

CHAP. 34.

An Act further to amend the "Act to make further provision for the government of the North West Territories."

[Assented to 23rd May, 1873.]

Preamble. In amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act to make further provision for the Government of the North West Territories*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Form of
enacting laws.

Orders in
Council under
the said Act
confirmed.

1. The laws, institutions and ordinances which the Governor in Council is empowered by the said Act from time to time to authorize the Lieutenant-Governor of the North West Territories to make, ordain and establish for the administration of justice in the same, and for the peace, order and good Government of Her Majesty's subjects and others therein, shall hereafter be made, ordained and established by the Lieutenant Governor, by and with the advice and consent of the Council appointed under the said Act, or any Act amending it, to aid in the administration of the North West Territories ; and any Order of the Governor in Council made under the said Act, and giving such authority to the Lieutenant-Governor and his Council, is hereby confirmed, and shall be in force until repealed or altered by any subsequent Order of the Governor in Council made under the Act first herein cited.

Governor in Council may make such laws as Lt. Governor in Council is not empowered to make.

Extent of either authority.

Laws not to be made for certain purposes.

Disallowance of laws and laying them before Parliament.

2. Subject to the provisions hereinafter made, it shall be lawful for the Governor in Council to make laws for the peace, order and good government of the said North West Territories and of Her Majesty's subjects therein, in relation to all matters and subjects in relation to which the Lieutenant Governor and his Council aforesaid are not then empowered to make laws ; and for that purpose, either to make new laws or to extend and apply and declare applicable to the North West Territories, with such amendments and modifications as may be deemed necessary, and any Act or Acts of the Parliament of Canada, or any parts thereof ; and from time to time to amend or repeal any such laws and make others in their stead. The power hereby given shall extend to the modification, amendment or repeal of any Act mentioned in the schedule to this Act ; and the Lieutenant-Governor, acting with the advice and consent of his Council, shall have like powers with respect to the subjects and matters in relation to which he is empowered to make laws :

3. Provided always, that no law to be so made, either by the Governor in Council or by the Lieutenant-Governor of the said Territories, with the advice and consent of his Council, shall,—

1. Be inconsistent with any provision of any Act of the Parliament of Canada expressly referring to the said Territories ; or

2. Impose any tax or any duty of Customs or Excise, or any penalty exceeding one hundred dollars ; or

3. Alter or repeal the punishment provided by any Act mentioned in the schedule to this Act, or extended as aforesaid to the said Territories, for any crime or offence, or the legal description or character of the crime or offence itself ; or

4. Appropriate any public money, lands or property of the Dominion without the authority of Parliament :

And a copy of every such law made by the Lieutenant-Governor of the said Territories and his Council, shall be mailed for transmission to the Governor in Council within ten days after its passing, and may be disallowed by him at any time within two years after its passing ; and every such law made by the Governor in Council shall be laid before both Houses of Parliament as soon as conveniently may be after the making and passing thereof.

Copies for Queen's Printer to be evidence.

4. Any copy of any law made by the Governor in Council, or by the Lieutenant-Governor of the North West Territories, with the advice and consent of his Council, printed in the *Canada Gazette* or purporting to be printed by the Queen's Printer at Ottawa, or by the Queen's Printer or Printer to the Government of Manitoba at Winnipeg, shall be *primâ facie* evidence of such law, and that it is in force.

Customs and Excise laws.

5. Unless and until it is otherwise ordered under this Act, and subject to the provisions of any Act passed during the present session, such provisions of the Customs and Excise laws of Canada, including those fixing the amount of duty, as shall be in force at any time in Manitoba, shall be also in force in the said North West Territories.

Certain Acts of Canada to be in force in N.W. Territories.

6. Unless and until it is otherwise ordered by any law to be made under this Act, and subject to the provisions of any Act passed during the present session, the Acts mentioned in the schedule to this Act, as limited in the said schedule ; shall apply to and be in force in the said North West Territories, as shall also all Acts of the Parliament of Canada relating to the Executive Government and the several Departments thereof, the public works of the Dominion, and the postal service and offences against the Acts relating thereto.

Commencement of Act.

7. This Act shall come into force on the first day of November, in the present year 1873, and not before.

SCHEDULE A.

Acts of the Parliament of Canada referred to in the sixth section of this Act.

TITLE.

Chapter	<i>Acts passed in the First Session, 31st Victoria, 1867, 1868.</i>
14	An Act to protect the inhabitants of Canada against lawless aggression from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
69	An Act for the better security of the Crown and of the Government. <i>Act amended by 32, 33 Vict., chap. 17.</i>

- 70 An Act respecting riots and riotous assemblies.
- 71 An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
- 72 An Act respecting Accessories to and Abettors in indictable offences.
- 73 An Act respecting the Police of Canada.
- 74 An Act respecting persons in custody charged with high treason or felony.

Acts passed in the Second Session, 32, 33 Victoria, 1869.

- 18 An Act respecting offences relating to the Coin.
- 19 An Act respecting Forgery.
- 20 An Act respecting offences against the Person.
- 21 An Act respecting Larceny and other similar offences.
- 22 An Act respecting Malicious Injuries to Property. *As amended by 35 Vict., chap. 34.*
- 23 An Act respecting Perjury. *As amended by 33 Vict., chap. 26.*
- 24 An Act for the better preservation of the peace on Public Works. *As amended by 33 Vict., chap. 28.*
- 29 An Act respecting Procedure in Criminal Cases, and other matters relating to **Criminal Law**. *Sections 1 to 7, both inclusive, relating to the apprehension of offenders ; sections 81 to 87, both inclusive, relating to the punishment of offences ; and sections 125 to 138, both inclusive, relating to pardons, undergoing sentence, limitation of actions and prosecutions, and general provisions. The whole Act will apply, in Manitoba, to offences committed in the North West Territories, but triable in Manitoba, and the persons committing them.*
- 30 An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences. *So far as respects indictable offenses committed in the North West Territories and triable in Manitoba, or committed in some Province of Canada, and the offender apprehended in the North West Territories.*

- 31 An Act relating to the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. *Except so much of this Act (or of any Act amending it) as gives any appeal from any conviction or order adjudged or made under it.*
- 32 An Act respecting the prompt and summary administration of criminal justice in certain cases. *In applying this Act to the North West Territories, the expression "competent magistrate" shall be construed as meaning any two Justices of the Peace sitting together, as well as any functionary or tribunal having the powers of two Justices of the Peace, and the jurisdiction shall be absolute without the consent of the parties charged.*
- 33 An Act respecting the trial and punishment of juvenile offenders. *In applying this Act to the North West Territories, the expression "any two or more justices" shall be construed as including any magistrate having the powers of two Justices of the Peace. This Act shall not apply to any offence punishable by imprisonment for two years or upwards, and it shall not be necessary that recognizance be transmitted to any Clerk of the Peace.*