thereof. 61 V., c. 6, s. 9. Executor may be witness.

**26.** If any person attests the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal property other than a charge for the payment of a debt is thereby given, such devise or legacy shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, be null and void, and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy. 61 V., c. 6, s. 9. Devise or bequest to attesting witness void.

**27.** No will or codicil, or any part thereof, shall be revoked otherwise than by,— Revocation.

(a) marriage; or,

(b) another will or codicil executed in manner hereinbefore required; or,

(c) 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,

(d) the burning, tearing or otherwise destroying the same, by the testator or by some person in his presence and by his direction, with the intention of revoking the same. 61 V., c. 6, s. 9.

**28.** Every will shall be construed with reference to the real and personal property affected by it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. 61 V., c. 6, s. 9. Construed as if executed immediately before death.

**29.** If any real property is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless a contrary intention appears by the will. 61 V., c. 6, s. 9. Whole estate in realty to pass unless contrary intention appears.

#### *Married Women.*

**30.** All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits derived Earnings, etc.

derived from any occupation or trade which she carries on separately from her husband, or from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property, shall be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a *feme-sole*.

No order for protection.

2. No order for protection shall be necessary in respect of any such earnings or acquisitions.

Possession not to make liable.

3. 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. 61 V., c. 6, s. 9.

Deposits in bank.

**31.** A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own cheque; and her receipt or acquittance shall be a sufficient discharge to any such bank. 61 V., c. 6, s. 9.

Deposits or investments in fraud of creditors of husband not validated.

**32.** Nothing hereinbefore contained in reference to monéys deposited or investments by any married woman, shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditor; and any money so in fraud deposited or invested may be followed as if this Act had not been passed. 61 V., c. 6, s. 9.

Wife's debts. Husband not liable.

**33.** A husband shall not, by reason of any marriage, be liable for the debts of his wife, contracted before marriage, nor for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

Wife liable for ante-nuptial debts.

2. The wife shall be liable to be sued for any debts by her contracted before marriage, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried. 61 V., c. 6, s. 9.

May sue in own name.

**34.** A married woman may maintain an action in her own name for the recovery of any wages, earnings, money or property, declared by this Act or which is hereafter declared to be her separate property, and shall have, in her own name, the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman. 61 V., c. 6, s. 9.

May be sued separately.

**35.** 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. 61 V., c. 6, s. 9.

## TERRITORIAL COURT.

**36.** There shall continue to be a superior court of record in and for the Territory, called the Territorial Court, consisting of one or more judges appointed by the Governor in Council by letters patent under the Great Seal. 61 V., c. 6, s. 10. Territorial Court continued.

**37.** Any person may be appointed a judge of the court who is or has been a judge of a superior or a county court of any province of Canada or of the Northwest Territories, or a barrister or advocate of at least ten years' standing at the bar of any such province or of the Northwest Territories. 61 V., c. 6, s. 10. Qualifications.

**38.** A judge of the court shall not hold any other office of emolument under the Government of Canada, or of any province of Canada or of the Territory: Provided that a judge of the court shall be eligible for appointment as a member of the Council of the Territory. 61 V., c. 6, s. 10. Not to hold other office of emolument.

**39.** The law governing the rights, privileges, power, authority and jurisdiction of the court and the judge or judges thereof, shall be the same, *mutatis mutandis*, as the law governing the rights, privileges, power, authority and jurisdiction of the Supreme Court of the Northwest Territories and of the judges of that court, except as the same are expressly varied by this Act. 62-63 V., c. 11, s. 6. Law as to rights, etc., of court and judges.

**40.** Each judge of the court shall reside at such place in the Territory as the Governor in Council, in the commission to such judge, or by order in council, directs. 62-63 V., c. 11, s. 6. Residence of judges.

**41.** The judges of the court shall hold office during good behaviour, but shall be removable by the Governor General, on address of the Senate and House of Commons of Canada. 62-63 V., c. 11, s. 6. Tenure of office.

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

I, \_\_\_\_\_, do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as one of the judges of the Territorial Court. So help me God.

2. Such oath shall be administered by the Commissioner or by a judge of the court. 62-63 V., c. 11, s. 6.

**43.** The Governor in Council may appoint such officers of the court and such other officers for the due administration of justice in the Territory, as are deemed necessary, and may define and specify the duties of such officers, and fix the fees or emoluments of such officers, and of witnesses and other persons attending Officers of the court.

attending or performing duties in relation to the administration of criminal justice, and provide the manner in which such fees and emoluments shall be paid. 61 V., c. 6, ss. 13 and 20.

Powers of court.

**44.** The court shall, within the Territory, and for the administration of the laws for the time being in force within the Territory, possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record, and all other rights, incidents and privileges, as fully to all intents and purposes as the same were on the fifteenth day of July, one thousand eight hundred and seventy, used, exercised and enjoyed in England by any superior court of common law, or by the Court of Chancery, or by the Court of Probate. 62-63 V., c. 11, s. 6.

Jurisdiction.

**45.** The court shall have jurisdiction in all and all manner of actions, causes and suits as well criminal as civil, real, personal, and mixed, and shall proceed in such actions, causes and suits by such process and course as are provided by law, and as tend with justice and despatch to determine the same, and shall hear and determine all issues of law, and shall also hear, and with or without a jury, as provided by law, determine all issues of fact joined in any such action, cause or suit, and give judgment thereon and award execution thereof, in as full and as ample a manner as might at the said date be done in England in the Court of Queen's Bench, or the Court of Common Bench, or the Court of Chancery, or the Court of Probate, or in matters regarding the public revenue, including the condemnation of contraband or smuggled goods, in the Court of Exchequer. 62-63 V., c. 11, s. 6.

Sittings in banc.

**46.** The Territorial Court shall sit in banc at such times and places as the Commissioner appoints; and the sittings thereof may be adjourned from time to time as may be necessary. 2 E. VII., c. 35, s. 5

Jurisdiction.

**47.** At such sittings the court may hear and dispose of motions for new trials, appeals and motions in the nature of appeals, and any other business or matter within the jurisdiction of the court. 2 E. VII., c. 35, s. 6.

Quorum.

**48.** Two judges shall constitute a quorum of the court in banc: Provided that, where there are only two judges sitting upon an appeal, the trial judge or the judge from whose decision the appeal is taken shall not be one of them. 3 E. VII., c. 74, s. 1.

Sittings of the court.

**49.** Sittings of the court presided over by a judge or judges shall be held at such times and places as the Governor in Council

or

or the Commissioner appoints, and such sittings shall be public. 2 E. VII., c. 34, s. 4.

**50.** The Governor in Council may, at any time, by proclamation divide the Territory into judicial districts, and give to each such district an appropriate name, and, in like manner, from time to time, alter the limits and extent of such districts. 62-63 V., c. 11, s. 6. Judicial districts may be formed.

**51.** Every judge of the court shall have jurisdiction throughout the Territory, but shall usually exercise the same within the judicial district, if any, to which he is assigned by the Governor in Council, and in all causes, matters and proceedings, other than such as are usually cognizable by a court sitting in banc, and not by a single judge thereof, shall have and exercise all the powers, authorities and jurisdiction of the court. 62-63 V., c. 11, s. 6. Powers of single judge.

**52.** Subject to any statute prohibiting or restricting proceedings by way of *certiorari*, a single judge shall, in addition to his other powers, have all the powers of the court as to proceedings by way of *certiorari* over the proceedings, orders, convictions, and adjudications had, taken and made by justices of the peace, and, in addition thereto, shall have the power of revising, amending, modifying or otherwise dealing with the same; and writs of *certiorari* may, upon the order of a judge, be issued by the clerk of the court mentioned in such order returnable as therein directed. 62-63 V., c. 11, s. 6. Certiorari.

**53.** Whenever, under any Act in force in the Territory, any power or authority is to be exercised, or anything is to be done, by a judge of a court, such power or authority shall, in the Territory, be exercised or such thing shall be done by a judge of the Territorial Court, unless some other provision is made in that behalf by such Act. 62-63 V., c. 11, s. 6. Powers of a judge.

**54.** Subject to the provisions of any Act or ordinance relating to the Territorial Court, the judges of the said court may make general rules and orders prescribing and regulating the procedure and practice of the court in civil matters. 2 E. VII., c. 35, s. 7. Rules and orders.

#### SPECIAL PROVISIONS AS TO JURISDICTION IN CIVIL MATTERS.

**55.** Every judge of the court shall have jurisdiction, power and authority to hold courts, whether established by ordinance or not, at such times and places as he thinks proper, and at such courts, as sole judge, to hear all claims, disputes and demands whatsoever, except as herein provided, which are brought before him, and to determine any questions arising thereout, as well Jurisdiction of judge.

well of fact as of law, in a summary manner; and such courts shall be open public courts.

Actions of  
slander, etc.

2. On the application to set a cause down for trial, if the action be for slander, libel, false imprisonment, malicious prosecution, seduction or breach of promise of marriage, or if the case arise out of a tort, wrong or grievance in which the damages claimed exceed five hundred dollars, or if the action be for debt or founded on contract wherein the amount claimed or the damages sought to be recovered exceed one thousand dollars, or if the action be for the recovery of real property, and if either party signify his desire to have the issues of fact therein tried by a judge with a jury, or the judge so direct, the same shall be tried by a jury. 62-63 V., c. 11, s. 6.

Jury.

Disputed  
accounts.

**56.** In cases of disputed accounts, the judge may, in place of a trial by jury, direct the evidence to be taken by any clerk of the court, or by any other competent person; which clerk or other person shall be sworn to take the same truly, and to reduce it to writing. 62-63 V., c. 11, s. 6.

Judgment in  
such cases.

**57.** The judge may give judgment on the verdict of the jury or upon the evidence taken by the clerk or other person as aforesaid, or may, in the case of a verdict, order a new trial, when justice seems to require it. 62-63 V., c. 11, s. 6.

Equity and  
good con-  
science to  
direct.

**58.** In all cases a judge may give such judgment and make such orders and decrees, interlocutory and final, as appear just and agreeable to equity and good conscience. 62-63 V., c. 11, s. 6.

Gambling  
debts.

**59.** No court or judge in the Territory shall have jurisdiction in respect of any action for a gambling debt, or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which was a gambling debt. 62-63 V., c. 11, s. 6.

Judgment,  
how given.

**60.** Every judgment of the judge shall be pronounced in open court as soon as may be after the hearing of the case; except that, in any case where the judge is not prepared to pronounce judgment at the close of the trial, he may postpone judgment and deliver and enter the same subsequently, and such judgment shall be as effectual as if rendered in court at the trial. 62-63 V., c. 11, s. 6.

Execution of  
judgment.

**61.** The proceedings to carry into effect any judgment, order or decree of the court whether interlocutory or final, shall be as prescribed by ordinance of the commissioner in council; or, if no such ordinance is in force when the judgment, order or decree is rendered, then in such manner as the judge who pronounced the same directs. 62-63 V., c. 11, s. 6.

**62.**

**62.** The Governor in Council may, from time to time, by proclamation repeal the provisions of the seven sections next preceding, or any of them, from and after a day to be named in such proclamation. 62-63 V., c. 11, s. 6. Repeal of sections preceding.

## ADMINISTRATION OF CRIMINAL LAW.

**63.** The procedure in criminal cases in the Territorial Court shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in the Northwest Territories on the thirteenth day of June, one thousand eight hundred and ninety-eight. Procedure in criminal cases.

2. No grand jury shall be summoned or sit in the Territory. 61 V., c. 6, s. 15. No grand jury.

**64.** Every judge of the court shall have and may exercise the powers of a justice of the peace, or of any two justices of the peace, under any laws or ordinances in force in the Territory. 61 V., c. 6, s. 15. Judge to have powers of one or more justices.

**65.** Every such judge may in a summary way, and without the intervention of a jury, hear, try and determine any charge against any person of having committed in the Yukon Territory the offence of,— Summary trial in certain cases.

(a) theft or attempt to steal, or obtaining money or property by false pretenses, or unlawfully receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, obtained or received, does not, in the opinion of such judge, exceed two hundred dollars; or, Theft, etc.

(b) unlawfully wounding or inflicting any grievous bodily harm upon any other person, either with or without a weapon or instrument; or, Wounding.

(c) indecent assault on any female, or on a male person under the age of fourteen years, when such assault, if upon a female, does not, in his opinion, amount to an assault with intent to commit rape; or, Indecent assault.

(d) escaping from lawful custody or committing prison breach, or assaulting, resisting or wilfully obstructing any judge or any public or peace officer engaged in the execution of his duty, or any person acting in aid of such officer. 61 V., c. 6, s. 15. Escape, etc.

**66.** When any person is charged with a criminal offence not within the next preceding section, and which is not otherwise by any law made summarily triable without the consent of the accused, the charge shall be heard, tried, and determined by the judge with the intervention of a jury: Provided that in any case the accused may, with his own consent, be tried by a judge in a summary way and without the intervention of a jury. 61 V., c. 6, s. 15. Trial with jury. Summary trial with consent.

Jury of six.

**67.** In any case of trial with the intervention of a jury, the jury shall be composed of six jurors. 61 V., c. 6, s. 15.

Accused summarily tried or one offence may be convicted of another.

**68.** Whenever upon a trial before a judge in a summary way such judge is not satisfied that the accused is guilty of the offence with which he stands charged, but the circumstances are such that, upon a trial before a jury under the Criminal Code for the like offence, the accused might be found guilty of some other offence, the judge shall have the same power as to findings as a jury would have in the like circumstances under the Criminal Code, and may convict the accused of such other offence, notwithstanding that such offence is one for which under the preceding sections, the accused could not, without his own consent, have been tried in a summary way.

Punishment in such case.

2. The person so convicted shall be liable to the punishment by the Criminal Code or otherwise by law prescribed for the offence of which he is so found guilty. 61 V., c. 6, s. 15.

Conduct of trial.

**69.** The judge shall, upon every such trial, take or cause to be taken down in writing full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted, after the close of the case for the prosecution, to make full answer and defence by counsel, attorney or agent. 61 V., c. 6, s. 15.

Capital offences.

**70.** When any person is convicted of a capital offence and is sentenced to death, the judge shall forward to the Minister of Justice full notes of the evidence, with his report upon the case; and the execution shall be postponed, from time to time, by the judge, if found necessary, until such report is received and the pleasure of the Governor General thereon is communicated to the Commissioner. 61 V., c. 6, s. 15.

Summoning of jurors.

**71.** Subject to the provisions of any ordinance of the Commissioner in Council, persons required as jurors for a trial shall be summoned by a judge from among such male persons as he thinks suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors, and shall be sworn by the judge who presides at the trial. 61 V., c. 6, s. 15; 3 E. VII., c. 73, s. 1.

Peremptory challenge by accused.

**72.** Any person arraigned for treason or an offence punishable with death, or an offence for which he may be sentenced to imprisonment for more than five years, may challenge peremptorily and without cause any number of jurors not exceeding six; and every peremptory challenge beyond that number shall be void.

By the Crown.

2. The Crown may peremptorily challenge any number of jurors not exceeding four.

3. Challenges for cause shall be the same as are provided for in the Criminal Code. 61 V., c. 6, s. 15. Challenges for cause.

**73.** Subject to the provisions of any ordinance of the Commissioner in Council, if by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the judge shall direct some constable or other person to summon by word of mouth from among the bystanders or from the neighbourhood, such number of persons as are necessary to make up a jury, who shall be subject to challenge as if summoned by the judge in the first instance; and the like proceedings shall be repeated, if necessary, until a jury is obtained, competent to try the case. 61 V., c. 6, s. 15; 3 E. VII., c. 73, s. 1. Summoning of additional jurymen.

**74.** Subject to the provisions of any ordinance of the Commissioner in Council, any person so summoned to serve as a juror who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the judge, may be fined by him in a sum not exceeding ten dollars, and committed to prison until such fine is paid. 61 V., c. 6, s. 15; 3 E. VII., c. 73, s. 1. Penalty for non-attendance.

**75.** Any person duly summoned, whether on behalf of the prisoner or against him, to attend and give evidence on any such trial, shall be bound to attend on the day appointed for the same, and shall remain in attendance throughout the whole trial; and, if he fails so to attend, he shall be deemed guilty of contempt of court and may be proceeded against therefor. 61 V., c. 6, s. 15. Attendance of witnesses.

**76.** Upon proof to the satisfaction of the judge of the summoning of any witness who fails to attend, and upon such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause such witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his contempt. 61 V., c. 6, s. 15. Bench warrant.

**77.** The judge may, in a summary manner, examine and dispose of the charge of contempt against such witness who, if found guilty of contempt, may be fined or imprisoned, or both, such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labour, and not to exceed the term of ninety days. 61 V., c. 6, s. 15. Charge of contempt.

**78.**

Returns of trial.

**78.** Returns of all trials and proceedings, civil and criminal, shall be made to the Commissioner in such form and at such times as he directs. 61 V., c. 6, s. 9.

Governor in Council may repeal 13 sections preceding.

**79.** The Governor in Council may at any time by proclamation declare that the thirteen sections last preceding shall be repealed from and after the date named in such proclamation. 61 V., c. 6, s. 9.

Jury men to be British subjects.

**80.** No person shall be summoned or sworn as a jurymen on any trial in the Territorial Court, unless he is a British subject. 61 V., c. 6, s. 17.

Charge in writing against accused.

**81.** The trial of any person charged with a criminal offence shall be commenced by a formal charge in writing setting forth as in an indictment the offence wherewith he is charged. 61 V., c. 6, s. 15.

Justices holding preliminary investigation to transmit papers to court.

**82.** Every justice of the peace or other magistrate holding a preliminary investigation into any criminal offence which may not be tried under the provisions of Part XV. of the Criminal Code shall, immediately after the conclusion of such investigation, transmit to the clerk of the court, or the clerk of the court for the judicial district in which the charge was made, all informations, examinations, depositions, recognizances, inquisitions and papers connected with such charge, and such clerk shall notify the senior judge of the court or the judge for the district of such investigation and the result thereof. 61 V., c. 6, s. 15.

Notice by sheriff to judge of committal for trial.

**83.** Whenever any person charged is committed to gaol for trial, the sheriff or other person in charge of such gaol shall, within twenty-four hours, notify a judge of the court, in writing, that such prisoner is so confined, stating his name and the nature of the charge preferred against him; whereupon, with as little delay as possible, one of the judges of the court shall cause the prisoner to be brought before him for trial, either with or without a jury, as the case requires. 61 V., c. 6, s. 15.

Establishment of gaols and lock-ups.

**84.** The Governor in Council may, from time to time, direct that any building, or any part thereof, or any inclosure, in any part of the Territory, shall be a gaol or lock-up for the confinement of prisoners charged with the commission of any offence or sentenced to any punishment or confinement therein; and confinement therein shall thereupon be held lawful and valid, whether such prisoners are being detained for trial or are under sentence of imprisonment in a penitentiary, gaol or other place of confinement. 61 V., c. 6, s. 9.

**85.**

**85.** The Governor in Council may, at any time, direct that any building, or any part thereof, or any inclosure shall cease to be a gaol or lock-up, and thereupon such building or part thereof, or such inclosure, shall cease to be a gaol or lock-up. 61 V., c. 6, s. 9. Disestablishment.

**86.** The Governor in Council may, from time to time, prescribe the terms and conditions upon which persons convicted or accused of any offence under any ordinance in force in the Territory, or any municipal by-law or regulation, or sentenced to confinement under any such ordinance, by-law or regulation, or arrested under any civil process, shall be received and kept in any gaol or lock-up created under the authority of the two next preceding sections; and he may, from time to time, specify what gaols and lock-ups shall be available for the confinement of such persons. 61 V., c. 6, s. 9. Terms and conditions of confinement of offenders under ordinances, etc.

**87.** Every lock-up, guard-room, guard-house or place of confinement provided by or for or under the direction of the Royal Northwest Mounted Police Force, or the regular military force, or a municipal body, or by the Commissioner or Commissioner in Council of the Territory, shall be a penitentiary, gaol, and place of confinement for all persons sentenced to imprisonment in the Territory, and the Commissioner shall direct in which such penitentiary, gaol or place of confinement any person sentenced to imprisonment shall be imprisoned. 61 V., c. 6, s. 18. Police guard-rooms, etc., to be penitentiaries, gaols and places of confinement.

**88.** The Governor in Council may make rules and regulations respecting the management, discipline and policy of every penitentiary, gaol or place of confinement used as such in the Territory. 61 V., c. 6, s. 18. Their management and discipline.

#### POLICE MAGISTRATES AND THEIR SPECIAL JURISDICTION.

**89.** The Governor in Council may appoint police magistrates for Dawson and Whitehorse in the Territory, who shall reside at those places, respectively, and shall ordinarily exercise their functions there, but who shall have jurisdiction respectively in such portions of the Territory as are defined in their commissions. 1 E. VII., c. 41, s. 1. Appointment.

**90.** Such police magistrates shall hold office during pleasure and shall be debarred from practising professionally while holding office. 1 E. VII., c. 41, s. 2. Tenure of office.

**91.** The annual salary of each of such police magistrates shall be four thousand dollars, and such salaries may be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. Salaries.

**Living allowances.**

2. Such magistrates may be paid in addition to the said salaries such living allowances as may be fixed by the Governor in Council. 1 E. VII., c. 41, s. 3; 2 E. VII., c. 36, s. 1.

**Qualification.**

**92.** No person shall be appointed a police magistrate hereunder unless he has been admitted and has practised as an advocate, barrister or solicitor in one of the provinces of Canada for a period of not less than three years. 1 E. VII., c. 41, s. 4.

**Ex officio justices.**

**93.** Each of the police magistrates so appointed shall *ex officio*, within the territorial limits of his jurisdiction, be a justice of the peace and have and exercise the authority and jurisdiction of two or more justices of the peace sitting or acting together. 1 E. VII., c. 41, s. 5.

**And magistrates for summary trials.**

**94.** Each such police magistrate shall also, within such limits, be a magistrate for the purpose of Part XVI. of the Criminal Code, and shall have and exercise all the jurisdiction of such a magistrate, including that vested in police magistrates of cities and incorporated towns by the said Part; and his jurisdiction under the said Part shall be absolute without the consent of the person charged, except in cases where such jurisdiction is dependent upon the provision of the said Part with respect to police magistrates of cities and incorporated towns, or where the accused is charged with theft or with obtaining property by false pretenses, or with unlawfully receiving stolen property, and the value of the property stolen, obtained or received exceeds ten dollars, in which cases, unless the accused consents to be tried by the police magistrate, or unless he is a person in respect of whom the magistrate has absolute jurisdiction under the said Part, he shall be dealt with as in ordinary cases of indictable offences. 1 E. VII., c. 41, s. 5.

**Civil jurisdiction.**

**95.** The Governor in Council may, subject to the limitations hereinafter mentioned, if he thinks proper, vest any police magistrate so appointed with civil jurisdiction,—

(a) in cases of claims and demands of debt, or account, or breach of contract or covenant, or money demand, whether payable in money or otherwise, where the amount does not exceed five hundred dollars;

(b) in other personal actions where the amount claimed does not exceed three hundred dollars, or, if the parties consent in writing, does not exceed five hundred dollars.

(c) in all cases of claims for the recovery of a debt or money demand where the amount or balance of the claim does not exceed one thousand dollars exclusive of interest as hereinafter mentioned, and such amount or balance is ascertained by the signature of the defendant or of the person whom as executor or administrator the defendant represents, notwithstanding that the claim with the interest accrued

accrued or accumulated since such ascertainment exceeds the sum of one thousand dollars. 1 E. VII., c. 41, s. 6.

**96.** Such police magistrates, if given civil jurisdiction, shall also have jurisdiction in cases of replevin where the value of the goods or other property or effects distrained, taken or detained, does not exceed three hundred dollars. 1 E. VII., c. 41, s. 7. Replevin up to \$300.

**97.** Such police magistrates shall not have jurisdiction, in respect of actions,— Jurisdiction excluded in certain cases.

(a) for gambling debts;

(b) for spirituous or malt liquors drunk in a hotel, tavern, or house of public entertainment;

(c) on notes of hand given wholly or partly in consideration of a gambling debt or for such liquors;

(d) for the recovery of land or in which the right or title to any corporeal or incorporeal hereditament, or to any toll, custom or franchise, comes in question;

(e) in which the validity of any devise, bequest or limitation under a will or settlement is disputed;

(f) for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage;

(g) against a justice of the peace for anything done by him in the execution of his office, if he objects to such jurisdiction. 1 E. VII., c. 41, s. 8.

**98.** Each of the judges of the Territorial Court shall have, and may exercise in any part of the Territory, the criminal jurisdiction vested by this Act in police magistrates, and, in the exercise of such jurisdiction, shall have all the powers of a police magistrate. 2 E. VII., c. 35, s. 1. Judges to have criminal jurisdiction of police magistrates.

**99.** The Governor in Council may, from time to time, assign to one of the judges of the said court the duty of ordinarily exercising such jurisdiction. 2 E. VII., c. 35, s. 2. Judge may be assigned.

**100.** There shall be an appeal to the Territorial Court from the final judgment of a police magistrate in any civil case where the amount in dispute, exclusive of costs, exceeds one hundred dollars. Appeal to Territorial Court.

2. The appeal in such case shall be heard upon the evidence taken before the police magistrate, and the judgment of the Territorial Court shall be final. 1 E. VII., c. 41, s. 9. Hearing and decision.

**101.** The Commissioner in Council shall have full power, from time to time, to make ordinances,— Procedure and practice.

(a) prescribing and regulating the procedure and practice to be observed in connection with the exercise of the civil jurisdiction of police magistrates under this Act; or,

(b) empowering the judges of the Territorial Court to make general rules and orders prescribing and regulating such procedure and practice. 1 E. VII., c. 41, s. 10.

#### APPEAL IN CRIMINAL CASES.

Appeal from  
Territorial  
Court.

**102.** For the purpose of Part XIX. of the Criminal Code the court of appeal from the verdict or judgment of the Territorial Court or a judge thereof shall be the Supreme Court of Canada. 1 E. VII., c. 41, s. 11.

Court of Ap-  
peal for  
purposes of  
Part XIX. of  
Criminal  
Code.

**103.** For the purpose of Part XIX. of the Criminal Code the court of appeal from the judgment of a police magistrate in a case where his jurisdiction is dependent upon the provision of the said Part with respect to police magistrates of cities and incorporated towns shall be the Territorial Court in banc.

Appeal from  
police  
magistrate.

2. The judgment of the Territorial Court upon any such appeal from a police magistrate shall be final and conclusive if the judges of the Court are unanimous therein, otherwise there shall be an appeal therefrom to the Supreme Court of Canada. 1 E. VII., c. 41, s. 11.

Appeal from  
summary  
convictions.

**104.** In the Territory the appeal from a summary conviction or order under Part XV. of the Criminal Code shall be to a judge of the Territorial Court sitting without a jury at the place where the cause of the information or complaint arose, or the nearest place thereto where a court is appointed to be held. 1 E. VII., c. 41, s. 11.

#### JUSTICES OF THE PEACE.

Justice with  
authority of  
two justices.

**105.** While in the Territory, the Commissioner, each member of the Council, every judge of the court, and every commissioned officer of the Royal Northwest Mounted Police, shall *ex officio* have, possess and exercise all the powers of a justice of the peace, or of two justices of the peace, under any laws or ordinances, civil or criminal, in force in the Territory, and the Governor in Council may, by commission, appoint such other persons justices of the peace or police commissioners, having each the power of two justices of the peace within the Territory, as may be deemed desirable. 61 V., c. 6, s. 16.

#### CORONERS.

Coroners,  
who to be.

**106.** All persons possessing the powers of two justices of the peace in the Territory shall also be coroners in and for the Territory. 61 V., c. 6, s. 19.

Inquests,  
when only to  
be held.

**107.** Except as hereinafter provided, no inquest shall be held upon the body of any deceased person by any coroner, unless

unless it has been made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means, or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation, and not through mere accident or mischance. 61 V., c. 6, s. 9.

**108.** 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. 61 V., c. 6, s. 9. Death of prisoner.

**109.** It shall not be necessary in any case that a coroner's jury shall exceed six persons, but in every case of an inquest six jurors must agree in order to render the verdict valid. 61 V., c. 6, s. 9. Coroner's jury.

**110.** Coroners shall have the same power to summon witnesses and to punish them for disobeying a summons to appear or for refusing to be sworn or to give evidence as are possessed by justices of the peace. 61 V., c. 6, s. 9. Power to summon witnesses, etc.

**111.** The fees of coroners, jurors and witnesses attending inquests may be fixed, from time to time, by the Governor in Council, and paid in such manner as he directs. 61 V., c. 6, s. 20. Fees of coroners.

#### ENFORCEMENT OF TERRITORIAL ORDINANCES.

**112.** Unless otherwise therein specially provided, proceedings for the imposition of punishment by fine, penalty or imprisonment for enforcing any ordinance in force in the Territory may be brought summarily before a justice of the peace under the provisions of Part XV. of the Criminal Code. 61 V., c. 6, s. 9. Enforcement of fines, etc.

#### PROHIBITION OF INTOXICANTS.

**113.** No intoxicating liquor or intoxicants shall be manufactured, compounded, or made in the Territory; and no intoxicating liquor or intoxicants shall be imported or brought into the Territory from any province or territory in Canada or elsewhere, except by permission of the Governor in Council. 62-63 V., c. 11, s. 3. Manufacture, or importation prohibited.

**114.** All intoxicating liquors or intoxicants imported or brought from any place out of Canada, into the Territory, shall be subject to the Customs and excise laws of Canada. 62-63 V., c. 11, s. 4. Such importation subject to customs and excise law.

#### SCHEDULE.

R.S., 1906.

## SCHEDULE.

The Yukon Territory shall be bounded as follows:—On the south, by the province of British Columbia and the United States Territory of Alaska; on the west, by the said United States Territory of Alaska; on the north, by that part of the Arctic Ocean called Beaufort Sea; and on the east, by a line beginning at the point of intersection of the left bank of the Liard River, by the northern boundary of the province of British Columbia in approximate longitude  $124^{\circ} 16'$  west of Greenwich; thence northwesterly along the line of the watershed separating the streams flowing into the Liard River below the point of beginning, or into the Mackenzie River, from those flowing into the Liard River above the point of beginning, or into the Yukon River, to the line of watershed of the basin of Peel River; thence northerly along the line of watershed between the Peel and Mackenzie Rivers to the sixty-seventh degree of north latitude; thence westerly along the parallel of the sixty-seventh degree of north latitude to the line of watershed between the Peel and Yukon Rivers; thence northerly along the said line of watershed to the trail across the portage in McDougall Pass between Rat and Bell rivers; thence due north to the northern limit of the Yukon Territory; the said Territory to include the islands within twenty statute miles from the shores of the Beaufort Sea as far as the aforesaid due north line from McDougall Pass. 1 E. VII., c. 41, sch.

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## 6 - 7 EDWARD VII.

### CHAP. 32.

#### An Act to amend the Northwest Territories Act.

[Assented to 22nd March, 1907.]

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

**1.** This Act may be cited as *The Northwest Territories Amendment Act, 1907.* Short title.

**2.** Section 4 of *The Northwest Territories Act*, chapter 62 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S.C., c. 62, new s. 4.

**“4.** The executive powers vested by *The Northwest Territories Act*, Revised Statutes of 1886, chapter 50, and amendments thereto, or otherwise, in the Lieutenant Governor of the Northwest Territories, or in the Lieutenant Governor of the Northwest Territories in Council, immediately before the first day of September, one thousand nine hundred and five, shall be exercised by the Commissioner so far as they are applicable to and capable of being exercised in relation to the Government of the Northwest Territories as at present constituted. Powers of Commissioner.

**“2.** The Commissioner shall administer the government of the Territories under instructions from time to time given him by the Governor in Council or the Minister of the Interior.” Instructions.

**3.** The Commissioner of the Royal Northwest Mounted Police, while in the Territories, shall have all the jurisdiction, powers and authority of a stipendiary magistrate appointed under section 32 of the said Act. Commissioner of R.N.W.M.P. to have powers of stipendiary.

**4.** While in the Northwest Territories the Commissioner, every member of the Council appointed under section 6 of the said Act, every stipendiary magistrate appointed under section 32 thereof, and every commissioned officer of the Royal Northwest Mounted Police, shall *ex officio* have, possess and Justices of the peace.

exercise all the jurisdiction, powers and authority of a justice of the peace, and of two justices of the peace, under any laws or ordinances in force in the Territories; and the Governor in Council may by commission appoint such other persons justices of the peace, having each the jurisdiction, powers and authority of two justices of the peace within the Territories, as is deemed expedient.

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## 6-7 EDWARD VII.

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### CHAP. 53.

#### An Act to amend the Yukon Act.

[Assented to 12th April, 1907.]

**H**IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** Section 6 of *The Yukon Act*, chapter 63 of the Revised Statutes, 1906, is amended by adding thereto the following subsection:—

R. S., c. 63, s. 6 amended.

“2. The Governor in Council may, from time to time, appoint an Acting Commissioner to execute the office and functions of the Commissioner during his absence, illness or other inability.”

Appointment of Acting Commissioner.

**2.** The validity of any appointment of an Acting Commissioner heretofore made by the Governor in Council or the Minister of the Interior, or of any instructions heretofore given by the Governor in Council or the Minister of the Interior to any person to act as or for the Commissioner during his absence, illness or other disability, shall not be called in question on the ground that there was no authority in law to make such appointment or give such instructions at the time such appointment was made or such instructions were given.

Validity of past appointments and instructions.



British North America Act, 1907.

7 EDWARD VII.

CHAPTER 11.

An Act to make further provision with respect to the sums to be paid by Canada to the several Provinces of the Dominion.

[9th August, 1907.]

**W**HEREAS an address has been presented to His Majesty by the Senate and Commons of Canada in the terms set forth in the schedule to this Act:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1.) The following grants shall be made yearly by Canada to every province, which at the commencement of this Act is a province of the Dominion, for its local purposes and the support of its Government and Legislature:—

Payments  
to be made  
by Canada  
to  
provinces.

(a) A fixed grant—

where the population of the province is under one hundred and fifty thousand, of one hundred thousand dollars;

where the population of the province is one hundred and fifty thousand, but does not exceed two hundred thousand, of one hundred and fifty thousand dollars;

where the population of the province is two hundred thousand, but does not exceed four hundred thousand, of one hundred and eighty thousand dollars;

where the population of the province is four hundred thousand, but does not exceed eight hundred thousand, of one hundred and ninety thousand dollars;

where the population of the province is eight hundred thousand, but does not exceed one million five hundred thousand, of two hundred and twenty thousand dollars;

where the population of the province exceeds one million five hundred thousand, of two hundred and forty thousand dollars; and

(b) Subject to the special provisions of this Act as to the provinces of British Columbia and Prince Edward Island, a grant at the rate of eighty cents per head

of the population of the province up to the number of two million five hundred thousand, and at the rate of sixty cents per head of so much of the population as exceeds that number.

(2) An additional grant of one hundred thousand dollars shall be made yearly to the Province of British Columbia for a period of ten years from the commencement of this Act.

(3) The population of a province shall be ascertained from time to time in the case of the provinces of Manitoba, Saskatchewan, and Alberta respectively by the last quinquennial census or statutory estimate of population made under the Acts establishing those provinces or any other Act of the Parliament of Canada making provision for the purpose, and in the case of any other province by the last decennial census for the time being.

(4) The grants payable under this Act shall be paid half-yearly in advance to each province.

(5) The grants payable under this Act shall be substituted for the grants or subsidies (in this Act referred to as existing grants) payable for the like purposes at the commencement of this Act to the several provinces of the Dominion under the provisions of section one hundred and eighteen of the British North America Act, 1867, or of any Order in Council establishing a province, or of any Act of the Parliament of Canada containing directions for the payment of any such grant or subsidy, and those provisions shall cease to have effect.

(6) The Government of Canada shall have the same power of deducting sums charged against a province on account of the interest on public debt in the case of the grant payable under this Act to the province as they have in the case of the existing grant.

(7) Nothing in this Act shall affect the obligation of the Government of Canada to pay to any province any grant which is payable to that province, other than the existing grant for which the grant under this Act is substituted.

(8) In the case of the provinces of British Columbia and Prince Edward Island, the amount paid on account of the grant payable per head of the population to the provinces under this Act shall not at any time be less than the amount of the corresponding grant payable at the commencement of this Act; and if it is found on any decennial census that the population of the province has decreased since the last decennial census, the amount paid on account of the grant shall not be decreased below the amount then payable, notwithstanding the decrease of the population.

**2.** This Act may be cited as the British North America Act, 1907, and shall take effect as from the first day of July nineteen hundred and seven.

30 and 31  
Vict., c. 3.

Short title  
and inter-  
pretation.

SCHEDULE.

To the King's Most Excellent Majesty.

*Most Gracious Sovereign,*

We, Your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada, in Parliament assembled, humbly approach Your Majesty for the purpose of representing that it is expedient to amend the scale of payments authorized under section 118 of the Acts of the Parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, or by or under any terms or conditions upon which any other provinces were admitted to the Union, to be made by Canada to the several provinces of the Dominion for the support of their Governments and Legislatures by providing that—

A. Instead of the amounts now payable, the sums hereafter payable yearly by Canada to the several provinces for the support of their Governments and Legislatures be according to population, and as follows:—

- (a) Where the population of the province is under 150,000, \$100,000.
- (b) Where the population of the province is 150,000, but does not exceed 200,000, \$150,000;
- (c) Where the population of the province is 200,000, but does not exceed 400,000, \$180,000;
- (d) Where the population of the province is 400,000, but does not exceed 800,000, \$190,000;
- (e) Where the population of the province is 800,000, but does not exceed 1,500,000, \$220,000;
- (f) Where the population of the province exceeds 1,500,000, \$240,000.

B. Instead of an annual grant per head of population now allowed, the annual payment hereafter be at the same rate of eighty cents per head, but on the population of each province, as ascertained from time to time by the last decennial census, or in the case of the provinces of Manitoba, Saskatchewan, and Alberta respectively, by the last quinquennial census or statutory estimate, until such population exceeds 2,500,000, and at the rate of sixty cents per head for so much of said population as may exceed 2,500,000.

C. An additional allowance to the extent of one hundred thousand dollars annually be paid for ten years to the province of British Columbia.

D. Nothing herein contained shall in any way supersede or affect the terms special to any particular province upon which such province became part of the Dominion of Canada, or the

right of any province to the payment of any special grant heretofore made by the Parliament of Canada to any province for any special purpose in such grant expressed.

We pray that Your Majesty may be graciously pleased to cause a measure to be laid before the Imperial Parliament at its present Session repealing the provisions of section 118 of the British North America Act, 1867, aforesaid, and substituting therefor the scale of payments above set forth, which shall be a final and unalterable settlement of the amounts to be paid yearly to the several provinces of the Dominion for their local purposes, and the support of their Governments and Legislatures.

Such grants shall be paid half-yearly in advance to each province, but the Government of Canada shall deduct from such grants as against any province all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in the said Act.

All of which we humbly pray Your Majesty to take into your favourable and gracious consideration.

(Signed) R. DANDURAND,  
Speaker of the Senate.

(Signed) R. F. SUTHERLAND,  
Speaker of the House of Commons.

Senate and House of Commons,  
Ottawa, Canada  
26th April, 1907.



## 7-8 EDWARD VII.

### CHAP. 49.

#### An Act to amend the Northwest Territories Act.

[Assented to 20th July, 1908.]

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

1. Section 33 of *The Northwest Territories Act*, chapter 62 of the Revised Statutes, 1906, is hereby repealed. R.S., c. 62, s. 33 repealed.

2. The superior courts of the provinces of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia, respectively, shall have and exercise in civil matters the like jurisdiction and powers with respect to persons and property in that portion of the Northwest Territories which lies west of the eightieth meridian of west longitude, and with respect to actions, suits and proceedings affecting them, as they have with respect to persons and property within the territorial limits of their ordinary jurisdiction, and to actions, suits and proceedings affecting them. Jurisdiction of courts of adjoining provinces.

3. The jurisdiction hereby conferred may be exercised by any such court within the province in which its ordinary jurisdiction is exercised, and the procedure and practice of the court in the exercise of its ordinary jurisdiction shall, so far as applicable and except as hereinafter provided, apply to and in connection with the exercise of the jurisdiction so conferred. Exercise of jurisdiction.

4. In any such action, suit or proceeding the writ of summons or other initiatory proceeding shall not be served outside of the territorial limits of the ordinary jurisdiction of the court without leave of the court or of a judge thereof. Service of writ of summons.

2. Such leave shall not be granted unless it is made to appear by affidavit that the plaintiff or claimant has a good cause of action upon the merits of the case—the grounds for such state- Leave to serve when granted.

ment being set forth—nor if the court or judge is of opinion that the action, suit or proceeding ought not to be taken in the province in which the claimant or plaintiff is seeking to proceed, nor if in the opinion of the court or judge the action, suit or proceeding may be prosecuted more conveniently or with less expense in another province.

Terms of order.

3. The court or judge may, in the order granting leave, limit a time for appearance and impose or prescribe such other conditions as are deemed reasonable or proper.

Alteration of procedure by courts.

5. From time to time as occasion requires, upon its appearing that the ordinary procedure or practice of the court is inapplicable to any such action, suit or proceeding, or that as applied thereto it would be inconvenient, the court or a judge thereof may make orders varying such procedure or practice with respect to such action, suit or proceeding.

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## 6 - 7 EDWARD VII.

### CHAP. 76.

#### An Act to amend the Yukon Act.

[Assented to 20th July, 1908.]

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

**1.** Paragraph (c) of section 2 of *The Yukon Act* is repealed and the following is substituted therefor:—

R.S., c. 63, s. 2 amended.

“(c) ‘Council’ means the Council of the Yukon Territory.”

“Council” defined.

**2.** The said section 2 is further amended by adding thereto the following paragraph:

S. 2 further amended.

“(g) ‘Commissioner in Council’ means the Commissioner by and with the advice and consent of the Council.”

“Com-  
missioner  
in Council.”

**3.** Section 6 of the said Act is repealed and the following is substituted therefor:—

New s. 6.

“6. The Governor in Council may from time to time appoint an Administrator to execute the office and functions of the Commissioner during his absence or illness or other inability.”

Appointment  
of Adminis-  
trator.

**4.** The Commissioner and every Administrator appointed under the said Act as so amended shall, before assuming the duties of his office, take and subscribe before the Governor General, or before some person duly authorized to administer such oaths, an oath of allegiance and an oath of office similar to those required to be taken by a lieutenant governor under *The British North America Act, 1867*.

Oaths of  
Com-  
missioner  
and Ad-  
ministrator.

**5.** The salary of the Commissioner and of the Administrator shall be fixed by the Governor in Council and shall be payable out of the Consolidated Revenue Fund of Canada.

Salaries.

New s. 7.

**6.** Section 7 of *The Yukon Act* is repealed and the following is substituted therefor:—

Elective council.

“**7.** There shall be a Council of the Yukon Territory, which shall be composed of ten members elected to represent the electoral districts to be named and described by the Commissioner in Council.

Qualification of councillor

“**2.** Any person shall be eligible for election as a member of the Council who is qualified to vote at an election of such a member.”

New s. 9.

**7.** Section 9 of the said Act is repealed and the following is substituted therefor:—

Qualification of electors.

“**9.** The Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council; provided that only those persons shall be entitled to so vote who are natural born or naturalized male British subjects of the full age of twenty-one years, and who have resided in the territory for a period of twelve months prior to the date of the election.”

Sec. 10 repealed.

**8.** Section 10 of the said Act is repealed.

Application of certain territorial laws.

**9.** Until the Commissioner in Council otherwise provides, the laws in force in the territory immediately before the coming into force of this Act relating to the Council and to the election of representative members of the Council, shall, subject to the provisions of this Act, apply to the Council as constituted under this Act and to the election of members of the Council.

Writs for first election.

**10.** The writs for the election of the first Council under this Act shall be issued by the Commissioner and be returned within four months after this Act comes into force.

Duration of Council.

**11.** Every Council shall continue for three years from the date of the return of the writs for the general election, and no longer; but the Commissioner may, at any time, dissolve the Council and cause a new one to be elected.

Yearly session.

**12.** There shall be a session of the Council convened by the Commissioner at least once in every year after the first session thereof, so that twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

Sittings separate from Commissioner. Sanction of bills.

**13.** The Council shall sit separately from the Commissioner and shall present bills passed by it to the Commissioner for his assent, and he may approve or disapprove of any of such bills or reserve them for the assent of the Governor in Council.

Quorum.

**14.** A majority of the Council, including the Speaker, shall form a quorum.

**15.**

**15.** All public moneys and revenue over which the Commissioner in Council has the power of appropriation shall form a fund to be known as the Yukon Consolidated Revenue Fund. Yukon Consolidated Fund.

**16.** Bills for appropriating any part of the public revenue of the territory, or for imposing any tax or impost, shall originate in the Council. Money bills.

**17.** It shall not be lawful for the Council to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue of the territory, or of any tax or impost, to any purpose that has not been first recommended to Council by message of the Commissioner, in the session in which such vote, resolution, address, or bill is proposed. Recommendation of Commissioner.

**18.** The Commissioner in Council may provide for the payment to each member in attendance in each session of the Council a sum not to exceed six hundred dollars, together with his actual travelling expenses, which allowance shall be payable out of the Yukon Consolidated Revenue Fund. Sessional indemnity of councillors.

**19.** When any sum of money is granted to His Majesty by Parliament to defray expenses for any specified public service in the Yukon Territory, the power of appropriation by the Commissioner in Council over that sum shall be subject to the specified purpose for which it is granted. Appropriation of moneys granted by Parliament.

**20.** The receipt and expenditure of territorial funds and of such portion of any moneys appropriated by Parliament for the territory as the Commissioner is authorized to expend by and with the advice and consent of the Council or any committee thereof, and the accounts with respect to such receipt and expenditure, shall be subject to examination and audit by the Auditor General in the same manner and to the same extent as are the receipt and expenditure of public moneys of Canada and the accounts with respect thereto under *The Consolidated Revenue and Audit Act*. Audit by Auditor General.

2. The Auditor General shall within the first three months of each fiscal year depute an officer of his office to proceed to the territory for the purpose of examining and auditing such receipt, expenditure and accounts, and reporting thereon to him. Annual audit.

3. The public accounts of the territory shall include the period from the first day of April in one year to the thirty-first day of March in the next year, both inclusive, which period shall constitute the fiscal year. Fiscal year.

**21.** The Governor in Council may appoint a fit and proper person, being a barrister or advocate of at least five years' standing at the bar of any of the provinces of Canada, to be public Appointment of Public Administrator.

public administrator and official guardian in and for the territory, under the name of "Public Administrator," and to hold office during pleasure.

His duties  
and powers.

2. The public administrator shall perform such duties as are imposed upon him, and be invested with such powers as are bestowed upon him, by or under any Act of the Parliament of Canada or any ordinance of the Governor in Council or the Commissioner in Council, and shall be otherwise subject to the provisions of any such Act or ordinance with respect to the said office of public administrator: Provided that no such ordinance of the Commissioner in Council shall have force or effect except in so far as it is not inconsistent with any ordinance of the Governor in Council or any Act of the Parliament of Canada.

Remuner-  
ation.

3. With respect to such services or duties as he is required to render or perform by order of the Governor in Council or under any ordinance of the Governor in Council or of the Commissioner in Council, the public administrator shall receive and be paid such fees or other remuneration as is prescribed by the Commissioner in Council.

Oath of  
office and  
security.

4. Before entering upon his duties the public administrator shall take such oath of office and furnish such security for the faithful and proper performance of the duties of his office as are from time to time prescribed by the Governor in Council.

Audit of  
work of  
office.

5. The work and operation of the office of public administrator, and his dealings and accounts in connection with estates or property coming into his hands by virtue of his office, shall be subject to inspection, examination and audit by the Auditor General of Canada, or by any officer deputed by him for that purpose.

Powers of  
Auditor  
General

22. The Auditor General, and, while he is engaged in any examination and audit under section 20, or in any inspection, examination and audit under section 21 of this Act, the officer so deputed by him, shall, in connection with such inspection, examination and audit, have all the powers which the Auditor General has under *The Consolidated Revenue and Audit Act* in connection with the examination and audit of the receipt and expenditure of public moneys of Canada and the accounts with respect thereto.

Commence-  
ment of Act.

23. This Act shall come into force on the first day of May, one thousand nine hundred and nine.



## 8-9 EDWARD VII.

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### CHAP. 37.

An Act to amend the Yukon Act.

[Assented to 19th May, 1909.]

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

1. Section 37 of *The Yukon Act*, chapter 63 of the Revised Statutes, 1906, is amended by adding at the end thereof the words "or of the Yukon Territory."

R. S., c. 63,  
s. 37  
amended.  
Qualifications  
of judge.

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## 2 GEORGE V.

### CHAP. 32.

An Act to provide for the extension of the Boundaries  
of the Province of Manitoba.

[Assented to 1st April, 1912.]

**W**HEREAS, on the thirteenth day of July, one thousand Preamble.  
nine hundred and eight, the House of Commons  
resolved that the limits of the province of Manitoba should  
be increased by the extension of the boundaries of the  
province northward to the sixtieth parallel of latitude and  
north-eastward to the shores of Hudson Bay, as in the  
said resolution is more particularly set out, upon such  
terms and conditions as may be agreed to by the Legislature  
of Manitoba and by the Parliament of Canada;

And whereas it is desirable that the financial terms  
applicable to the said province, as altered by the increase  
of territory aforesaid, should be on a basis of substantial  
equality with the financial terms enjoyed by each of the  
provinces of Saskatchewan and Alberta under *The Saskat-* 1905, c. 42.  
*chewan Act* and *The Alberta Act*, respectively, inasmuch 1905, c. 3.  
as the area of these respective provinces is approximately  
equal to that of the province of Manitoba as by this Act  
increased, and inasmuch as each of the said three provinces  
at the time of its establishment as a province was without  
public debt, and inasmuch as the Crown lands, mines and  
minerals and royalties incident thereto in the province of  
Manitoba are, as is the case in the other two said provinces,  
vested in the Crown and administered by the Government  
of Canada for the purposes of Canada: Therefore, subject  
to the consent of the Legislature of Manitoba, His Majesty,  
by and with the advice and consent of the Senate and  
House of Commons of Canada, enacts as follows:—

## SHORT TITLE.

Short title. **1.** This Act may be cited as *The Manitoba Boundaries Extension Act, 1912.*

## INTERPRETATION.

Interpretation.  
"province."  
"Government."

**2.** In this Act, unless the context otherwise requires,—  
(a) "the province" means the province of Manitoba; ;  
(b) "the Government" means His Majesty the King acting in respect of the Dominion of Canada by and through the Governor General in Council.

## BOUNDARIES.

Boundaries extended.

U. K., 1889,  
c. 28.

**3.** The limits of the province are hereby increased so that the boundaries of the province shall be as follows: Commencing where the sixtieth parallel of north latitude intersects the western shore of Hudson Bay; thence westerly along the said parallel of latitude to the north-east corner of the province of Saskatchewan; thence southerly along the easterly boundary of the province of Saskatchewan to the international boundary dividing Canada from the United States; thence easterly along the said international boundary to the point where the said international boundary turns due north; thence north along the said international boundary to the most northerly point thereof at or near the northwest angle of the Lake of the Woods; thence continuing due north along the westerly boundary of the province of Ontario, by virtue of "The Canada (Ontario Boundary) Act, 1889," chapter 28 of the statutes of 1889 of the United Kingdom, (the said westerly boundary being the easterly boundary of the province of Manitoba) to the most northerly point of the said boundary common to the two provinces under the said Act; thence continuing due north along the same meridian to the intersection thereof with the centre of the road allowance on the twelfth base line of the system of Dominion Land Surveys; thence northeasterly in a right line to the most eastern point of Island Lake, as shown in approximate latitude  $53^{\circ} 30'$  and longitude  $93^{\circ} 40'$  on the railway map of the Dominion of Canada published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior; thence northeasterly in a right line to the point where the eightyninth meridian of west longitude intersects the southern shore of Hudson Bay; thence westerly and northerly following the shores of the said Bay to the place of commencement; and all the land embraced by the said description not now within the province of Manitoba, shall, from and after the commencement

mencement of this Act, be added thereto and the whole shall, from and after the said commencement, form and be the province of Manitoba.

#### FINANCIAL PROVISIONS.

4. Inasmuch as the province was not in debt at the time the province was established, it shall be entitled to be paid and to receive from the Government of Canada, by half-yearly payments in advance on the first day of January and July in each year an annual sum of three hundred and eighty-one thousand five hundred and eighty-four dollars and nineteen cents, being the equivalent of interest at the rate of five per cent per annum on the sum of seven million six hundred and thirty-one thousand six hundred and eighty-three dollars and eighty-five cents, the difference between a principal sum of eight million, one hundred and seven thousand five hundred dollars and the sum of four hundred and seventy-five thousand eight hundred and sixteen dollars and fifteen cents heretofore advanced by the Government to the province for provincial purposes.

Annual payment to province.

2. This section shall be held to have come into force on the first day of July, one thousand nine hundred and eight, and shall have effect as if the first half-yearly payment thereunder was due to be made on that date.

Commencement of section.

3. There shall be deducted from the aggregate of the sums payable under this section at the commencement of this Act all sums received on and after the first day of July, one thousand nine hundred and eight, by the province from the Government by way of interest on capital allowance in lieu of debt.

Deduction of interest on capital allowance.

5. Inasmuch as under the provisions of this Act the province will not have the public land as a source of revenue, there shall, subject to the provisions hereinafter set out, be paid by the Government to the province, by half-yearly payments in advance, on the first days of January and July in each year, an annual sum based upon the population of the province as from time to time ascertained by the quinquennial census thereof, as follows:—

Compensation to province for public lands.

The population of the province being assumed to be on the first day of July, nineteen hundred and eight, over four hundred thousand, the sum payable until such population reaches eight hundred thousand shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

1885, c. 50  
amended.

Transfer of  
swamp lands  
to Govern-  
ment.

2. Section 1 of chapter 50 of the statutes of 1885 is repealed, and all lands (known as swamp lands) transferred to the province under the said section 1, and not sold by the province prior to the time at which the terms and conditions of this Act have been agreed to by the Legislature of the province, shall be re-transferred to the Government.

Deduction  
respecting  
swamp lands.

3. The sums payable to the province under subsection 1 of this section shall be subject to a deduction at the rate of five per cent per annum upon the difference between the aggregate of the sums for which the said swamp lands were sold by the province and the aggregate of the sums from time to time charged to the province by the Government in connection with the selection, survey and transfer of such lands and of the sums expended by the province which may be fairly chargeable to the administration and sale of such swamp lands.

Determina-  
tion of  
amount.

4. The difference referred to in the next preceding subsection shall be determined by the Governor in Council after audit on behalf of the Government.

Deduction  
respecting  
lands granted  
to Manitoba  
University.

5. The sums payable to the province under subsection 1 of this section shall also be subject to a deduction by reason of the allotment of land, to the extent of one hundred and fifty thousand acres, granted as an endowment to the University of Manitoba under section 2 of chapter 50 of the statutes of 1885, to wit, to a deduction of five per cent per annum upon the sum of three hundred thousand dollars.

Commence-  
ment of  
payments  
under s-s. 1.

6. This section shall be held to have come into force, in so far as the provisions directing and affecting the half-yearly payments in advance under subsection 1 of this section are concerned, on the first day of July, nineteen hundred and eight, and shall have effect as if the first half-yearly payment thereunder was due to be made on that date.

Deductions  
respecting  
indemnity in  
lieu of public  
lands.

7. There shall be deducted from the aggregate of the sums payable under the next preceding subsection at the commencement of this Act all sums received on and after the first day of July, nineteen hundred and eight, by the province from the Government on account of indemnity in lieu of public lands.

Allowance for  
provincial  
public  
buildings.

8. As an additional allowance in lieu of public land, there shall be paid by the Government to the province, one-half on the first day of July, nineteen hundred and twelve, and one-half on the first day of July, nineteen hundred and thirteen, to assist in providing for the construction of necessary public buildings, two hundred and one thousand seven hundred and twenty-three dollars and fifty-seven cents, a sum equal to the difference between the total payments made by the Government to each of the provinces of Saskatchewan and Alberta, under *The Saskatchewan Act* and *The Alberta Act*, respectively, for the like

like purposes and the sums already paid by the Government on account of the construction of the Legislative Buildings and the Government House at Winnipeg.

#### RIGHTS OF CROWN.

6. All Crown lands, mines and minerals and royalties incident thereto in the territory added to the province under the provisions of this Act, and the interest of the Crown under *The Irrigation Act* in the waters within such territory, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act.

Crown lands,  
minerals and  
waters.

#### REPRESENTATION IN THE SENATE.

7. The province shall continue to be represented in the Senate of Canada by four members; provided that such representation may, after the completion of the decennial census of June, nineteen hundred and eleven, be from time to time increased to six by the Parliament of Canada.

Senate  
representa-  
tion.

#### COMMENCEMENT OF ACT.

8. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in *The Canada Gazette*, but such proclamation shall not be made until after the Legislature of Manitoba shall have consented to the increase of the limits of the province herein provided for, and agreed to the terms, conditions and provisions aforesaid.

Commence-  
ment  
of Act.





## 2 GEORGE V.

### CHAP. 40.

An Act to extend the Boundaries of the Province of Ontario.

[Assented to 1st April, 1912.]

**W**HEREAS, on the thirteenth day of July, one thousand Preamble.  
nine hundred and eight, the House of Commons resolved that the limits of the province of Ontario should be increased by the extension of the boundaries of the province so as to include the territory hereinafter described, as in the said resolution is more particularly set out, upon such terms and conditions as may be agreed to by the Legislature of Ontario and by the Parliament of Canada: Therefore, subject to the consent of the said Legislature, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** This Act may be cited as *The Ontario Boundaries* Short title.  
*Extension Act.*

**2.** The limits of the province of Ontario are hereby Boundaries extended.  
increased so that the boundaries thereof shall include, in addition to the present territory of the said province, the territory bounded and described as follows:—Commencing at the most northerly point of the westerly boundary of the province of Ontario as determined by "The Canada (Ontario Boundary) Act, 1889," chapter 28 of the statutes of 1889 of the United Kingdom, (the said westerly boundary U.K. 1889. c. 28. being the easterly boundary of the province of Manitoba); thence continuing due north along the same meridian to the intersection thereof with the centre of the road allowance on the twelfth base line of the system of Dominion Land Surveys; thence north-easterly in a right line to the

most eastern point of Island lake, as shown in approximate latitude 53° 30' and longitude 93° 40' on the railway map of the Dominion of Canada, published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior; thence northeasterly in a right line to the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson bay; thence easterly and southerly following the shore of the said bay to the point where the northerly boundary of the province of Ontario as established under the said Act intersects the shore of James bay; thence westward along the said boundary as established by the said Act to the place of commencement; and all the land embraced by the said description shall, from and after the commencement of this Act, be added to the province of Ontario, and shall, from and after the said commencement, form and be part of the said province of Ontario, upon the following terms and conditions and subject to the following provisions:—

Indian  
rights in  
new  
territory.

(a) That the province of Ontario will recognize the rights of the Indian inhabitants in the territory above described to the same extent, and will obtain surrenders of such rights in the same manner, as the Government of Canada has heretofore recognized such rights and has obtained surrender thereof, and the said province shall bear and satisfy all charges and expenditure in connection with or arising out of such surrenders;

Surrenders.

(b) That no such surrender shall be made or obtained except with the approval of the Governor in Council;

Trusteeship.

(c) That the trusteeship of the Indians in the said territory, and the management of any lands now or hereafter reserved for their use, shall remain in the Government of Canada subject to the control of Parliament.

Hudson's Bay  
Co. rights  
preserved.

3. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Ruperts Land to the Crown.

Commencement of  
Act.

4. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in *The Canada Gazette*, but such proclamation shall not be made until after the Legislature of Ontario shall have consented to the increase of the limits of the province herein provided for, and agreed to the terms, conditions and provisions aforesaid.

Consent of  
Ontario  
legislature.



## 2 GEORGE V.

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### CHAP. 42.

An Act to provide an additional Annual Grant to the Province of Prince Edward Island.

[Assented to 1st April, 1912.]

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

1. This Act may be cited as *The Prince Edward Island Subsidy Act, 1912.* Short title.

2. There shall be paid to the province of Prince Edward Island, in addition to the sums now authorized by law, an annual grant of one hundred thousand dollars, one half of which shall become payable on the first day of July and one half on the first day of January in every year, beginning with the first day of July, one thousand nine hundred and twelve. Annual grant to P. E. I. increased

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## 2 GEORGE V.

### CHAP. 45.

An Act to extend the Boundaries of the Province of Quebec.

[Assented to 1st April, 1912.]

**W**HEREAS on the thirteenth day of July, one thousand Preamble.  
nine hundred and eight, the House of Commons resolved that the limits of the province of Quebec should be increased by the extension of the boundaries of the province northwards so as to include the territory hereinafter described, as in the said resolution is more particularly set out, upon such terms and conditions as may be agreed to by the Legislature of Quebec and by the Parliament of Canada: Therefore, subject to the consent of the said Legislature, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** This Act may be cited as *The Quebec Boundaries* Short title  
*Extension Act, 1912.*

**2.** The limits of the province of Quebec are hereby Boundaries  
increased so that the boundaries thereof shall include, in extended.  
addition to the present territory of the said province, the territory bounded and described as follows:—Commencing at the point at the mouth of East Main river where it empties into James bay, the said point being the western termination of the northern boundary of the province of Quebec as established by chapter 3 of the statutes of 1898, 1898, c. 3.  
intituled *An Act respecting the north-western, northern and north-eastern boundaries of the province of Quebec*; thence northerly and easterly along the shores of Hudson bay and Hudson strait; thence southerly, easterly and northerly  
along

along the shore of Ungava bay and the shore of the said strait; thence easterly along the shore of the said strait to the boundary of the territory over which the island of Newfoundland has lawful jurisdiction; thence southeasterly along the westerly boundary of the said last mentioned territory to the middle of Bay du Rigolet or Hamilton Inlet; thence westerly along the northern boundary of the province of Quebec as established by the said Act to the place of commencement; and all the land embraced by the said description shall, from and after the commencement of this Act, be added to the province of Quebec, and shall, from and after the said commencement, form and be part of the said province of Quebec upon the following terms and conditions and subject to the following provisions:—

Population as affecting representation.

(a) That the population of the territory hereby added to the province of Quebec shall be excluded in ascertaining the population of the said province for the purposes of any readjustment of representation of the other provinces consequent upon any census;

Population under decennial census.

(b) That in the general census of the population of Canada which is required to be taken in the year one thousand nine hundred and twenty-one and in every tenth year thereafter the population of the territory hereby added to the province of Quebec shall be distinguished from that of the said province as heretofore constituted, and the representation of the said territory in the House of Commons shall be determined according to the rules enacted by section 51 of "The British North America Act, 1867," regulating the representation of the provinces other than Quebec;

B.N.A. Act, s. 51.

Indian rights in new territory.

(c) That the province of Quebec will recognize the rights of the Indian inhabitants in the territory above described to the same extent, and will obtain surrenders of such rights in the same manner, as the Government of Canada has heretofore recognized such rights and has obtained surrender thereof, and the said province shall bear and satisfy all charges and expenditure in connection with or arising out of such surrenders;

Surrenders.

(d) That no such surrender shall be made or obtained except with the approval of the Governor in Council;

Trusteeship.

(e) That the trusteeship of the Indians in the said territory, and the management of any lands now or hereafter reserved for their use, shall remain in the Government of Canada subject to the control of Parliament.

Hudson's Bay Co. rights preserved.

3. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Ruperts Land to the Crown.

Commencement of Act.

4. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in

in *The Canada Gazette*, but such proclamation shall not be made until after the Legislature of Quebec shall have consented to the increase of the limits of the province herein provided for, and agreed to the terms, conditions and provisions aforesaid.

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Consent of  
Quebec  
legislature.





## 2 GEORGE V.

### CHAP. 56.

An Act to amend the Yukon Act.

[Assented to 1st April, 1912.]

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

1. His Majesty may, by letters patent under the Great Seal, grant to each of two of the judges of the Territorial Court of the Yukon Territory now holding office, an annuity equal to the salary of the office now held by him, which annuity shall commence immediately after his resignation and continue thenceforth during his natural life: Annuity for two judges. Provided Territorial Court. that if, in the opinion of the Governor in Council, it becomes necessary or expedient at any time during the continuation of such annuities that there should be two or more judges in the said Territorial Court, or in any superior court of record in and for the said territory, or if any judge of any such court should die, resign or otherwise vacate his office as such judge, the Governor in Council may appoint either or both of the judges receiving such annuity as aforesaid a judge or judges of such court, and if any judge so appointed, not being at the time incapacitated by illness or infirmity, does not thereafter perform the duties appertaining to such judgeship, such annuity shall forthwith cease and determine; but this provision shall not affect the authority of the Governor in Council to appoint any other qualified person to be a judge of such court. Proviso as to performance of duties if required.

2. Sections 46, 47 and 48 of *The Yukon Act*, chapter 63 of the Revised Statutes, 1906, are repealed and the following is enacted as section 46 of the said Act:— R.S., c. 63 amended.

New s. 46.  
Court of  
Appeal.  
Jurisdiction.

"46. The Court of Appeal of British Columbia is hereby constituted a court of appeal for the Territory.

"2. An appeal shall lie from any final judgment of the Territorial Court to the judges of the said Court of Appeal sitting together as a full court where the matter in controversy amounts to the sum or value of five hundred dollars or upwards, or where the title to real estate or some interest therein is in question, or the validity of a patent is affected, or the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a public or general nature affecting future rights, or in cases of proceedings for or upon mandamus, prohibition or injunction.

Powers.

"3. The said Court of Appeal and the judges thereof shall have the same powers, jurisdiction and authority with reference to any such appeal and the proceedings thereon as if it were an appeal duly authorized from a like judgment, order or decree made by the Supreme Court of British Columbia, or a judge thereof, in the exercise of its ordinary jurisdiction.

Notice of  
Appeal.

"4. Notice of any such appeal shall be given within twenty days from the day upon which the judgment appealed from is pronounced or given, or within such further time as the Territorial Court may allow.

Execution.

"5. Execution of the judgment appealed from shall not be stayed except upon application to the Territorial Court or to the said Court of Appeal or a judge thereof, and upon such terms as may be just.

Quorum.

"6. Three judges of the said Court of Appeal shall constitute a quorum for the hearing of appeals from the Territorial Court.

Procedure.

"7. The procedure upon such appeals shall be regulated by the ordinary practice and procedure upon similar appeals coming before the said Court of Appeal, so far as such practice and procedure are applicable and are not inconsistent with anything in this Act, and except in so far as is otherwise provided by general rules made in pursuance of this Act.

Rules.

"8. The judges of the said Court of Appeal, or any three of them, may make general rules not inconsistent with this Act for regulating the practice and procedure upon appeals from the Territorial Court.

Appeal to  
Supreme  
Court of  
Canada.

"9. An appeal shall lie to the Supreme Court of Canada from the judgment upon any appeal authorized by this Act of the Court of Appeal of British Columbia, wherever such an appeal to the Supreme Court of Canada would have been authorized had the judgment appealed from been delivered by the Court of Appeal of British Columbia in a like case in the exercise of its ordinary jurisdiction upon appeal in respect of cases originating in the courts of the said province."

**3.** All references in *The Yukon Act* to the judges of the Territorial Court shall be construed as referring to the judge of the Territorial Court and, except as otherwise provided in the case of appeals, the judge of the Territorial Court shall have all the powers and authority now vested in any or all of the said judges.

Powers of  
judge of  
Territorial  
Court.

**4.** Section 103 of the said Act is repealed and the following is substituted therefor:—

New s. 103.

“**103.** For the purpose of Part XIX. of *The Criminal Code*, the court of appeal from the judgment of a police magistrate in a case where his jurisdiction is dependent upon the provision of the said Part with respect to police magistrates of cities and incorporated towns shall be the Territorial Court, and there shall be an appeal from the Territorial Court to the Court of Appeal of British Columbia.”

Court of  
Appeal under  
Part XIX.  
of Criminal  
Code.

**5.** When, under the provisions of *The Dominion Controverted Elections Act*, two judges are required for the trial of an election petition in the Yukon Territory, or for the hearing of a special case under the said Act, such judges shall be the judge of the Territorial Court and a judge of the Court of Appeal of British Columbia or of the Supreme Court of British Columbia, or two judges of the said courts of British Columbia, or either of such courts, and every such judge shall, for the purposes of the said Act, have all the powers of a judge of the Territorial Court.

R.S., c. 7.

Trial of controverted  
elections.

**6.** In case of the illness of the judge of the Court, or if the judge be absent, the Governor in Council may specially appoint any barrister or advocate of at least ten years standing to discharge the duties of the judge during his illness or absence, and the person so appointed shall, during the period aforesaid, have all the powers incident to the office of the judge of the Court.

Illness or  
absence of  
judge.

**7.** If the judge of the Court—

(a) is interested in any cause or matter, or is disqualified by kinship to any party; or,

Disqualifica-  
tion of judge.

(b) has been professionally engaged in any cause or matter as counsel or solicitor for any party previously to his appointment to the office of judge, and considers himself thereby incapacitated from sitting or adjudicating therein,

the Governor in Council may, upon the written application of the judge, setting out such impediment, appoint any other person having the qualifications hereinbefore mentioned to act as judge *pro hac vice* in relation to any such cause or matter.

Judges  
*pro hac vice*.

Oath.

8. Every such temporary judge, or judge *pro hac vice*, shall be sworn to the faithful performance of the duties of his office.

May conclude  
pending  
proceedings.

9. Any judge temporarily appointed to discharge the duties of the judge may, notwithstanding the expiry of the term of his appointment, or the happening of any event upon which his appointment terminates, proceed with and conclude the trial or hearing at that time actually pending before him of any cause, matter or proceeding, and pronounce judgment therein, and may likewise pronounce judgment in any cause, matter or proceeding previously heard by him and then under consideration or reserved; and any such trial, hearing or judgment shall have the same validity and effect as if heard or pronounced during the said term or previously to the happening of the said event.

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## 5 - 6 GEORGE V.

### CHAP. 45\*

An Act to amend the British North America Act, 1867.

[19th May, 1915.]

**BE** it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) Notwithstanding anything in the *British North America Act, 1867*, or in any Act amending the same, or in any Order in Council or terms or conditions of union made or approved under the said Acts or in any Act of the Canadian Parliament—

Alteration  
of  
constitution  
of Senate.

30 and 31  
Vict., c. 3.

- (i) The number of senators provided for under section twenty-one of the *British North America Act, 1867*, is increased from seventy-two to ninety-six:
- (ii) The Divisions of Canada in relation to the constitution of the Senate provided for by section twenty-two of the said Act are increased from three to four, the Fourth Division to comprise the Western Provinces of Manitoba, British Columbia, Saskatchewan, and Alberta, which four Divisions shall (subject to the provisions of the said Act and of this Act) be equally represented in the Senate, as follows:—Ontario by twenty-four senators; Quebec by twenty-four senators; the Maritime Provinces and Prince Edward Island by twenty-four senators, ten thereof representing Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the Western Provinces by twenty-four senators, six thereof representing Manitoba, six thereof representing British Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta:

(iii).

(iii) The number of persons whom by section twenty-six of the said Act the Governor General of Canada may, upon the direction of His Majesty the King, add to the Senate is increased from three or six to four or eight, representing equally the four divisions of Canada:

(iv) In case of such addition being at any time made the Governor General of Canada shall not summon any person to the Senate except upon a further like direction by His Majesty the King on the like recommendation to represent one of the four Divisions until such Division is represented by twenty-four senators and no more:

(v) The number of senators shall not at any time exceed one hundred and four:

(vi) The representation in the Senate to which by section one hundred and forty-seven of the *British North America Act, 1867*, Newfoundland would be entitled in case of its admission to the Union is increased from four to six members, and in case of the admission of Newfoundland into the Union, notwithstanding anything in the said Act or in this Act, the normal number of senators shall be one hundred and two, and their maximum number one hundred and ten:

(vii) Nothing herein contained shall affect the powers of the Canadian Parliament under the *British North America Act, 1886*.

(2) Paragraphs (i) to (vi) inclusive of subsection (1) of this section shall not take effect before the termination of the now existing Canadian Parliament.

49 and 50  
Vict., c. 35.

Constitution  
of House of  
Commons.

**2.** The *British North America Act, 1867*, is amended by adding thereto the following section immediately after section fifty-one of the said Act:—

“**51A.** Notwithstanding anything in this Act, a province shall always be entitled to a number of members in the House of Commons not less than the number of senators representing such province.

Short title.

**3.** This Act may be cited as the *British North America Act, 1915*, and the *British North America Acts, 1867 to 1886*, and this Act may be cited together as the *British North America Acts, 1867 to 1915*.



## 6-7 GEORGE V.

### CHAP. 19.

An Act to amend the British North America Act, 1867. A.D. 1916.

[1st June, 1916.]

**BE** it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.** Notwithstanding anything in the *British North America Act, 1867*, or in any Act amending the same, or in any Order in Council, or terms or conditions of Union, made or approved under the said Act, or under any Act of the Canadian Parliament, the term of the Twelfth-Parliament of Canada is hereby extended until the seventh day of October, nineteen hundred and seventeen. Extension of duration of Twelfth Parliament of Canada. 30 & 31 Vict. c. 3.

**2.** This Act may be cited as the *British North America Act, 1916*, and the *British North America Acts, 1867 to 1915*, and this Act may be cited together as the *British North America Acts, 1867 to 1916*. Short title.

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OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer (for Canada, to the King's most Excellent Majesty).





# 8-9 GEORGE V.

## CHAP. 50.

An Act to amend the Yukon Act.

[Assented to 24th May, 1918.]

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

R.S., c. 63;  
1907, c. 53;  
1908, c. 76;  
1909, c. 37;  
1912, c. 56.

**1.** The *Yukon Act*, chapter sixty-three of the Revised Statutes of Canada, 1906, is amended by adding thereto the following sections and sub-heading:—

“ ABOLITION OF COUNCIL, ETC.

“ **115.** The Governor in Council may at any time abolish the Council mentioned in section seven of this Act, and may substitute therefor a Council composed of two or more members, appointed by warrant of the Governor General under his Privy Seal, and to the Council so appointed may transfer any or all of the duties and powers of the Council mentioned in section seven.

Abolition of Council and new Council provided for.

“ **116.** The Governor in Council may abolish any position or office authorized or created under the provisions of this Act, and may transfer to any officer of the Crown any or all of the duties or functions of the position or office so abolished, whether any of such duties or functions are defined in this Act, or in any other Act, or in any regulations made under the authority of this Act or any other Act applying to the Yukon Territory. This section shall be deemed to have come into effect on the twenty-seventh day of March, 1918.”

Governor in Council may abolish offices, and transfer duties.

Retroactive.

**2.** Subsection two of section twenty of chapter seventy-six of the statutes of 1908, intituled *An Act to amend the Yukon Act*, is repealed and the following is substituted therefor:—

Auditor General may send an officer to audit accounts in Territory when he deems it necessary instead of yearly as heretofore.

“(2) The Auditor General shall, whenever he deems it necessary or desirable, send an officer of his office to the Territory for the purpose of examining and auditing such receipt, expenditure and accounts, and reporting thereon to him.”





## 9 - 10 GEORGE V.

### CHAP. 9.

An Act to amend the Yukon Act.

[Assented to 3rd April, 1919.]

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

R.S., c. 63.  
1907, c. 53.  
1908, c. 70.  
1909, c. 37.  
1912, c. 56.  
1918, c. 50.

**1.** Section seven of the *Yukon Act*, chapter sixty-three of the Revised Statutes of Canada, 1906, as enacted by chapter seventy-six of the statutes of 1908, is amended by striking out the word "ten" in the second line thereof and substituting therefor the word "three."

Council reduced from ten members to three.

**2.** Section nine of the said Act, as enacted by chapter seventy-six of the statutes of 1908, is amended by inserting the words "or female" after the word "male" in the fourth line thereof.

Franchise extended to women for election of Council.

**3.** Section eighteen of chapter seventy-six of the statutes of 1908, entitled *An Act to amend the Yukon Act*, is amended by striking out the word "six" in the third line thereof, and substituting therefor the word "four."

Indemnity of Councillors reduced from \$600 to \$400.

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