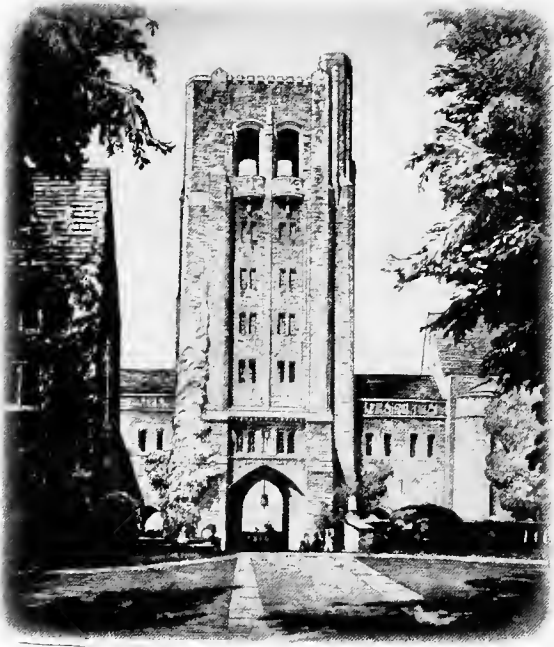


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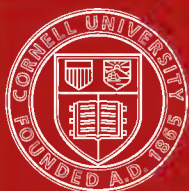
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The revised ordinances of the North-West



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THE
REVISED ORDINANCES

OF THE

NORTH-WEST TERRITORIES

AND

OTHER ORDINANCES PASSED BY THE
LEGISLATIVE ASSEMBLY,

IN THE SESSION BEGUN AND HOLDEN AT REGINA ON THE THIRTY-FIRST
DAY OF OCTOBER, AND CLOSED ON THE ELEVENTH DAY OF
DECEMBER, 1888.



HIS HONOR JOSEPH ROYAL,
LIEUTENANT-GOVERNOR.

REGINA.

Printed by R. B. Gordon, Printer to the Government of the
North-West Territories.

1888.

ORDINANCES NOT REPEALED BY THE "ORDINANCE RESPECTING THE REVISED ORDINANCES."

No. 11 of 1878.	An Ordinance	incorporating the Bishop of St Albert.
No. 8 of 1881.	"	incorporating the Bishop of Saskatchewan.
No. 4 of 1885.	"	respecting Schools.
No. 13 of 1885.	"	legalizing By-law of the Town of Regina.
No. 14 of 1885.	"	legalizing By-law of the Municipality of South Qu'Appelle.
No. 1 of 1886.	"	respecting Municipal matters in the Town of Calgary.
No. 19 of 1886.	"	incorporating General Hospital at Regina.
No. 20 of 1886.	"	legalizing certain By-laws of the Municipality of South Qu'Appelle and Debentures issued thereunder.
No. 21 of 1886.	"	legalizing By-law of the Town of Regina.
No. 1 of 1887.	"	legalizing By law of the Town of Calgary.
No. 21 of 1887.	"	amending Ordinance No. 21 of 1886.
No. 22 of 1887.	"	legalizing By-law of the Municipality of Wolseley.
No. 23 of 1887.	"	incorporating Calgary Gas and Waterworks Company.
No. 24 of 1887.	"	incorporating General Hospital at Macleod.
No. 25 of 1887.	"	incorporating the Town of Moosomin.

No. 1 of 1888.

ORDINANCE

RESPECTING

THE REVISED ORDINANCES

OF THE

NORTH-WEST TERRITORIES.

1888.

[Assented to December 11th, 1888.]

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s. 8.

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other Ordinances, s. 9.

Chapter, how designated, s. 10.
Schedule A.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. The following series of Ordinances, chaptered one to sixty inclusive, shall come into force and take effect on, from and after the first day of March, A.D. 1889, as and by the designation of "The Revised Ordinances of the North-West Territories," to all intents as though the same were expressly embodied in and enacted by this Ordinance, to come into force and have effect on, from and after such day; and on from and after the same day, all the enactments in the several Ordinances, enumerated in Schedule A of this Ordinance, shall be repealed.

2. A printed roll of the said Revised Ordinances, attested as such roll under the signature of the Lieutenant-Governor and that of the Clerk of the Legislative Assembly, shall be kept of record in the office of such Clerk and shall be held to be the original thereof.

3. The repeal of the said Ordinances and parts of Ordinances shall not revive any Ordinance or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Ordinances or parts of Ordinances or of any Ordinance or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

4. The repeal of the said Ordinances shall not affect:

(a.) Any penalty, forfeiture or liability incurred before the time of such repeal; or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal;

(b.) Nor any action, suit, judgment, decree, certificate, execution, process, order, rule, or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal;

(c.) Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, proclamation, contract, lien, charge, status, capacity, immunity, matter or thing, had, done, made, acquired, established or existing at the time of such repeal;

(d.) Nor any office, appointment, commission, salary, allowance, security or duty, or any matter or thing appertaining thereto, at the time of such repeal;

(e.) Nor any marriage, certificate or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal;

2. Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal;

3. But every such

(a.) Penalty, forfeiture and liability, and every such

(b.) Action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing, and every such

(c.) Act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, proclamation, contract, lien, charge, status, capacity, immunity, matter or thing, and every such

(d.) Office, appointment, commission, salary, allowance, security or duty, and every such

(c) Marriage, certificate and registry thereof, and every such other matter and thing, and the force and effect thereof, respectively

may and shall remain and continue as if no such repeal had taken place, and so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the said revised Ordinances and other the Ordinances and laws having force in the Territories, so far as applicable thereto, and subject to the provisions of the said several Ordinances and laws.

5. The said Revised Ordinances shall not be held to operate as new laws, but shall be construed and have effect as a consolidation of the law as contained in the said Ordinances and parts of Ordinances so repealed, and for which the said revised Ordinances are substituted, and the Legislative Assembly is not to be deemed to have adopted the construction, which may by judicial decision, or otherwise, have been placed upon the language of any of the Ordinances included amongst the said revised Ordinances.

2. The various provisions in the revised Ordinances corresponding to and substituted for the provisions of the Ordinances so repealed, shall, where they are the same in effect as those of the Ordinances so repealed, be held to operate retrospectively as well as prospectively, and to have been passed upon the days respectively upon which the Ordinances so repealed came into effect.

3. If upon any point the provisions of the said revised Ordinances are not in effect the same as those of the repealed Ordinances for which they are substituted, then as respects all transactions, matters and things, subsequent to the time when the said revised Ordinances take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Ordinances shall prevail.

6. Any reference in any former Ordinance remaining in force or in any instrument or document, to any Ordinance or enactment so repealed, shall, after the revised Ordinances take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the revised Ordinances having the same effect as such repealed Ordinance or enactment.

7. The insertion of any Ordinance in the said Schedule A, shall not be construed as a declaration that such Ordinance or any part thereof was or was not in force immediately before the coming into force of the said revised Ordinances.

8. Copies of the said revised Ordinances, printed by the Queen's Printer for the Territories, shall be received as evidence of the said revised Ordinances in all Courts and places whatsoever.

9. This Ordinance shall be printed with the said revised Ordinances, and shall be subject to the same rules of construction as the said revised Ordinances.

10. Any Chapter of the said revised Ordinances may be cited and referred to in any Ordinance or proceeding whatever, either by its title, as an Ordinance, or by its short title, or by using the expression "The Revised Ordinance respecting _____" (*adding the remainder of the title given at the beginning of the particular Chapter*) or by using the expression "The Revised Ordinances of the Territories, 1888, Chapter _____" (*adding the number of the particular Chapter in the copies printed by the Queen's Printer for the Territories.*)

SCHEDULE A.

Ordinances Repealed, from the date of the coming into force of the Revised Ordinances of the North-West Territories.

1878.

No. 1.	An Ordinance	respecting Revenue and Expenditure.
No. 2.	"	respecting Public Printing.
No. 4.	"	respecting the Administration of Civil Justice.
No. 5.	"	respecting the Limitation of Actions in certain cases.
No. 6.	"	respecting Fees in Summary Trials.
No. 7.	"	to provide for the appointment of Constables.
No. 8.	"	authorising the appointment of Notaries Public.
No. 9.	"	respecting Marriages.
No. 10.	"	respecting Fences.
No. 12.	"	respecting the Marking of Stock.
No. 13.	"	respecting Stallions.
No. 14.	"	respecting Poisons.

1879.

- No. 1. An Ordinance respecting Infectious Diseases.
 No. 2. " respecting Dangerous Lunatics.
 No. 3. " respecting Ferries.
 No. 4. " for the Prevention of Prairie and Forest Fires.
 No. 5. " respecting Masters and Servants.
 No. 6. " respecting the Licensing of Billiard and other
 Tables and for the prevention of Gambling.
 No. 7. " to amend the Administration of Civil Justice
 Ordinance, 1878.
 No. 8. " Exempting certain property from Seizure and
 Sale under Executions.
 No. 9. " respecting the Registration of Deeds and other
 Instruments relating to Lands in the
 North-West Territories.
 No. 10. " respecting the Ordinances of the North-West
 Territories.

1881.

- No. 1. An Ordinance respecting short forms of Indentures.
 No. 2. " respecting Security to be given by Public
 Officers.
 No. 3. " to extend and amend the Registration of Titles
 Ordinance.
 No. 4. " respecting the Office of Sheriff.
 No. 5. " respecting Mortgages and Sales of Personal
 Property.
 No. 6. " respecting Trespassing and Stray Animals.
 No. 7. " respecting Marriages.
 No. 9. " respecting the Sale of Medicines and Drugs.
 No. 10. " to amend the Ordinance respecting Fences.
 No. 11. " for the Protection of Sheep.
 No. 12. " respecting driving off Horses and Cattle.
 No. 13. " respecting Bulls.

1883.

- No. 1. An Ordinance respecting infectious and contagious diseases of
 domestic animals.
 No. 2. " respecting Municipalities.
 No. 3. " to amend the Administration of Civil Justice
 Ordinances, 1878 and 1879.
 No. 4. " respecting Partnership.
 No. 5. " for the relief of indigent children.
 No. 6. " to prevent the profanation of the Lord's Day.
 No. 7. " authorizing the appointment of Notaries Public
 for the protection of game.
 No. 8. " for the protection of game.
 No. 9. " to regulate the disposal of found or stolen
 horses.
 No. 10. " respecting the herding of animals.
 No. 11. " to enforce the destruction of the Canada thistle
 and other noxious weeds.

- No. 12. An Ordinance respecting auctioneers, hawkers and pedlers.
 No. 13. " to provide and regulate returns by Justices of the Peace.
 No. 14. " respecting the construction of chimneys.
 No. 15. " to amend the Ordinance No. 6 of 1879 respecting the licensing of Billiard and other Tables and for the prevention of Gambling.
 No. 16. " to further amend "The Registration of Titles Ordinance, 1879."
 No. 17. " to amend Ordinance No. 12 of 1878, respecting the marking of stock.
 No. 18. " to amend Ordinance No. 1 of 1881, respecting short forms of indentures.
 No. 19. " to amend the Ordinance for the protection of sheep, No. 11 of 1881.
 No. 20. " to amend the Ordinance for the prevention of prairie and forest fires No. 4 of 1879.
 No. 21. " to repeal the Ordinance No. 10 of 1881 and to amend Ordinance respecting fences, No. 10 of 1878.

1884.

- No. 1. An Ordinance respecting the herding of animals.
 No. 2. " to amend and consolidate, as amended, the Registration of Titles Ordinance of 1878, and the Ordinance amending it.
 No. 3. " to amend and consolidate, as amended, the Ordinances respecting the Administration of Civil Justice in the North-West Territories.
 No. 4. " respecting Municipalities.
 No. 5. " providing for the organization of Schools in the North-West Territories.
 No. 6. " to establish liens in favor of Mechanics, Machinists and others.
 No. 7. " respecting Controverted Elections.
 No. 8. " to regulate the costs of distress for rent and extra judicial seizure.
 No. 9. " respecting distress for interest upon mortgages.
 No. 10. " to declare the law respecting real property held by two or more persons.
 No. 11. " to encourage the planting of forest trees.
 No. 12. " respecting compensation to the families of persons killed by accidents.
 No. 13. " to amend Ordinance No. 12 of 1883, intituled "An Ordinance respecting auctioneers, hawkers and pedlers;
 No. 14. " to amend and consolidate, as amended, the several Ordinances respecting the marking of stock.
 No. 15. " to amend Ordinance No. 1 of 1883, respecting infectious diseases of domestic animals.
 No. 16. " for the protection of sheep and other animals.

- No. 17. An Ordinance to amend Ordinance No. 5 of 1881, intituled "An Ordinance respecting mortgages and sales of personal property."
- No. 18. " to amend Ordinance No. 10 of 1879, intituled "An Ordinance respecting the Ordinances of the North-West Territories."
- No. 19. " to amend Ordinance No. 5 of 1879, intituled "An Ordinance respecting Masters and Servants."
- No. 20. " to amend and consolidate, as amended, Ordinance No. 7 of 1878, providing for the appointment of Constables.
- No. 21. " to amend and consolidate, as amended, the several Ordinances respecting the licensing of Billiard and other Tables, and for the prevention of Gambling.
- No. 22. " to authorize Corporations and Institutions, incorporated outside the North-West Territories, to transact business therein.
- No. 23. " to amend Ordinance No. 11 of 1883, intituled "An Ordinance to enforce the destruction of the Canada thistle, and other noxious weeds."
- No. 24. " relating to the duties of Justices of the Peace in cases of appeals.
- No. 25. " respecting ferries.
- No. 26. " respecting property and civil rights.
- No. 27. " concerning receipt notes, hire receipts and orders for chattels.
- No. 28. " exempting certain property from seizure and sale under execution.
- No. 29. " to amend and consolidate, as amended, the several Ordinances respecting fences.
- No. 30. " respecting choses in action.
- No. 31. " respecting preferential assignments.
- No. 32. " to amend Ordinance No. 14 of 1883, respecting the construction of chimneys.
- No. 33. " to amend Ordinance No. 8 of 1883, respecting the protection of game.
- No. 34. " respecting inn, hotel, and boarding-house keepers.
- No. 35. " respecting keepers of livery, boarding, and sale stables.
- No. 36. " to amend Ordinance No. 9 of 1883, intituled "An Ordinance to regulate the disposal of found and stolen horses."

1885.

- No. 1. An Ordinance to provide for the appointment of Deputy Returning Officers for Municipal purposes and to repeal section 21 of the North-West Municipal Ordinance of 1884.
- No. 2. " to amend and consolidate, as amended, the Ordinance respecting Municipalities, 1884.

- No. 3. " to amend and consolidate, as amended, the School Ordinance of 1884.
- No. 5. " to amend the Administration of Civil Justice Ordinance of 1884.
- No. 6. " respecting the duties of Clerks of Courts.
- No. 7. " to regulate the procedure in appeals in capital cases.
- No. 8. " exempting certain property from seizure and sales under executions.
- No. 9. " to amend the Interpretation Ordinance.
- No. 10. " respecting the Legal Profession.
- No. 11. " relating to Medical Practitioners.
- No. 12. " respecting Poisons.
- No. 15. " to amend and consolidate the Ordinance respecting infectious diseases of domestic animals.
- No. 16. " to amend and consolidate the Ordinances respecting fences.
- No. 17. " to amend Ordinance No. 25 of 1884 respecting ferries.
- No. 18. " to repeal Ordinance No. 9 of 1883, respecting stolen horses.
- No. 19. " to amend Ordinance No. 4 of 1883, respecting partnerships.
- No. 20. " to amend Ordinance No. 1 of 1884, respecting the herding of animals.
- No. 21. " to amend and consolidate Ordinances respecting prairie fires.
- No. 22. " to amend Ordinance No. 2 of 1879, respecting dangerous lunatics.

1886.

- No. 2. An Ordinance respecting the Administration of Civil Justice,
- No. 3. " respecting the Incorporation of Joint Stock Companies by Letters Patent.
- No. 4. " respecting Juries.
- No. 5. " respecting the holding of lands in trust for Religious Societies and Congregations.
- No. 6. " to facilitate the conveyance of real estate by married women.
- No. 7. " to amend the Municipal Ordinance of 1885.
- No. 8. " to Incorporate Agricultural Societies in the North-West Territories.
- No. 9. " to Incorporate Companies for the establishment of Cemeteries.
- No. 10. " to amend the School Ordinance of 1885.
- No. 11. " respecting Fire Districts.
- No. 12. " to amend Ordinance No. 21 of 1884, respecting the licensing of Billiard and other Tables and for the prevention of Gambling.
- No. 13. " to amend Ordinance No. 21 of 1885, respecting Prairie Fires.
- No. 14. " to amend Ordinance No. 12 of 1885, intituled "An Ordinance respecting Poisons."

- No. 15. " to further amend Ordinance No. 8 of 1883, intituled "An Ordinance for the Protection of Game."
- No. 16. " to amend Ordinance No. 13 of 1881, intituled "An Ordinance respecting Bulls."
- No. 17. " to further amend Ordinance No. 29 of 1884, intituled "An Ordinance to amend and consolidate, as amended, the several Ordinances respecting Fences."
- No. 18. " to repeal Ordinance No. 20 of 1885, and to amend Ordinance No. 1 of 1884, intituled "An Ordinance respecting the Herding of Animals."

1887.

- No. 2. An Ordinance respecting Schools.
- No. 3. " to amend Ordinance No. 2 of 1886, respecting the administration of Civil Justice.
- No. 4. " respecting the Fees of Counsel, Advocates and Clerks in matters of Certiorari and Appeals from Convictions.
- No. 5. " respecting the Office of Sheriff.
- No. 6. " to amend and extend "The Interpretation Ordinance.
- No. 7. " to amend and consolidate, as amended, Ordinance No. 5 of 1881, intituled "An Ordinance respecting Mortgages and Sales of Personal Property," and Ordinances amending the same.
- No. 8. " respecting Agricultural Societies in the Territories.
- No. 9. " to amend Ordinance No. 3 of 1886, intituled "The Companies' Ordinance."
- No. 10. " to amend and consolidate, as amended, "The marking of Stock Ordinance, 1884."
- No. 11. " to amend and consolidate, as amended, the several Ordinances for the protection of Game.
- No. 12. " respecting Statute Labor Districts.
- No. 13. " to amend the Municipal Ordinance of 1885 and also Ordinance No. 7 of 1886.
- No. 14. " to prevent the pollution of Running Streams.
- No. 15. " to amend, and consolidate, as amended, the several Ordinances respecting Bulls.
- No. 16. " to amend Ordinance No. 10 of 1885, intituled "An Ordinance respecting the Legal Profession."
- No. 17. " to amend, and consolidate, as amended, the several Ordinances respecting Prairie and Forest Fires.
- No. 18. " to amend, and consolidate, as amended, the several Ordinances respecting Poisons.
- No. 19. " to repeal sub sections 1, 2 and 5 of Section 29 of Ordinance No. 9 of 1886.
- No. 20. " to repeal Ordinance No. 22 of 1884.



THE REVISED ORDINANCES

OF THE

NORTH-WEST TERRITORIES.

CHAPTER 1.

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The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. This Ordinance may be cited as "*The Interpretation Ordinance.*"

2. This Ordinance and following series of Ordinances shall constitute and may be cited for all purposes as "*The Revised Ordinances of the North-West Territories, 1888;*" and any chapter of the said revised Ordinances may be cited and referred to for all purposes whatever, either by its title as an Ordinance, or by its short title, or by using the expression "*The Ordinance (or The Revised Ordinance) respecting ———*" (adding the remainder of the title given at the beginning of the particular chapter) or by using the expression "*The Revised Ordinances, 1888*" or "*The Revised Ordinances of the North-West Territories, 1888,*" together with a reference to the number of the particular chapter in the copies printed by authority.

APPLICATION.

3. This Ordinance, and every provision thereof, shall extend and apply to every Ordinance of the North-West Territories, now or hereafter passed, except in so far as the

provision is inconsistent with the intent and object of such Ordinance, or the interpretation which such provision would give to any word, expression or clause is inconsistent with the context,—and except in so far as any provision hereof is in any such Ordinance declared not applicable thereto; and the omission in any Ordinance of a declaration, that “*The Interpretation Ordinance*” applies thereto, shall not be construed to prevent it so applying, although such express declaration is inserted in some other Ordinance or Ordinances of the same session.

FORM OF ENACTING.

4. The following words may be inserted in the preambles of Ordinances, and shall indicate the authority by virtue of which they are passed: “The Lieutenant-Governor, by and “with the advice and consent of the Legislative Assembly “of the Territories, enacts as follows.”

5. After the insertion of the words aforesaid, which shall follow the setting forth of the considerations or reasons upon which the law is grounded, and which shall, with these considerations or reasons, constitute the entire preamble, the various clauses of the statute shall follow in a concise and enunciative form.

TIME OF COMMENCEMENT OF ORDINANCES.

6. The Clerk of the Legislative Assembly shall endorse on every Ordinance of the Territories, immediately after the title of such Ordinance, the day, month and year when the same was, by the Lieutenant-Governor, assented to, or reserved by him for the assent of the Governor General, and in the latter case, such Clerk shall also endorse thereon the day, month and year, when the Lieutenant-Governor has signified, either by speech or message to the Legislative Assembly, or by proclamation, that the same was laid before the Governor-General, and that the Governor General was pleased to assent to the same; and such endorsement shall be taken to be a part of such Ordinance, and the date of such assent or signification, as the case may be, shall be the date of the commencement of the Ordinance, if no later commencement is therein provided.

AMENDMENT OR REPEAL.

7. Any Ordinance of the Territories may be amended, altered or repealed by any Ordinance passed in the same session.

INTERPRETATION.

8. In every Ordinance, unless the context otherwise requires:

(1) The law shall be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same shall be applied to the circumstances as they arise, so that effect may be given to each Ordinance and every part thereof, according to its spirit, true intent and meaning;

(2) The expression "shall" shall be construed as imperative, and the expression "may" as permissive;

(3) Whenever the expression "herein" is used in any section of an Ordinance it shall be understood to relate to the whole Ordinance, and not to that section only;

(4) The expression "Her Majesty," "the Queen," or "the Crown," means Her Majesty, her Heirs and Successors, Sovereigns of the United Kingdom of Great Britain and Ireland;

(5) The expression "Lieutenant-Governor" means the Lieutenant-Governor, for the time being, or other chief executive officer or administrator, for the time being, carrying on the Government of the Territories, by whatever title he is designated;

(6) The expression "Lieutenant-Governor in Council" means the Lieutenant-Governor, or person administering the government of the Territories, for the time being, acting by and with the advice of, or by and with the advice and consent of, or in conjunction with the Advisory Council of the said Territories;

(7) The expression "the United Kingdom" means the United Kingdom of Great Britain and Ireland;

(8) The expression "the United States" means the United States of America;

(9) The expression "Territories" means the North-West Territories, as defined by the "North-West Territories Act";

(10) The name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party or thing, means such country, place, body, corporation,

society, officer, functionary, person, party or thing, although such name is not the formal and extended designation thereof ;

(11.) The expression " proclamation " means a proclamation under the Seal of the North-West Territories ;

(12.) Words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one, and females as well as males, and the converse ;

(13.) The expression " person " includes any body, corporate and politic, or party and the heirs, executors, administrators or other legal representatives of such person, to whom the context can apply according to law ;

(14.) The expression " writing," " written," or any term of like import, includes words printed, painted, engraved, lithographed or otherwise traced or copied ;

(15.) The expression " now " or " next " shall be construed as having reference to the time when the Ordinance was assented to ;

(16.) The expression " month " means a calendar month ;

(17.) The expression " holiday " includes Sundays, New Year's Day, Good Friday, Corpus Christi, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning Sovereign, Dominion Day, and any day appointed by proclamation for a general fast or thanksgiving ;

(18.) If the time limited by any Ordinance for any proceeding, or the doing of anything under its provisions, expires or falls upon a holiday, the time so limited shall be extended to, and such thing may be done on the day next following which is not a holiday ;

(19.) The expression " oath " includes a solemn affirmation or declaration, whenever the context applies to any person and case by whom and in which a solemn affirmation or declaration may be made instead of an oath ; and in like cases the expression " sworn " includes the expression " affirmed " or " declared ;"

(20.) Whenever by any Ordinance, or by any order, regulation or commission made or issued by the Lieutenant-Governor, under any law authorizing him to require the taking of evidence under oath, an oath is authorized or directed to be made, taken or administered, such oath may be administered, and a certificate of its having been made, taken or administered, may be given, by any one named in

any such Ordinance, order, regulation or commission, or by a judge of any court, a notary public, a justice of the peace, or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered ;

(21.) The expression " sureties " means sufficient sureties, and the expression " security " means sufficient security, and whenever these words are used, one person shall be sufficient therefor unless otherwise expressly required ;

(22.) The expression " magistrate " means justice of the peace ;

(23.) The expression " two justices " means two or more justices of the peace assembled or acting together ;

(24.) If anything is directed to be done by or before a magistrate or a justice of the peace, or other public functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done ;

(25.) Whenever power is given to any person, officer or functionary to do or to enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable such person, officer or functionary to do or enforce the doing of such act or thing ;

(26.) If in any Ordinance, any person is directed to be imprisoned or committed to prison, such imprisonment or committal shall, if no other place is mentioned or provided by law, be in or to the common gaol of the locality in which the order for such imprisonment is made, or if there is no common gaol there, then in or to that common gaol which is nearest to such locality ; and the keeper of any such common gaol shall receive such person and safely keep and detain him in such common gaol under his custody until discharged in due course of law, or bailed, in cases in which bail may, by law, be taken ;

(27.) Words authorizing the appointment of any public officer or functionary, or any deputy, include the power of removing or suspending him, re-appointing or re-instating him or appointing another in his stead, in the discretion of the authority in whom the power of appointment is vested :

(28.) Words directing or empowering any public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, include his successors in such office, and his or their lawful deputy ;

(29.) All officers now appointed or hereafter appointed under the authority of an Ordinance, whether by commission or otherwise, shall remain in office during pleasure only, unless otherwise authorized by law ;

(30.) When any act or thing is required to be done by more than two persons, a majority of them may do it ;

(31.) Words making any association or number of persons a corporation or body politic and corporate, shall vest in such corporation power to sue and be sued, contract and be contracted with by their corporate name, to have a common seal, and to alter or change the same at their pleasure, and to have perpetual succession, and power to acquire and hold personal property or moveables for the purposes for which the corporation is constituted, and to alienate the same at pleasure ; and shall also vest in any majority of the members of the corporation the power to bind the others by their acts ; and shall exempt the individual members of the corporation from personal liability for its debts or obligations or acts, provided they do not violate the provisions of the Ordinance incorporating them ;

(32.) Whenever forms are prescribed, slight deviations therefrom, not affecting the substance, or calculated to mislead, shall not vitiate them ;

(33.) Whenever power to make by-laws, regulations, rules, or orders is conferred. it shall include the power, from time to time, to alter or revoke the same and make others ;

(34.) No provision or enactment in any Ordinance which is of the nature of a private Ordinance. shall affect the rights of any person or of any body politic, corporate or collegiate,—such only excepted as are therein mentioned or referred to ;

(35.) Every Ordinance shall be so construed as to reserve to the Legislative Assembly the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party, whenever such repeal, amendment, revocation, restriction or modification is deemed by the Legislative Assembly to be required for the public good ;

(36.) The repeal of any Ordinance or part of an Ordinance shall not revive any Ordinance or provision of law repealed by such Ordinance or part of an Ordinance, or prevent the effect of any saving clause therein ;

(37.) Whenever any Ordinance is repealed, wholly or in part, and other provisions are substituted, and whenever any regulation is revoked and other provisions substituted, all officers, persons, bodies politic or corporate, acting under the old law or regulation, shall continue to act as if appointed under the new law or regulation until others are

appointed in their stead ; and all proceedings taken under the old law or regulation shall be taken up and continued under the new law or regulation, when not inconsistent therewith ; and all penalties and forfeitures may be recovered and all proceedings had in relation to matters which have happened before the repeal or revocation, in the same manner as if the law or regulation was still in force, pursuing the new provisions as far as they can be adapted to the old law or regulation ;

(38.) Whenever any Ordinance is repealed, wholly or in part, and other provisions are substituted, all by-laws, orders, regulations and rules made under the repealed Ordinance shall continue good and valid in so far as they are not inconsistent with the substituted Ordinance, enactment or provision, until they are annulled or others made in their stead ;

(39.) Whenever any Ordinance or part of an Ordinance is repealed, and other provisions are substituted by way of amendment, revision or consolidation, any reference in any unrepealed Ordinance, or in any rule, order or regulation made thereunder to such repealed Ordinance or enactment, shall, as regards any subsequent transaction, matter or thing, be held and construed to be a reference to the provisions of the substituted Ordinance or enactment relating to the same subject matter as such repealed Ordinance or enactment ; Provided always, that where there is no provision in the substituted Ordinance or enactment relating to the same subject matter, the repealed Ordinance or enactment shall stand good, and be read and construed as unrepealed, in so far, but in so far only, as is necessary to support, maintain or give effect to such unrepealed Ordinance, or such rule, order or regulation made thereunder ;

(40.) The repeal of an Ordinance, or the revocation of a regulation, at any time, shall not effect any act done or any right or right of action existing, accruing, accrued or established, or any proceedings commenced in a civil cause, before the time when such repeal or revocation takes effect ; but the proceedings in such case shall be conformable when necessary, to the repealing act or regulation ;

(41.) No offence committed and no penalty or forfeiture incurred, and no proceeding pending under any Ordinance at any time repealed, or under any regulation at any time revoked, shall be effected by the repeal or revocation, except that the proceeding shall be conformable, when necessary,

to the repealing Ordinance or regulation, and that whenever any penalty, forfeiture or punishment is mitigated by any of the provisions of the repealing Ordinance or regulation, such provisions shall be extended and applied to any judgment to be pronounced after such repeal or revocation ;

(42.) Every Ordinance shall, unless by express provision it is declared to be a private Ordinance, be deemed to be a public Ordinance, and shall be judicially noticed by all judges, justices of the peace and others, without being specially pleaded ;

(43.) Every copy of any Ordinance, public or private, printed by authority of law, shall be evidence of such Ordinance and of its contents ; and every copy so purporting to be printed shall be deemed to be so printed, unless the contrary is shown ;

(44.) The preamble of every Ordinance shall be deemed a part thereof, intended to assist in explaining the purport and object of the Ordinance ; and every Ordinance and every provision or enactment thereof, shall be deemed remedial, whether its immediate purport is to direct the doing of any thing which the Legislative Assembly deems to be for the public good, or to prevent or punish the doing of any thing which it deems contrary to the public good—and shall accordingly receive such fair, large and liberal construction and interpretation as will best insure the attainment of the object of the Ordinance and of such provision or enactment, according to its true intent, meaning and spirit ;

(45.) Proceedings for the recovery and enforcement, of fines, penalties and forfeitures imposed by any Ordinance for the commission of offences created thereby, may be had, taken, prosecuted and enforced, under and by means of any of the provisions contained in Chapter One Hundred and Seventy-eight of the Revised Statutes of Canada, and amendments thereto, which for the purposes aforesaid are incorporated in and form part of every such Ordinance ; and the words "on summary conviction," whenever they occur in any Ordinance, shall refer to and mean, under and by virtue of the provisions of the said Chapter One Hundred and Seventy-eight of the said Revised Statutes of Canada ;

(46.) Nothing in this section shall exclude the application to any Ordinance, of any rule or construction applicable thereto, and not inconsistent with this section ;

9. All Ordinances heretofore passed, now passed and hereafter to be passed, shall be and continue to remain on record in the custody of the Clerk of the Legislative Assembly.

10. The Clerk of the Legislative Assembly shall affix the seal of the Territories to certified copies of all Ordinances intended for transmission to the Secretary of State or required to be produced before Courts of Justice, and in any other case which the Lieutenant-Governor may direct, and such copies so certified shall be held to be duplicate originals, and also to be evidence as if printed by lawful authority of such Ordinances and of their contents.

11. The Clerk of the Legislative Assembly shall furnish a certified copy of any Ordinance to any person applying for the same, upon receiving from such person such fee, not exceeding ten cents for every hundred words, as the Lieutenant-Governor may from time to time direct.

12. The Clerk of the Legislative Assembly shall insert at the foot of every such copy so required to be certified, a written certificate duly signed and authenticated by him to the effect that it is a true copy, (*and in case of any Ordinance disallowed after it came into force*) "but disallowed by the Governor in Council, which disallowance took effect on the day of A.D. 18 ."

13. Any Ordinance may be cited as of the year of Our Lord.

14. The provisions of this Ordinance shall apply to the construction thereof, and to the words and expressions used therein.

CHAPTER 2.

AN ORDINANCE RESPECTING PUBLIC PRINTING.

Queen's Printer, s. 1.	Advertisements, Notices, etc., in Gazette, s. 4. Conditions and charges, s. 5. Profits, salaries and accounts, s. 6.
Publication of Official Gazette authorized, s. 2.	
Publication of Ordinances, s. 3.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. The Lieutenant-Governor in Council may appoint by commission a Queen's Printer for the Territories.

2. The Lieutenant-Governor in Council may authorize the publication of a fortnightly Official Gazette, to be called "The North-West Territories Gazette" for the publication of proclamations, official and other notices, and of all such matters whatsoever as may be from time to time required.

3. It shall be the duty of the Queen's Printer, subject to the direction of the Lieutenant-Governor in Council, to print and publish, or cause to be printed and published, the Ordinances of the Territories, the North-West Territories Gazette, and such documents and announcements as may from time to time be required.

4. All advertisements, notices and documents whatever, relating to matters within the control of the Legislative Assembly of the Territories, and which by any law are required to be published, shall be published in the said Official Gazette, unless any other mode of publication is prescribed by law.

5. The Lieutenant-Governor in Council shall prescribe the conditions of the publication of the said Gazette, and shall designate the public bodies, officers and persons to whom the said Gazette shall be sent, and shall make a tariff of charges to be paid for the publication of notices, advertisements and documents to be published in the said Gazette,

and the price of subscription to said Gazette.

6. The profits arising from the publication of the said Gazette, and salary of the Queen's Printer, the mode in which he shall receive the same, his accountability for moneys received on account of the publications in the said Gazette and the conditions generally under which the printing and other works required shall be performed, shall be such as the Lieutenant-Governor in Council may from time to time prescribe.

CHAPTER 3.

AN ORDINANCE RESPECTING REVENUE AND EXPENDITURE

General Revenue Fund, s. 1.
 Charges incident thereto, s. 2.
 How deposited, s. 3.

Appropriation thereof, s. 4.
 Appointment of Officers, s. 5.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. All duties, revenues, license fees, fines, penalties, and moneys whatsoever of the Territories, over which the Lieutenant-Governor and Legislative Assembly have or hereafter may have the power of appropriation, shall form one fund, to be called "The General Revenue Fund" to be appropriated for the public service of the Territories, in the manner and subject to the charges hereinafter mentioned.

2. The said fund shall be permanently charged, subject to revision and audit as may be directed by Ordinance or order of the Lieutenant-Governor in Council, with all the costs, charges, and expenses incident to the collection, management, receipt and disbursement thereof.

3. The Lieutenant-Governor in Council may, from time to time, order and determine in what one or more of the chartered banks of Canada the fund hereinbefore referred to, or any part thereof, shall be deposited and kept, subject to immediate call or at interest, as also the manner in which such fund may from time to time be chequed out and withdrawn.

4. Unless the said fund be appropriated in detail by Ordinance, the Lieutenant-Governor in Council may from time to time, appropriate said fund, or any portion thereof, for any purpose of public utility in the Territories; and a statement of such expenditure shall be laid before the Legislative Assembly at every successive session thereof.

5. The Lieutenant-Governor in Council may, from time to time, determine what officers or persons it is necessary to employ for any of the purposes mentioned in this Ordinance, assign their names of office, prescribe their duties, grant salaries or pay for their services, make the necessary appointments, and exact such securities from such officers and persons as may be deemed proper.

6. The public accounts shall include the period from the Thirtieth of June in one year to the Thirtieth of June in the next year, which period shall constitute the financial year.

CHAPTER 4.

AN ORDINANCE RESPECTING SECURITY TO BE GIVEN BY PUBLIC OFFICERS.

Bonds, ss. 1, 2, 3, 4 and 5.	ss. 10 and 11.
Affidavit of surety, s. 6.	Neglect, omission or irregularity in bonds not to vacate same s. 12.
Clerk of the Legislative Assembly to provide register, s. 6 (1) (2) (3).	Public officers may give security of guarantee companies. s. 14.
Consequences of neglect, s. 7.	Security of guarantee companies, s. 15.
Procedure on death or bankruptcy of surety, or discontinuance of responsibility, ss. 8 and 9.	Limitation as to liability of public officers, s. 17.
Other provisions respecting same,	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. Every person appointed to any office or employment of the Government of the Territories, or to any office or employment of public trust, or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money, and who by reason thereof is required to give security, with surety or sureties or otherwise, shall, within one month after notice of such appointment if he is then in the Territories, or within three months if he is then absent from the Territories (unless he sooner arrives in the Territories, and then within one month after such arrival), give and enter into a bond or bonds, or other security or securities, in such sum and with such sufficient surety or sureties as are approved of by the Lieutenant-Governor in Council or by such other officer or person, as they may appoint for the due performances of the trust reposed in him, and for his duly accounting for all public moneys entrusted to him, or placed under his control.

2. Whenever any person is required under this Ordinance or by any order of the Lieutenant-Governor in Council to give bond or security for the due performance of the duties of any office to which he has been or is about to be ap-

pointed, such person may either solely, or together with any surety or sureties, as the case may be, give such security by bond in the Form A in the schedule to this Ordinance or to the like effect.

3. Whenever a bond, made according to the Form A set forth in the schedule to this Ordinance or any other bond expressed to be made in pursuance of this Ordinance or referring thereto, contains the form of words set forth in column "one" of the said form, such bond shall be construed and have the same effect as if it contained the form of words set forth in column "two" of the said form.

4. Any recitals may be inserted prior to the condition of the bond, and the feminine gender may be substituted for the masculine, or the plural number for the singular, or *vice versa*, in any form, in the first column of the said form, and corresponding changes shall, in such case, be taken to be made in the corresponding form in the second column; and any express exceptions or qualifications or additions, made, introduced or annexed in the first column, shall be taken to be made in the corresponding form in the second column.

5. Any bond or part of a bond, which does not take effect by virtue of the three sections of this Ordinance next preceding, shall nevertheless be as effectual to bind the obligors therein so far as the rules of law and equity will permit, as if the said sections had not been passed.

6. Every surety in any such bond shall make the affidavit in the Form B in the schedule to this Ordinance or to the effect thereof, before a Justice of the Peace, and every such bond or security shall be proved as to the due execution and delivery of the same, by an affidavit of the attesting witness, made before a Justice of the Peace; and every such bond or security, with the several affidavits thereunto annexed shall be recorded at full length in the Lieutenant-Governor's Office, and the original bond or security, and the affidavits thereunto annexed shall after such registration be deposited and recorded in the said office within one month after being entered into or given, if the person on whose behalf it is entered into or given, resides or is in the Territories, and if he is absent from the Territories, then within three months after being entered into or given unless such

person arrives sooner in the Territories, and then within one month after such arrival.

(1.) The Clerk of the Legislative Assembly shall, for the purpose of so registering bonds or securities provide a separate register book, every page of which, and every bond or security recorded therein shall be numbered, and the day of the month and year when every such bond or security is registered, shall be entered in the margin of the said register book, and in the margin of the bond or security.

(2.) The Clerk of the Legislative Assembly shall keep separate alphabetical lists of the names of the principals and of the names of the sureties mentioned in such bonds or securities, with reference to the book, page or number where the bonds or securities containing such names are to be found, and shall enter and register the said bonds or securities in the same order of time in which they respectively come to his hands.

(3.) Copies of all bonds or securities registered as aforesaid, certified by the Clerk of the Legislative Assembly, shall be received in all courts of civil jurisdiction in the Territories, as *prima facie* evidence of the due execution of the contents thereof, and for every such copy certified as aforesaid, a fee of one dollar shall be payable to the General Revenue Fund.

7. If any person who is required to give, register and deposit any such bond or security as aforesaid neglects to do so, he shall be liable to forfeit the appointment in respect whereof such security should have been given, and such appointment shall be void from and after the time when the Lieutenant-Governor in Council declares the same to be void under this Ordinance, but such voidance shall not annul or make void any act or other matter or thing done by such person during the time he actually held such appointment.

(1.) No such forfeiture shall take place by reason of any such bond or security not being registered or deposited if the proper sureties have been given and the proper bond made out, and when the failure of registry and deposit have arisen from the loss of such bond or security in the transmission thereof from a distance; but in every such case a new bond or security, specifying the reason of such delay shall be made out and signed, registered and deposited, within the like period, after the person giving such security receives notice of the loss (regard being had to the place

where he then is,) as is required by this Ordinance for the registry thereof, if such loss had not occurred.

8. Every such person as aforesaid who has given any bond or other security, with surety or sureties for the due execution of the trusts reposed in him, or for duly accounting for public moneys coming to his hands, shall give notice in writing to the Clerk of the Legislative Assembly of the death, bankruptcy, insolvency, or residence out of the Territories, of any surety or person bound for or with him in any such security.

(1.) Such notice shall be given within one month after the fact comes to the knowledge of such person as aforesaid, and any person who neglects to give such notice within such period shall forfeit, to the use of the Territories, one fourth part of the sum for which the surety so dead, bankrupt, insolvent or resident out of the Territories became security, recoverable in any civil court at the suit of the Lieutenant-Governor.

(2.) Every such person, who upon the death, bankruptcy, insolvency or residence out of the Territories of any surety, neglects to give the security of another surety, to be approved in like manner as such surety dying or becoming bankrupt, insolvent or resident out of the Territories was approved, within such period from his having given notice of the death, bankruptcy or insolvency or residence out of the Territories of the former surety, as is by this Ordinance limited for giving, registering and depositing the original security, or neglects to register and deposit the bond or security of such new surety, within such period from his having given the security of such new surety as is by this Ordinance limited for the registering and depositing of the original bond or security, in respect whereof such new security ought to have been given, and such new bond or security registered and deposited as aforesaid; and his appointment shall be void from and after the time when the Lieutenant-Governor in Council declares the same to be void in like manner, and under and subject to such provisions as aforesaid.

9. When any person has become security for the due accounting for public moneys, or the proper performance of any public duty, by any such person as aforesaid, such surety, when no longer disposed to continue such responsi-

bility, may give notice thereof to his principal, and also to the Clerk of the Legislative Assembly, and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices, or upon the acceptance by the Lieutenant-Governor in Council of the security of another surety, whichever first happens; and the principal shall, within one month from the receipt of the last of such notices, give the security of another surety, and register and deposit the bond of such new surety, or in default of so doing, shall be liable to forfeit, and be deprived of the appointment in respect whereof such new security ought to have been given and deposited as aforesaid, and his appointment shall be void from and after the time when the Lieutenant-Governor declares the same to be void, in like manner and under and subject to such provisions as aforesaid

10. The Lieutenant-Governor in Council may approve of the security given by any public officer, although perfected after the time limited by this Ordinance, and in such case the office shall be deemed not to have been voided by such default, but to have remained, and to remain in full force and effect. And no act of any such public officer shall by such default be void or voidable.

11. When the securities of the principal and sureties have been executed at different times (whether they were taken in one and the same bond, deed or other instrument or in different ones), the period limited for registering and depositing such securities shall be estimated from the time of execution thereof, by the person who was the last to execute the bond, deed or other instrument, or the last bond, deed or other instrument, as the case may be.

12. No neglect, omission or irregularity in giving or receiving the bonds or other securities, or in registering the same within the periods or in the manner prescribed by this Ordinance shall vacate or make void any such bond or security or discharge any surety from the obligations thereof.

13. All bonds or other securities hereby required to be registered and deposited, shall be registered and deposited by the proper officer, notwithstanding the period prescribed for registering and depositing the same has expired; but no

such registering and depositing of any such bond or other security shall be deemed to waive any forfeiture or penalty, or shall exempt the person on whose behalf the same are registered and deposited from any forfeiture or penalty, under any of the provisions of this Ordinance.

14. Whenever any public officer is required to give security for the performance of his duties, or other security of a like nature, and whether such security inures for the benefit of the Territories or of any person injured by the default or misconduct of such officer, the Lieutenant-Governor in Council may direct that the bond or policy of guarantee of any incorporated joint stock company empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of public officers, or other like purposes, may be accepted as such security, upon such terms as may be determined by the Lieutenant-Governor in Council; and the provisions of law with reference to the legal effect of such securities when given by individuals, to the filing thereof, and to the mode of proceeding thereon, shall apply to the security given by every such company.

15. The interim receipt of such company may be accepted in lieu of the formal security, but the formal security shall be completed within four months from the date of such receipt.

16. Every covenant entered into for or in behalf of any public officer, in pursuance of any law requiring security from any such officer, or in pursuance of the preceding sections shall inure for the benefit of the Territories; and the Lieutenant-Governor may bring and maintain an action thereon in respect of any damages suffered by the public on account of any misconduct, neglect or default of the officer in either instance, with the like effect as any private person suffering damages as aforesaid might.

17. Where any person or incorporated joint stock company is surety for the performance by any public officer who is obliged to give security as aforesaid whether the suretyship is for the benefit of the Territories or inures for the benefit of any person injured by the default or misconduct of such officer, and any action is brought upon the bond, covenant, policy, or recognizance of suretyship, no damages shall be recovered in the said action against such surety except as to causes of action which have arisen within six years next before the commencement of the said action.

SCHEDULE.

FORM A.

(Vide Section 2.)

Know all men by these Presents that we
of
in the
North-West Territories in the Dominion of Canada (hereinafter called
"the principal") and
of
in the said Territories and
of
in the said Territories (hereinafter called "the sureties") are
respectively held and firmly bound unto our Sovereign Lady the Queen,
her heirs and successors, in the respective penal sums following, that
is to say: "the principal" in the sum of _____ dollars of
lawful money of Canada, and each of "the sureties" in a sum of _____
dollars of like lawful money, to be paid to our
said Sovereign Lady the Queen, her heirs and successors, for which
said respective payments, well and faithfully to be made, we severally,
—and not jointly, or each for the other,—bind ourselves, and our re-
spective heirs, executors and administrators, firmly by these presents,
sealed with our respective seals.

Dated this _____ day of _____ in the
year of our Lord one thousand eight hundred and _____
and in the _____ year of Her Majesty's reign.

Whereas "the principal" having been appointed to the office or em-
ployment of _____
is required by law to give security to the Crown for the due perform-
ance of the duties appertaining thereto; and the sureties
_____ have consented
to become his sureties for such his performance of the said duties; and
this bond is given in pursuance of "An Ordinance respecting Public
Officers."

COLUMN ONE.

Now the condition of this obli-
gation is, that if "the principal"
faithfully discharges the duties of
the said office and duly accounts
for all moneys and property which
come into his custody by virtue of
the said office, this obligation shall
be void.

Signed, sealed and delivered }
in the presence of }

COLUMN TWO.

Now the condition of the above
obligation is such, that if "the
principal" so appointed to the said
office or employment as aforesaid,
do and shall from time to time and
at all times, so long as he shall hold
the said office or employment or be
and remain charged with the actual
discharge of the duties appertaining
thereto, or any of them, faithfully,
honestly, and diligently do per-
form, fulfil and discharge all and
every such duties, in every res-
pect, in accordance with the laws
now in force in that behalf, as also
all and singular such other duties
as by competent authority in that
behalf, now are or hereafter shall
or may be attached to the said
office or employment, or imposed
upon or required to be performed
by the incumbent for the time

being of the said office or employment, whether such last-mentioned duties are regulated or imposed by any Ordinance or Ordinances of the Territories heretofore passed or may hereafter be passed by the Legislative Assembly of the said Territories or by any Order or regulations made under any such Ordinance, and whether such duties are extended, increased or otherwise varied or altered by any such Ordinance or Ordinances so to be passed, or by any such Order or regulations as aforesaid, or are regulated or imposed, or are extended, increased or otherwise varied or altered by competent authority, and shall duly account for and pay over all such moneys or securities for money or valuable securities or property as shall come into his hands, custody or control by virtue of or in consequence of his holding the said office ;

And further, if "the principal" upon his removal from, or his resignation of the said office or employment, or if in the event of his death during his tenure of the said office or employment, his legal representatives, or some or one of them, do and shall quietly surrender and deliver up the same, and all the moneys, securities for money, valuable securities, or property, books, papers, instruments, instructions, maps, plans, letters and writings, and other things whatever, which then may be, or ought to be, in his possession, custody or keeping by virtue of or in consequence of his holding the said office, or relating or in anywise appertaining thereto, then the above obligation shall be null and void and of no effect: otherwise the same shall be and remain in full force and virtue.

**AFFIDAVITS TO BE ANNEXED TO THE BOND.
AFFIDAVIT OF WITNESS.**

CANADA: } I,
North-West Territories, } of _____ in the
to wit. }

North-West Territories, make oath and say that I was personally present, and did see the obligors in the above bond or writing obligatory named, duly execute the said instrument by signing, sealing and, as their respective acts and deeds, delivering the same, and that I am a subscribing witness to such execution.

Sworn before me at
in the said Territories, this
day of _____
one thousand eight hundred

}
A.D. }
} J.P. for the Territories }

[A separate affidavit in this form shall be made by a witness to the execution of each obligor, if the same person does not witness the execution by all of them.]

FORM B.

(Vide Section 6.)

CANADA: } I, A B, the obligor (or one of the sureties) in
North-West Terri- } the annexed bond named make oath and say, as
tories, to wit: } follows:

1. I am seized and possessed to my own use of real (or real and personal) estate at _____ in the North-West Territories of the actual value of \$ _____ over and above all charges upon or incumbrances affecting the same.

2 My Post Office address is as follows:—

Sworn before me at _____ day of _____ A.D. one thousand
this _____
eight hundred and _____

J. P. for the Territories.

A separate affidavit to be made by the obligor and by each surety.

INDORSEMENT ON BOND.

The indorsement on the bond shall show:—1. The date of its receipt by the Clerk of the Legislative Assembly. 2. The names of the principal and sureties, and the amount for which each is bound. 3. The date of the bond. 4. The office for the faithful discharge of the duties whereof it is given. 5. The Registration number. 6. The folio on which it is entered in the register of bonds. 7. The folio and book in which it is recorded in the office of the Clerk of the Legislative Assembly certified by the said Clerk.

CHAPTER 5.

AN ORDINANCE RESPECTING CONTROVERTED ELECTIONS.

<p>Petition against undue election, s. 1.</p> <p>Must be addressed to Lieutenant-Governor, s. 2.</p> <p>Fee to accompany same, s. 3.</p> <p>Clerk of Legislative Assembly required to notify petitioner, give security for costs, s. 4.</p> <p>Security to be deposited within ten days, s. 5.</p>	<p>On failure to deposit security proceedings cease, s. 6.</p> <p>Writ of Summons against all parties complained of. Trial of cause, s. 7.</p> <p>Determination of Judge, with copy of evidence, to be forwarded to Lieut.-Governor.</p> <p>Determination to be final, s. 8.</p>
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The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Within two months from the receipt by the Clerk of the Legislative Assembly of the return of a writ of an election, any defeated candidate or elector at such election, may petition against the undue return or undue election of any candidate at such election.

2. The petition shall be addressed to the Lieutenant-Governor; shall state fully the grounds upon which the petitioner seeks to set aside the election of such member, and shall be accompanied by the petitioner's affidavit, to be sworn to before a Justice of the Peace or a Notary Public that he believes the allegations therein contained to be true.

3. Upon the receipt of such a petition and the sum of ten dollars, which shall form part of the General Revenue Fund the Lieutenant-Governor shall cause the petition and a copy of all the books, papers and documents relating to the election complained of, certified to by the Clerk of the Legislative Assembly, to be transmitted by registered letter to the Clerk of the Supreme Court, whose office is nearest the residence of the returning officer at such election.

4. The said Clerk shall, upon receipt of the said petition notify the petitioner that he is required, within ten day

after the service of such notice, to lodge security with the said Clerk as hereinafter provided.

5. Within ten days after receipt of such notice, the petitioner shall deposit with the said Clerk the sum of five hundred dollars for the payment of all costs, charges and expenses that may become payable by the petitioner—

(a.) To any person summoned as witness on his behalf, &c.

(b.) To the member or returning officer, whose election return or conduct is complained of.

6. If the petitioner fails, within ten days after the service upon him of the said notice, to deposit the said security, all proceedings under the said petition shall cease, and the petitioner shall have no right to petition again under this Ordinance.

7. The said Clerk of the Supreme Court shall, upon receipt of the said deposit, issue an ordinary writ of summons, against all parties complained of in the petition, and thenceforward the matter of the said petition shall become a cause in the said Supreme Court, to be tried and determined as in civil actions.

8. At the conclusion of the trial the Judge, who tried the case, shall determine whether the member, whose election or return is complained of, or any and what other person was duly returned or elected, or whether the election was void, and shall forthwith certify in writing, such determination to the Lieutenant-Governor, appending thereto a copy of his notes of the evidence, and upon such certificate being given, such determination shall be final to all intents and purposes.

CHAPTER 6.**AN ORDINANCE RESPECTING INFECTIOUS DISEASES.**

Lieutenant-Governor to proclaim infected districts, s. 1. Declare existence of disease outside Territories and proscribe ingress therefrom, s. 2. Constitute health districts and appoint boards of health, s. 3.	Powers and duties of Boards, ss. 4 and 5. Lieutenant-Governor may appoint health officers to enforce Ordinance, s. 6. Penalties, s. 7. Any Peace Officer may arrest offender, s. 8.
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The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. When any part of the Territories becomes infected with any contagious, infectious or epidemic disease, the Lieutenant-Governor may by proclamation describe the part so infected, declare that such disease exists therein, and proscribe such part from outside intercourse for the period named in such proclamation.

2. When any part of the said Territories becomes exposed to any contagious, infectious or epidemic disease, then existing in any place outside the Territories, the Lieutenant-Governor, by proclamation, may declare that such disease exists in such place as aforesaid, and proscribe all ingress to the Territories therefrom during the period named in such proclamation.

3. The Lieutenant-Governor may at any time, and from time to time, constitute by order any part of the Territories in such order described and named, into a health district, or any parts thereof into health districts, and for every such district to appoint a board of health, to consist of not more than five or less than three persons—the majority of those appointed to form a quorum.

4. Every such board shall be presided over by the senior

member thereof present in the district, and shall meet at such times and places as he in his discretion may appoint; and within the territorial limits of the district for which it is appointed the powers of each such board shall be—

(1.) Where any infectious disease is discovered to exist in any house or dwelling place, to prevent all intercourse and communication therewith, except by the health and medical officer, and such attendants as may be considered necessary, and persons holding written permits from the health or medical officer;

(2.) To remove from any such house or dwelling place the inhabitants thereof, or such of them as may be fit to remove, and place them in tents or other good shelter in some salubrious situation, until measures can be taken for the cleansing, purifying and disinfecting of such house or other dwelling place:

(3.) To cause all wearing apparel, bedding or other articles capable of conveying the infection, which have been in such house or dwelling place, or used by inmates thereof, to be destroyed by fire, except when thorough disinfection thereof has been effected under the supervision of a medical officer:

(4.) To regulate the granting of permits for absolutely necessary intercourse with proscribed districts;

(5.) And generally to make such other regulations as from time to time may be found necessary to carry out the true intent and meaning of this Ordinance; all which regulations shall be forthwith, after the passing thereof, transmitted to the Lieutenant-Governor, and shall have the force of law until rescinded by such board or cancelled by the Lieutenant-Governor.

5. In case of emergency, when a board of health may be unable to communicate speedily with the Lieutenant-Governor, and until the Lieutenant-Governor's proclamation is published in the district, such board of health may publish a notice declaring the whole district, for which the board has jurisdiction, or such part thereof as may be described in such notice, infected; and upon the publication of such notice the district or part thereof so described shall be held to be isolated, and all intercourse therewith forbidden, as if the proclamation named in the first section of this Ordinance had been made; and in case the said district is exposed

to any infectious disease then existing in any place outside the Territories, to declare in such notice that such disease exists in such place, and all ingress therefrom into the said district shall be proscribed as if the proclamation named in the second section of this Ordinance had been made.

6. The Lieutenant-Governor may from time to time, and whenever he sees fit, also appoint one or more health officers in any such district, whose duty shall be to enforce this Ordinance within said district, and the regulations of the board of health of such district.

7. Any person disobeying any proclamation, or violating any regulation made under the provisions of this Ordinance, upon conviction thereof before a Justice of the Peace, shall forfeit and pay such sum not exceeding one hundred dollars, with costs of prosecution, as such Justice may impose; and upon failure of payment thereof be imprisoned for any term not exceeding three months.

8. Upon the direction of any health officer, or on the information of any known person, or upon view of any such disobedience or violation aforesaid, any peace officer may arrest the offender by the authority of this Ordinance and without any further warrant convey him before a Justice of the Peace as aforesaid to be dealt with according to law.

CHAPTER 7.

AN ORDINANCE RESPECTING INSANE PERSONS.

<p>Procedure to apprehend person charged with being insane, s. 1.</p> <p>Justice of Peace hearing the evidence may postpone enquiry and remand person charged, s 2.</p> <p>If satisfied person charged is insane Justice shall commit by warrant to jail and shall</p>	<p>forward to Lieut-Governor copy of evidence taken, s 3.</p> <p>If Justice is satisfied person is not insane shall discharge him, s 4.</p> <p>Justice of Peace shall have power of compelling attendance witnesses, s 5</p> <p>Form A. Warrant to apprehend.</p> <p>Form B. Warrant to commit.</p>
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The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. When an information is laid before a Justice of the Peace that any person is, or is suspected and believed to be, insane, such Justice may issue his warrant, in the Form A, to apprehend such person and cause him to be brought before the same or some other Justice of the Peace having jurisdiction as such in the Territories.

2. Upon the person charged as aforesaid being brought before a Justice of the Peace, as in the next preceding section provided, the said Justice shall proceed to hear such evidence under oath as may be adduced with reference to the alleged insanity of the prisoner, adjourning the enquiry from time to time, as may be necessary for the purpose, and remanding the prisoner meanwhile to prison or other safe custody, in which latter case all reasonable expenses shall be defrayed from the General Revenue Fund.

3. If after hearing the evidence adduced the Justice of the Peace is satisfied the prisoner is insane, such Justice shall commit by warrant, in the Form B, the prisoner to the gaol at or nearest the seat of Government in the Territories, there to remain until the pleasure of the Lieutenant-Governor is known, or until the prisoner is discharged by law, and shall forthwith make a report of the case, accompanied with a true copy of the information and evidence

taken, to the Lieutenant-Governor, who shall have power, if he sees fit, to order further enquiries to be made.

4. But in case it appears to such Justice that such prisoner is not insane, the Justice shall discharge him.

5. The Justice of the Peace, acting under the provisions of this Ordinance, shall have the like authority for compelling the attendance of witnesses as such Justice would have under any law or statute in force respecting summary convictions.

FORM A.

(Vide Section 1.)

CANADA,

 North-West Territories. } To all or any of the Constables or other
 Peace Officers of the said Territories.

Whereas information upon oath hath this day been laid before the undersigned, _____ a Justice of the Peace in and for the said Territories, that A. B., (or a certain male or female person whose name is unknown) is insane;

These are therefore to command you to apprehend the said and bring him (or her) before me or some other Justice of the Peace in and for the said Territories, in order that enquiry may be made respecting the sanity of the said _____ and that he (or she) may be further dealt with according to law.

Given under my hand and seal this _____ day of
 A. D. 18 _____, at _____ in the said Territories.

J. P. [L. S.]

FORM B.

(Vide Section 3.)

CANADA.

 North-West Territories } To all or any of the Constables or other Peace
 Officers in the said Territories, and to the
 North-West Mounted Police Force at
 or the Keeper of the Common Jail at

Whereas information was laid before me (or as the case be), a Justice of the Peace in and for the said Territories, on the oath of

That A. B. (or as in the information) was insane; and whereas enquiry has been made by me respecting the sanity of the said

and whereas I
have found and adjudged the said to be insane ;

These are therefore to command you, the said Constables or other
Peace Officers, or any of you, to take the said and safely
convey to the North-West Mounted Police or to the keeper
of the Common Gaol at and to deliver to the
Police aforesaid, or to the said keeper, together with this Precept; and
I do hereby command the said Police Force, or the keeper of the said
Gaol, to receive the said into custody, and safely
keep until the pleasure of the Lieutenant-Governor
be known, or until the said shall be discharged by law.

Given under my hand and seal this _____ day of
A.D. 18 , at _____ in the North

West Territories.

J.P., [L.S.]



CHAPTER 8.

AN ORDINANCE RESPECTING MUNICIPALITIES.

- Title, s. 1.**
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Style of Municipalities, s. 5.
Seal, s. 6.
Area, s. 7.
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Contents of Proclamation and Incorporated Powers, s. 11 and 12.
Returning Officer, s. 13.
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Not set aside unless corrupt practice proven, s. 183.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. This Ordinance may be cited as "The Municipal Ordinance."

1. Unless the context otherwise requires,—

(1.) "Municipality" means any locality, the inhabitants of which are continued incorporated or become so under this Ordinance;

(2.) "Council" means the Municipal Council;

(3.) "Mayor" means the head of the Council of a town Municipality, and "Chairman" means the head of the Council of every other Municipality, or the person filling for the time being that position or that of Mayor;

(4.) "Land" or "lands," "real estate," "real property," respectively includes lands, tenements and hereditaments, or all rights thereto or interest therein;

(5.) "Elector" means any person entitled for the time being to vote at any municipal election or in respect of any by-law in the municipality, ward or polling sub-divisions, as the case may be;

(6.) "Owner" or "Proprietor" means a person who has the ownership or use of any taxable property, or has an agreement for the purchase of the same;

(7.) "Householder" means the occupier of a house, but shall not mean nor include any person who is a mere lodger or boarder in a house ;

(8.) "Occupant" means a person who possesses, holds or occupies any land under any title whatsoever, or even without a title, or is occupying lands of the Crown under any style of location, agreement or tenure whatever ;

(9.) "Lot" means one of the sub-divisions into which a piece or parcel of land has been divided, for purposes of sale, into smaller parcels, including the buildings and other improvements thereon ;

(10.) "Revised Assessment Roll" means the assessment roll as finally passed by the Court of Revision and certified by the Clerk, except in so far as the same may be further amended on appeal to a Judge of the Supreme Court ;

(11.) "Taxable person" means—

(a.) Any person receiving an annual income, or the owner of any personal property not exempted from taxation ;

(b.) The owner of lands not exempt from taxation, where the same are occupied by the owner or unoccupied ; otherwise the occupant ;

(12.) "Judge" means a Judge of the Supreme Court of the North-West Territories, usually exercising jurisdiction in the Judicial District in which the Municipality is situated ;

(13.) "Highway," "Road," or "Bridge," means a public highway, road or bridge respectively.

MUNICIPALITIES CONTINUED.

3. The inhabitants of every municipality incorporated previous to the commencement of this Ordinance shall continue to be a body corporate under its existing name, subject to the provisions of this Ordinance.

4. The head and members of the Council, and the officers, by-laws, contracts, property, corporate seal, assets and liabilities of every municipal corporation, when this Ordinance takes effect, shall be deemed the head and members of the Council, and the officers, by-laws, contracts, property, corporate seal, assets and liabilities of such corporation, as continued under and subject to the provisions of this Ordinance.

STYLE OF MUNICIPALITIES.

5. The name of every body corporate erected under this Ordinance shall be the Municipality of (*inserting the name of the municipality.*)

SEAL.

6. Every Municipality continued or erected under this Ordinance shall have a corporate seal, which shall be in the custody of the Clerk of the Municipality, and said seal shall be chosen by a resolution of the Council.

AREA OF MUNICIPALITIES.

7. Each Municipality, of not more than four hundred square miles, shall be entitled to and elect five Councillors, and each Municipality of more than four hundred square miles shall be entitled to and elect seven Councillors.

ERECTION OF NEW MUNICIPALITIES.

8. In any part of the Territories not comprised within the limits of an existing Municipality, any number of male British subjects, over twenty-one years of age, who have been owners or householders in the area, not being less than two hundred square miles, proposed to be established as a Municipality, for a period of three months next preceding the date of the petition, may by petition, in the form A of the Appendix to this Ordinance, request the Lieutenant-Governor to erect such area into a Municipality.

But this section shall not apply to the incorporation of Town Municipalities.

9. Upon proof by affidavit in the form B of the Appendix to this Ordinance that at least two-thirds of such persons have signed such petition, and that public notice, in form C of the Appendix to this Ordinance, of such intended application, signed by three of the petitioners, has been posted in three different places within the proposed area, for at least two weeks previous to the receipt of the petition by the Lieutenant-Governor, and no opposition being offered, and there appearing no just or reasonable ground for refusing such incorporation, the Lieutenant-Governor shall proclaim the area a Municipality by the name proposed or some other suitable name. But if such petition be disputed by any

person entitled to petition as aforesaid, within such area, on affidavit, stating the facts, or if it appear to the Lieutenant-Governor that the proposed boundaries of such Municipality are objectionable for any cause, then the Lieutenant-Governor shall refer the petition and all matters connected therewith to the Legislative Assembly.

10. The sum of one hundred dollars shall accompany every petition for incorporation, and such sum shall be used to defray the expenses attending the erection of the Municipality, and any portion not expended for such purpose shall be, by the Lieutenant-Governor, paid to the Treasurer of the Municipality when formed.

11. Such proclamation shall set forth the townships and ranges or parts thereof and lots in special survey included in said Municipality and the name of such Municipality.

12. From and after the issuing of a proclamation erecting a Municipality, the inhabitants of such Municipality shall become a body corporate, under the provisions of this Ordinance, capable of suing and being sued, and of acquiring, holding and conveying every description of property under the name of such Municipality.

FIRST ELECTIONS.

13. After the issue of the proclamation, the Lieutenant-Governor shall by order appoint a Returning Officer to hold the first election for Councillors, and in case of his death or refusal to act, appoint another.

14. The Returning Officer so appointed shall appoint an Election Clerk, who shall have the powers of such Returning Officer in case the Returning Officer becomes unable from any cause to perform the duties of his office.

15. The Returning Officer shall, immediately upon receipt of the order appointing him, endorse thereon the time of its receipt, and shall within one week thereafter issue and post up, in at least six conspicuous places within the limits of the Municipality, and not less than six days previous to the day fixed for nomination, calling for an election of the

first Councillors thereof, a notice, in form D of the Appendix to this Ordinance.

16. The Returning Officer shall appoint a Deputy Returning Officer for each polling place within the Municipality, and each Deputy Returning Officer may appoint a Poll Clerk.

17. All men, unmarried women and widows, being British subjects over twenty-one years of age, who have been owners or householders within the Municipality for a period of not less than three months next preceding the day of voting, shall be entitled to vote at first elections.

18. At the request of any candidate or his agent, or any voter, the following oath shall be administered by the Deputy Returning Officer to any person tendering his vote at such first election :

You do solemnly swear that you are a British subject over twenty-one years of age ; that you have been an owner or a householder (*as the case may be*) in this Municipality for a period of not less than three months next preceding this date ; and (*if a woman*) that you are unmarried or a widow.

19. Any person residing in the Municipality and qualified to vote at the first election and not otherwise disqualified under the provisions of this Ordinance may be elected at such first election.

20. In other respects the proceedings at such first election, and the duties of Returning Officer, Deputy Returning Officer and Poll Clerk, relating thereto, shall substantially conform to the proceedings at subsequent elections for Municipal Councillors.

SUBSEQUENT ELECTIONS.

21. The persons qualified to vote at any election for Municipal Councilors after the first election shall be the men, unmarried women and widows, being British subjects over twenty-one years of age, who are assessed upon the last revised assessment roll of the Municipality for real property, held in their own right (*or, in the case of married men, held by their wives*) or for income or personal property,

for two hundred dollars or upwards, and whose names appear on the voters' list founded upon such roll;

Provided always that a Municipality may by by-law, declare that no person shall be entitled to vote, who has not on or before a day to be named therein paid all taxes in arrear, due by him to such Municipality.

22. After the first election, the persons qualified to be elected as Councillors shall be the male British subjects over twenty-one years of age, residing in the Municipality, and having at the time of the election, either in their own right or the right of their wives, as owners or tenants, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in their own names on the last revised assessment roll of the Municipality to at least the value of four hundred dollars, and who are not otherwise disqualified under the provisions of this Ordinance.

23. The following persons are disqualified for election as Councillors:—

(1.) Judges, Sheriffs, Deputy Sheriffs and Clerks of Courts;

(2.) Officers of the Dominion and North-West Governments, and officers of the Municipality;

(3.) Persons having by themselves or jointly with others an interest in any contract with or on behalf of the Municipality: and persons having unsettled or disputed claims against the Municipality: Provided that such disqualification shall not include shareholders in an incorporated or joint stock company having dealings or contracts with the Municipality, but no such shareholder, if elected, shall vote in the Council on any question affecting the Company of which he is a shareholder.

24. The Council shall at least one week prior to the last Monday in December, by by-law, appoint a Returning Officer for the Municipality, define the districts or sub-divisions within the Municipality, or within the wards, if the Municipality be divided into wards, where votes are to be polled, and appoint a Deputy Returning Officer for each such district or sub-division.

25. The Returning Officer shall, by notice, in the form E

of the Appendix to this Ordinance, posted up in ten conspicuous places within the Municipality, and at least six days previous to such meeting, call a meeting of the electors within the same on the last Monday in December, for the purpose of nominating the required number of Councillors for the term commencing on the first day of January following.

26. At the time and place named in the notice the Returning Officer shall declare the meeting open for the purpose of receiving nominations, and any person whose name appears on the last revised assessment roll may propose or second the nomination of any duly qualified persons to serve as Councillors, and the meeting shall remain open until noon, when, if the number of duly qualified persons nominated to serve as Councillors for the Municipality, or ward, if the Municipality be divided into wards, do not exceed the number of Councillors to be elected, the Returning Officer shall declare the persons so nominated duly elected Councillors for the Municipality, or ward, as the case may be.

27. In the event of more than the required number of such persons being nominated for the Municipality or for any one or more of the wards, in case the Municipality is divided into wards, the Returning Officer shall declare that a poll will be held in such Municipality or ward, and name the time (which shall be the same day of the week as the nomination, in the next following week), the place, and the Deputy Returning Officer or Deputy Returning Officers, as the case may be, appointed to hold the same, and the time and place where the result of such poll will be declared.

28. Whenever a poll has to be taken, the Returning Officer shall without any unreasonable delay after the nomination, cause, to be posted up in at least ten conspicuous places within the Municipality, if not divided into wards, or if divided into wards, at least two in each such ward, as the case may be, a notice in the Form F of the Appendix to this Ordinance.

29. Any candidate nominated may withdraw at any time after nomination and before the close of the poll on polling day, by filing with the Returning Officer or Deputy

Returning Officer a declaration in writing to that effect, signed by himself in the presence of the Returning Officer or Deputy Returning Officer, a Justice of the Peace or a Notary Public, and any votes cast for any such candidate shall be null and void.

30. The poll shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon of the same day, and no votes at such election shall be received after the last named hour.

31. Any person producing to the Deputy Returning Officer, at any time, a written authority to represent a candidate as agent at a polling place, shall be recognized as such by the Deputy Returning Officer.

32. Any voter may vote for as many candidates as there are Councillors required to be elected at such election, but he shall not vote for any greater number, nor shall he vote more than once for the same candidate.

33. At the request of any candidate or his agent, or of any voter, the following oath shall be administered to any person tendering his vote at such election :

You do solemnly swear that you are the person named or purporting to be named by the name of _____ on the voters' list now shown to you, that you have not before voted at this election or (if the *Municipality is divided into wards*) in this ward, and that you have not received or been promised any consideration whatsoever for voting at this election and (if the *Municipality has passed a by-law requiring all persons to have paid their taxes to entitle them to vote*) that you have paid all taxes in arrear due by you to the Municipality of _____

34. Every Deputy Returning Officer may by writing under his hand appoint a Poll Clerk, who, in the absence of such Deputy Returning Officer, or on his failure or inability to fulfil the duties required of him by this Ordinance, shall have all the powers of such Deputy Returning Officer.

BALLOT.

35. The votes at all elections shall be given by ballot, in the manner hereinafter set forth.

36. Every ballot paper shall contain the names of the

candidates, alphabetically arranged, and all ballot papers shall be as in Form G of the Appendix to this Ordinance.

37. The Returning Officer shall procure, or cause to be procured, as many ballot boxes as there are polling subdivisions in the Municipality, and cause to be printed a sufficient number of ballot papers for the purposes of the election.

38. The Returning Officer shall, at least two days before polling day, deliver one of the ballot boxes to each Deputy Returning Officer.

39. The Returning Officer shall, before the poll is opened, cause to be delivered to every Deputy Returning Officer the ballot papers, materials for marking the ballot papers, and a sufficient number of printed directions for voting, in Form H of the Appendix to this Ordinance.

40. At elections subsequent to the first, the Clerk of the Municipality shall supply to each Deputy Returning Officer, before the opening of the poll, a voters' list, in Form I of the Appendix to this Ordinance, containing the names of all the electors at that polling sub-division.

41. Every Deputy Returning Officer shall provide a compartment at the polling place to which he is appointed, where the voters can mark their ballots screened from observation, and may appoint a constable to maintain order at the polling place.

42. Every Deputy Returning Officer shall, immediately before the commencement of the poll, open the ballot box and call such persons as may be present to witness that it is empty; he shall then lock and properly seal the same to prevent its being opened without breaking the seal, and then place the box in view for the reception of the ballots. The seal shall not be broken nor the box unlocked during the time appointed for taking the poll.

43. Proceedings at the poll shall be as follow;

(1.) On a person presenting himself for the purpose of voting, the Deputy Returning Officer shall ascertain that the name of such person is entered, or purports to be

entered upon the voters' list of his polling division.

(2.) If such person takes the oath or affirmation prescribed by this Ordinance, the Deputy Returning Officer shall cause to be entered opposite the name of such person in the proper column of the voters' list, the word "Sworn" or "Affirmed," according to the fact.

(3.) When such person as aforesaid has been required to take the oath or affirmation prescribed by this Ordinance, and refuses to take the same, the Deputy Returning Officer shall cause to be entered in the proper column of the voters' list, opposite the name of such person, the words "Refused to be sworn" or "Refused to affirm," according to the fact.

(a.) No person who has refused to take the oath or affirmation prescribed by this Ordinance, when requested so to do, shall receive a ballot paper or be admitted to vote.

(4.) When the vote is objected to, the Deputy Returning Officer shall cause to be entered in the proper column of the voters' list, opposite the voter's name, the words "Objected to," and shall add thereto the name of the candidate by whom or on whose behalf the objection is made.

(5.) After the proper entries respecting a person claiming to vote have been made in the voters' list, in the manner prescribed, the Deputy Returning Officer shall stamp or sign his initials upon the back of the ballot paper, and shall deliver the same to such person.

(6.) The Deputy Returning Officer may, and upon request shall, either personally or through his Poll Clerk, explain to the voter, as concisely as possible, the mode of voting.

(7.) The Deputy Returning Officer shall cause to be placed in the proper column of the voters' list, a mark opposite the name of every voter receiving a ballot paper.

(8.) Only one person claiming to be entitled to vote shall be allowed at a time in the apartment, where the election is held.

(9.) Each person receiving a ballot paper shall forthwith proceed into the compartment provided for marking ballots, and shall mark his ballot paper by placing a cross opposite the name of the candidate or candidates for whom he desires to vote; he shall then fold the ballot paper so as to conceal the names of the candidates, and the marks on the face of the paper, but so as to expose the initials of the Deputy Returning Officer, and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone, or in any other manner making known to any

person for or against whom he has voted, deliver the same to the Deputy Returning Officer, who shall, without unfolding it, verify his own initials, and at once deposit it in the ballot box in the presence of all other persons entitled to be and then present in the polling place.

(10.) While any voter is in the compartment for the purpose of marking his ballot paper, no other person shall be allowed in the same compartment, or be in any position from which he can see the manner in which such voter marks his ballot paper, except as hereinafter provided.

(11.) In case any elector states he is unable to mark his ballot paper :—

(a.) The Deputy Returning Officer shall, in the presence of the candidates or their agents present, if required by any candidate or agent, administer an oath to such elector that he is unable to mark his ballot paper, and shall then cause the vote of such elector to be marked as he directs, and shall then place the same in the ballot box ; and

(b.) The Deputy Returning Officer shall state, in the voters' list, opposite the name of such elector, in the column for remarks, the fact that the ballot paper was marked by him at the request of the voter, and why.

(12.) Any elector, who has spoiled his ballot paper in marking it, and discovers the fact before it has been placed in the ballot box, may, on returning the same to the Deputy Returning Officer, and proving the fact to him, obtain another ballot paper, and the Deputy Returning Officer shall mark upon the face of the ballot paper so returned the word "Cancelled," and all ballot papers so marked shall be preserved by the Deputy Returning Officer, and by him returned to the Returning Officer in the manner hereinafter provided.

(13.) Any person, who has received a ballot paper and who leaves the polling place without delivering the same to the Deputy Returning Officer in the manner herein provided, or if, after delivering the same, refuses to vote, shall forfeit his right to vote at the election then pending, and the Deputy Returning Officer shall make an entry in the voters' list, opposite the name of such person, in the column for remarks, that such person received a ballot paper and did not return the same, or that the person returned the ballot and declined to vote, and in which latter case the Deputy Returning Officer shall mark upon the face of the ballot paper the word "Declined," and all ballot papers so

marked shall be preserved by the Deputy Returning Officer, and by him returned to the Returning Officer in the manner hereinafter provided.

(14.) Any Deputy Returning Officer, Candidate, Agent or Poll Clerk who belongs to a polling division other than the one in which he is performing the duties of such, may vote at the polling station where he is so engaged, provided he produces a certificate from the Clerk of the Municipality that he is a qualified voter within the same.

44. Immediately after the close of the poll the Deputy Returning Officer shall, in the presence of the Poll Clerk, if there be one, and such of the candidates, with their agents, (of whom there shall not be more than two for any candidate), as may be present, open the ballot box and proceed as follows :

(1.) He shall examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the elector is entitled to give, or on which anything appears by which the voter can be identified, and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all candidates for said office ;

(2.) Take a note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide on any question arising out of the objection ;

(3.) Number such objection and place a corresponding number on the back of the ballot paper with the word " allowed " or " disallowed," as the case may be, with his initials ;

(4.) Count the votes given for each candidate from the ballot papers not rejected and make a written statement of the number of votes given to each candidate and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him, and such other persons authorized to be present as may desire to sign the same ;

(5.) The Deputy Returning Officer shall then certify under his own hand in full words on the voter's list the total number of persons, who have voted at the polling place at which he is appointed, and make up into separate packets :—

(a.) The statement of votes given for each candidate and of the rejected ballot papers ;

(b.) The used ballot papers, which have not been objected to, and which have been counted ;

(c.) The ballot papers which have been objected to, but which have been counted ;

(d.) The rejected ballot papers ;

(e.) The declined and cancelled ballot papers ;

(f.) The voters' list ;

Which packets, closed up and sealed with his own seal and with the seals of any persons present desiring to affix their seals thereto, and marked on the outside with a memorandum designating their respective contents, shall by the Deputy Returning Officer be transmitted forthwith to the Returning Officer ;

(6.) Every Deputy Returning Officer, upon being requested so to do, shall give to the persons authorized to attend at his polling place, a certificate showing the total number of votes cast at his polling place for each candidate, and the number of rejected ballot papers.

45. At the time and place fixed for declaring the result of the election, the Returning Officer shall open the packet containing the statement of the number of votes given for each candidate, and shall publicly declare elected the candidate or candidates who have received the highest number of votes, and shall deliver or forward to each candidate a certificate of his election, showing the total number of votes cast for each candidate and those declared elected by him ;

(1.) In case it appears that two or more of the candidates have an equal number of votes, the Returning Officer shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election, and except in such case the Returning Officer shall not vote.

GENERAL PROVISIONS.

46. After the election, the ballot boxes, packets and returns shall be transmitted to the Clerk of the Municipality, or if it be a first election, then to the Returning Officer and by him delivered into the custody of the Clerk, so soon as one is appointed. The Clerk shall be responsible for their safe keeping and for their delivery when required.

47. Every Returning Officer, Deputy Returning Officer, Poll Clerk, Candidate or Agent authorized to be present at any polling places shall, before exercising any of the functions of such Returning Officer, Deputy Returning Officer, Poll Clerk, Candidate or Agent at any polling place, take and subscribe before a Justice of the Peace or the Clerk of the Municipality an oath in form as follows :—

“ I, A B., do swear that I will not at any time disclose to any one the name of any person who has voted at the election to be held in the Municipality of _____ the _____ A D. 18 _____ and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted, and will not in any way aid in the unlawful discovery of the same and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted. So help me God.

48. The Clerk of the Municipality, having retained for three months all ballot and other papers transmitted to him as aforesaid, shall then destroy the same, unless otherwise ordered by a Court or Judge of competent jurisdiction.

49. No person shall be allowed to inspect any ballot papers or other documents or papers other than the voters' list used at an election in the hands of the Clerk, except under the order of the Court or Judge as aforesaid, which order shall state the time and place for inspecting such papers and name the persons present thereat.

50. All reasonable expenses incurred at any election under this Ordinance shall be paid by the Municipality upon production of accounts verified as the Council of said Municipality may direct.

51. In case a Municipality be divided into wards, the voters' list for each ward shall contain the names of only those persons who are entitled to vote in such ward.

52. Every Returning Officer, Deputy Returning Officer, and Poll Clerk shall, before entering upon the duties of his office, make and subscribe before a Justice of the Peace or Notary Public the following oath, that is to say :

I do solemnly swear that I will truly, faithfully and to the best of my knowledge and ability perform the duties of the office of (here name the office) to which I have been appointed for the Municipality of _____ So help me God.

And such oath shall forthwith be transmitted to the Returning Officer.

53. The Clerk of the Municipality shall be, except as hereinbefore provided or unless otherwise directed by by-law of the Council, Returning Officer of the Municipality; and any Returning Officer may exercise and perform the powers and duties of a Deputy Returning Officer at any one polling place in the Municipality to be selected by such Returning Officer or as directed by the Council.

COUNCILS.

DUTIES AND POWERS.

54. The first meeting of the Council so elected shall be held on the third Monday in January in each year and the Council of the previous year shall hold office up to the first meeting of the new Council, notwithstanding the fiscal year expires on the thirty-first day of December in each year, and in case of neglect or refusal of the electors in a Municipality to elect a Council, as hereinbefore provided, until a new Council is appointed under the provisions of this Ordinance.

55. At the first meeting of the Council, except in the case of a newly erected Municipality, the Clerk of the said Municipality shall attend, and having received from the Councillors elected for the then current term their certificates of election and oaths of office, shall preside as chairman at such meeting, until the said Councillors, by open vote, have elected a chairman, and in case of a tie the Clerk shall give a casting vote.

In the case of a newly erected Municipality, the Returning Officer, appointed to hold the first election of Councillors shall perform the duties of this section imposed upon the Clerk of the Municipality.

56. The first Council, if elected at any time after the first Monday in January, may, by resolution or by-law, alter, extend or curtail the time within which, or at, before or after which, any act, privilege or duty is required to be done, exercised or performed by such Council, or any of its officers or any other person.

57. The jurisdiction of each Council shall be confined to

the Municipality for which it is elected, unless authority is given otherwise by Law, and the powers of every Municipality, shall be exercised by the Council.

58. A majority of the Council shall be a quorum at any meeting, but when the Council consists of only five members the concurrent votes of at least three shall be necessary to carry any resolution or other measure.

59. Every Municipality shall have jurisdiction over all highways within the same, and the Lieutenant-Governor may give a Municipality jurisdiction over any highway, bridge or stream dividing Municipalities, or adjacent thereto when not dividing Municipalities, and may determine what portion of highway, bridge or stream dividing Municipalities, shall be within the jurisdiction of each.

60. Municipalities may control and license Ferries and Bridges erected or authorized by them within their jurisdiction and pass by-laws allowing the collection of tolls thereon for periods not exceeding five years.

61. Every Council may make regulations and by-laws—not provided for by this Ordinance and not contrary to Law—for governing its proceedings, calling meetings, the conduct of its members, appointing committees, and generally such regulations as the good of the Municipality may require, and may repeal, alter and amend its own by-laws, except where by-laws are made for the purpose of raising money, levying assessments or striking rates.

62. Every Council may pass a by-law for paying the members thereof, which shall in no case exceed the sum of one dollar and fifty cents per day and ten cents for every mile necessarily travelled coming to or attending the business of the Council, provided that the number of days for which each Councillor shall be paid during the year for which he is elected shall not exceed eight.

63. The Council of every Municipality shall, so soon as may be convenient after the annual election, appoint as many assessors and collectors for the Municipality as may be necessary, also a treasurer and auditor or auditors; and

may from time to time appoint road overseers, pound-keepers and constables.

(2.) If more than one assessor or collector be appointed, the Council shall assign to such assessors and collectors the district or districts within which they shall act.

64. All Municipal Officers, as aforesaid, shall hold office until removed by the Council, or as expressed in their appointments.

65. No Municipal Council shall make any appointment to office or arrangement for the discharge of the duties thereof by tender or to applicants at the lowest remuneration.

66. The Municipal Council, in addition to defining the duties of its officers, shall exact security from the treasurer and collector and such other officers as they may determine, for the faithful performance of their duties, and it shall be the duty of every Council at its first meeting, or within a reasonable time thereafter, to examine and renew the securities given by its officers.

67. Municipal officers shall be liable for their acts, and for damages arising from their refusal or neglect to discharge their duties to the municipality, in addition to penalties imposed by violation of any of the provisions of this Ordinance.

68. The Council of every Municipality may pass by-laws for:—

(1.) The raising of its revenue by assessment on real and personal property and income; authorizing the Chairman and the Treasurer to borrow from any person, or bank, or corporation, such sum of money as may be required to meet the expenditure of the Municipality until such time as the taxes levied therein can be collected, and the collection and expenditure of the same;

(2.) The prevention of cruelty to animals, not being inconsistent with any Statute or Ordinance in that behalf;

(3.) Granting aid to Agricultural Societies;

(4.) The prevention or removal of abuses prejudicial to agriculture not otherwise provided by law;

(5.) The relief of the poor;

(6.) Appointing policemen, watchmen and patrols, and regulating and defining their duties ;

(7.) Remunerating its officers.

(8.) The encouragement of the planting of trees on prairie lands, or highways or other public places; and remuneration for the same by commutation of statute labor or otherwise ;

(9.) Taking the census of the Municipality ;

(10.) Public morals, not otherwise provided for by Law ;

(11.) Public health ; the creating of a board of health and defining its duties ;

(12.) Sub-dividing the Municipality into Wards, and providing for the election of one or more Councillors for each ward ; but no Council shall have power to sub-divide the Municipality into wards, unless the members thereof have been elected on a revised assessment roll ;

(13.) Laying out, opening, changing, closing, building, extending and maintaining highways, roads, bridges, streets, alleys and by-ways, and to expropriate lands therefor ;

(14.) The erection of halls, lock-ups, weigh-houses, markets and such buildings, as may be beneficial to the Municipality, and to expropriate lands therefor ;

(15.) The establishment and regulation of public markets and imposition of penalties for light weights, short measurement and any breach of contract in public markets, and restraining selling on the streets :

(16.) Establishing Municipal scales for weighing or measuring, and compelling the weighing or measuring thereon or thereby of anything sold by weight or measurement in the public market, and establishing and regulating the fees to be paid for weighing or measuring on such scales, and compelling dealers in coal to weigh upon such scales all coal sold by them, if requested so to do by the purchaser, at the purchaser's expense ;

(17.) Purchasing, controlling, erecting or establishing parks and cemeteries ;

(18.) Erecting lamp posts and lamps, and providing for lighting the Municipality or parts thereof ;

(19.) Making and regulating the use of public wells, cisterns and reservoirs ;

(20.) Regulating the size and number and construction of doors in churches, theatres and halls or other buildings used for places of public worship, public meetings or places of amusement, and the street gates leading thereto, and also

the size and structure of stairs and stair railings in all such buildings, and the strength of beams and joists and their supports ;

(21.) Controlling and constructing sewers, drains, ditches and water courses, and regulating and preventing the obstruction of the same ; building and repairing sidewalks, preventing the leading, riding or driving of cattle or horses thereon, and compelling persons to remove and clear away all snow, ice and dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them ;

(22.) Building waterworks and regulating the same, but not granting exclusive privileges for the same ;

(23.) Authorizing any corporate Gas or Water or Gas and Water Company to lay down pipes or conduits for the conveyance of gas and water or both, under streets, squares, and other public places, subject to such regulations as the Council may make ;

(24.) Contracting with any Water Works or Water Company for a supply of water within the Municipality for fire purposes and other public uses from hydrants or otherwise, as may be deemed advisable, and for the renting of any such hydrants for any number of years not in the first instance exceeding ten, and renewing any such contract from time to time for such period not exceeding ten years as such Council may desire, and every such Council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same ; and purchasing or renting for a term of years or otherwise fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively ;

(25.) Compelling the removal of dirt, filth, dust or rubbish off the highways, streets, lanes, alleys or by-ways by the party depositing the same, or by the owner or occupant before whose property it is, or in default, removing the same at his expense ; compelling the removal of anything deemed dangerous to the lives of the inhabitants ; preventing and regulating the construction of privy vaults and water closets, and providing for keeping the same in a proper state of cleanliness and repair ; preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ; and preventing and abating nuisances generally ;

(26.) Preventing the incumbering of streets or other

public places by vehicles, agricultural implements, lumber and other articles ;

(27.) Regulating the rate or pace of riding or driving within the Municipality or any part thereof ;

(28.) Regulating the keeping and transporting of gunpowder and other combustible or dangerous materials ;

(29.) Preventing the defacing of private or other property by printed or other notices ;

(30.) Regulating the rate or pace of riding or driving on bridges, and the number of horses, sheep or cattle to be crossed thereon ;

(31.) Licensing, regulating and governing transient traders, and other persons who occupy premises in the Municipality for temporary periods and whose names have not been duly entered on the assessment roll in respect of income or personal property for the then current year ; and for fixing the sum to be paid for a license for exercising any or all such callings within the Municipality, and the time the license shall be in force ;

(32.) Licensing hawkers, pedlers, billiard, pool and bagatelle tables, and bowling alleys, porters, water dealers, or carriers, or common carriers, draymen, hackmen, omnibus drivers and guides and regulating the same ;

(33.) Licensing or prohibiting shows, circuses, theatres or caravans ;

(34.) Licensing livery stables, sale stables, refreshment houses, public boarding or lodging houses, hotels and places of public resort or accommodation or amusement and private boarding or lodging houses where at least four boarders or lodgers are kept ;

(35.) Restraining and regulating the running at large of dogs, and imposing a tax on the owners, possessors, or harbourers of dogs ; and killing dogs running at large ;

(36.) Regulating the assize of bread, and preventing the use of deleterious materials in making bread, and providing for the seizure and forfeiture of bread made contrary thereto ;

(37.) Allowing a rebate on all taxes paid before a time to be named in the by-law ;

(38.) Exemption from taxation for the then current year ;

(39.) Exemption from taxation for a longer period than one year subject to ratification, as hereinafter provided ;

(40.) Granting bonuses to manufactories, mills, railways,

or any works of a public nature, subject to ratification by the ratepayers as hereinafter provided ;

(41.) Building, owning, or operating grist mills, elevators and manufacturing establishments, subject to ratification, as hereinafter provided ;

(42.) Preventing the spread of prairie fires within the Municipality ;

(43.) Establishing a fire department, appointing the officers thereof, regulating and providing their remuneration, and prescribing their duties ;

(44.) Providing protection from fire by the purchase of engines and equipment ;

(45.) Compelling the inhabitants to assist and aid in the extinguishment of fires ; pulling down and razing buildings in the vicinity of fires, for the purpose of preventing the spreading of the same ;

(46.) Regulating fire districts ;

(47.) Regulating the erection of buildings and preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the Municipality and prohibiting the erection or placing of buildings, other than with main walls of brick, iron, concrete or stone, and roofing of incombustible material, within defined areas of the Municipality, and regulating the construction of chimneys as to dimensions and otherwise and enforcing the proper cleaning of the same, and authorizing the pulling down or removal, at the expense of the owner, thereof of any building or erection which may be constructed or placed in contravention of any by-law ;

(48.) Generally establishing such measures as the safety and welfare of the Municipality may require for the prevention and extinguishment of fires ;

(49.) Regulating the remuneration, fees, charges and duties of poundkeepers, and the security to be given by them for the performance of the same ;

(50.) Providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the pound-keeper to impound ;

(51.) Restraining and regulating the running at large or trespassing of any animals and providing for impounding them, and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fees and expenses are not paid ;

(52.) Appraising the damages to be paid by the owners of animals impounded for trespassing ;

(53.) Determining the compensation to be allowed for services rendered in carrying out the provisions of any by-law with respect to animals impounded or disrained and detained in possession of the distrainer ;

(54.) Compromising on such terms as may be agreed upon for the payment of arrears of taxes ; and generally to make and establish all such by-laws for the government and good order of the Municipality, and the suppression of vice and immorality, protection of property, and the promotion of health not inconsistent with the Law.

69. Whenever any Municipal Council has any authority to direct, by by-law or otherwise, that any matter or thing shall be done by any person or corporation, such Council may also, by the same or another by-law, direct that in default of its being done by the person or corporation, such matter or thing shall be done at the expense of the person or corporation in default, and the Municipality may recover the expense thereof, with costs, by action in any Court of competent jurisdiction.

70. In case the majority of the resident ratepayers of any portion of a Municipality, divided into "Lots," petition the Council thereof, setting forth the desire of such resident ratepayers to incur a debt or liability repayable in the financial year, the Council may by by-law levy a special rate against all the property within the area (which shall be described in the petition), as set forth in such petition, and such rate shall be collectable as all other rates assessable by the Municipality.

COUNCILLORS.

71. Municipal Councillors shall hold office as provided in section 54 hereof, except where the first election for the Municipality takes place after the 30th day of June, in which case the Councillors elected thereat shall hold office until the first meeting of their successors duly elected.

72. In case of the death or removal of any Councillor, or in the event of a vacancy occurring in the Council from any cause whatsoever, the Council at its next meeting shall order an election, and the member so elected shall hold

office for the unexpired period of the member, whose place he was elected to fill.

73. In the event of any Councillor refusing or neglecting to attend the meetings of the Council for three months, his seat shall be declared vacant, unless he shall have received permission to absent himself from the Council by a majority vote of the same at a regular meeting of the Council, which permission shall in no case be for a longer period than six months.

CHAIRMAN.

74. The Chairman shall preside at all meetings of the Council, preserve order, and enforce the rules of the Council, sign all orders or cheques on the Treasurer duly passed by the Council: be vigilant and active at all times in causing the by-laws of the Municipality to be put in force and duly executed; inspect and report to the Council on the conduct of the officers of the Municipality; cause, as far as may be in his power, all negligence, carelessness or violation of duty, to be prosecuted and punished; communicate from time to time to the Council any information and make such recommendation as will tend to the improvement of the finances, health, security and comfort of the Municipality.

75. The Chairman shall call special meetings of the Council, whenever requested to do so by a majority of the same in writing, and all the members thereof shall be duly notified of the time and place of holding the same at least two days previous to the holding thereof. Except in the case of towns, where a simple notice of the time and place of holding the same shall be deemed sufficient.

76. The Chairman of any meeting of the Council may vote with the other members of the Council on all questions; and any question, on which there is an equality of votes, shall be deemed to be negatived.

77. In the event of the absence of the Chairman from any meeting, the Council shall elect another from amongst themselves, who shall have all the powers of the Chairman at such meeting.

78. The Council at its first meeting shall appoint a Clerk, who shall hold office during pleasure.

79. The Clerk shall attend all meetings of the Council, truly record all resolutions, decisions and other proceedings of the Council, and, if required by the Council, shall record the name of every member voting, and whether aye or nay, on any question coming before the Council; he shall keep the books, records and accounts of the Council and shall preserve and file all accounts acted upon by the Council and shall keep the original or certified copies of all by-laws of the Council as directed by by-law.

80. The Clerk shall make a collector's roll or rolls, as the case may be, containing columns for all information required by this Ordinance to be entered by the Collector therein, in which he shall set down in full the name of every person assessed, his post office address, as shown by the assessment roll, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessment roll; and shall calculate and set down opposite the name of each party so assessed and under the columns headed "Statute Labor Fund," "Special Rates," "Debenture Fund," "Local Rate," and "School Rate," or as the case may be, the sum for which he is chargeable on account of such rates and in the column headed "Total" the total amount of rates for which he is liable; and the Clerk shall deliver the roll certified under his name to the collector or collectors, on or before the first day of October, or such other day as may be prescribed by by-law or resolution of the Municipality.

81. The Clerk shall also make out a roll, which shall be a copy of the non-resident land assessment roll as finally revised, and shall enter therein opposite to each lot or parcel of land all the rates or taxes with which the same is chargeable for the current year, in separate columns, and shall deliver the same to the Treasurer on or before the first day of October or as may be prescribed by by-law or resolution of the Municipality.

82. The Clerk shall, at the meeting of the Council immediately following the receipt of the auditor's report, submit the same to the Council, who shall finally audit and

pass the accounts of the Treasurer and collectors and all other accounts chargeable against the Municipality, and in case of charges not regulated by by-law, the Council shall allow what is reasonable

83. The Clerk shall, within one week after the final revision of the assessment roll, deliver to the road overseer or road overseers appointed by the Council, a list of all parties assessed and liable for statute labor within their respective divisions, and the amount of statute labor for which each of such parties is liable.

PROPERTY LIABLE TO TAXATION.

84. All municipal, local or direct taxes or rates shall, where no other express provision has been made in this respect, be levied equally upon the whole rateable property, real and personal, of the Municipality, according to the assessed value of such property, and not upon any one or more kinds of property in particular, or in different proportions.

85. All land and personal property and income in the Territories shall be liable to taxation, subject to the exemptions hereinafter mentioned.

86. The real estate and personal property of all railway companies liable to assessment is to be considered as the property of ratepayers within the Municipality.

87. The interest of every person or corporation in any lands, the fee of which is in the Crown, shall be liable to assessment.

EXEMPTIONS.

88. The following shall be exempted from taxation:—

(1.) All property held by Her Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Territories;

(2.) All property held by, or in trust for, the use of any tribe of Indians or the property of the Indian Department;

(3.) Where any property mentioned in the preceding clauses is occupied by any person otherwise than in an

official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable;

(4.) The lands not exceeding one half acre and the buildings thereon of all public schools, universities, collegiate institutes, or incorporated seminaries, being public property, so long as such property is actually used or held for educational purposes;

(5.) All property belonging to the Municipality, when held and occupied or in the use of the corporation and the personal property belonging to the same;

(6.) Jails and court houses and the necessary land attached thereto;

(7.) Churches and the land in connection therewith not exceeding one-half acre, Orphanages, Poor Houses, Houses of Industry, Asylums being public institutions and the personal property connected therewith;

(8.) The books of every public library;

(9.) The income of a farmer derived from his farm, and the income of merchants, mechanics and other persons, derived from capital liable to taxation;

(10.) Grain *in transitu*, household effects of every kind, books and wearing apparel;

(11.) The increase in the value of the land by reason of the cultivation thereof together with the growing crops.

RATES.

89. The Council of every Municipality shall every year, on or before the fifteenth day of July, make estimates of all sums which may be required for the lawful purposes of the Municipality for the year, or that part thereof for which the sums are required to be levied, making due allowance for the costs of collection and abatement and losses which may occur in the collection of the taxes on the lands of non-residents.

90. The Council of the Municipality shall pass a by-law authorising the levying and collecting of a rate or rates of so much in the dollar on the assessed value of the property therein as the Council deems sufficient to raise the sum required in such estimates, but in no case shall the rate imposed exceed two cents on the dollar of the assessment in any year, including local and special rates, but not including school rates

91. The Trustees of any school district, any portion of which is situated within a Municipality, may demand of the Council of the Municipality that the amount for which the school district, or the part thereof situated within the Municipality, is liable for school purposes, shall be imposed and collected by the Municipality, and the lands and property of persons liable for such amounts shall be assessed, and the same shall be collected as other rates by the Municipality.

92. If the amount collected falls short of the sum required, the Council may direct the deficiency to be made up from any fund belonging to the Municipality, except sinking funds to retire debentures.

93. If there be no unappropriated funds, the deficiency may be deducted from the sums estimated as required, or from any one or more of them.

94. Should the amount collected exceed the estimates, the sum in excess shall form part of the general fund of the Municipality, and shall be at the disposal of the Council.

95. In cases where the amount collected has been on account of some special purpose, and is not required for such purpose, it shall also form part of the general fund of the Municipality.

96. The taxes or rates imposed in any year shall be deemed to be due on the first day of January of the then current year.

97. The Council may from time to time extend the time at which all taxes shall be paid, but not beyond the first day of March following the year for which the assessment was made.

STATUTE LABOR.

98. Every person assessed upon the assessment roll of a Municipality, other than that of a town, shall, if his property be assessed at not more than five hundred dollars, be liable to one day's statute labor, and for every five hundred dollars or part thereof in excess of said sum, to an additional day's statute labor.

99. Every other male inhabitant of the Municipality, other than that of a town, of the age of twenty-one years or upwards, and under the age of sixty years, not assessed as herein provided, shall be liable to one day's statute labor.

100. Every person liable to statute labor as hereinbefore provided, may commute the same at the rate of two dollars per day.

101. Persons assessed as non-residents shall be deemed to have commuted the statute labor for which they are liable at the rate of two dollars per day, and the amount of the commutation shall be a charge, and shall be collectable against real property, goods and chattels of non-residents as other rates

102. Every other person liable for the performance of statute labor under this Ordinance shall, within fourteen days after the final revision of the assessment roll, notify the Clerk of the Municipality, in writing, of his intention to commute the same by the payment as hereinbefore provided, or failing so to do, he shall be bound to perform the amount of statute labor imposed upon him, as the road overseer may direct.

103. The Council of any Municipality, other than that of a town, may, by by-law, commute the statute labor of any person or persons resident within the Municipality with regard to any certain specified property, for a term of years, in consideration of statute labor to be performed in any one year.

104. Any person liable to pay any sum for statute labor commuted as aforesaid shall pay the same to the collector appointed to collect the same, within seven days after the demand thereof by the said collector, and in case of neglect or refusal to pay the same, the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of the distress and sale, and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of his refusal or neglect to pay the said sum, and of there being no sufficient distress, and in default of payment at such time as the convicting Justice may

order, such defaulter shall be committed to the lock-up house of the Municipality, or to the nearest common gaol, and be there put to hard labor for any time not exceeding ten days, unless such penalty and costs, and costs of the warrant of commitment, and of conveying the said person to gaol, be sooner paid.

ASSESSMENT.

105. The assessor or assessors shall prepare an assessment roll as in the form J of the Appendix to this Ordinance, setting down in each column, as accurately as may be after diligent enquiry, the information called for by the heading thereof.

106. The assessor or assessors shall prepare a separate assessment as in form K of the Appendix to this Ordinance, regarding the lands, whether owned by individuals or corporations, of non residents whose names cannot be ascertained, entering in the proper column of such roll the information required by the respective heading thereof.

107. Every assessor shall, before delivery of his roll to the Clerk of the Municipality, deliver to each taxable person if residing in the Municipality, a notice setting forth the sum at which his real and personal property and taxable income is assessed, or if such taxable person be not residing in the Municipality, shall mail such notice by registered letter directed to such taxable person to the Post Office named in such roll, and shall enter on the roll, opposite the name of such person the date of such delivery or mailing, and such entry made shall be deemed *prima facie* evidence of delivery.

108. In the case of a partnership or company having more than one place of business within the Municipality, the personal property thereof shall be assessed in the locality where it is situate, and if this cannot be done, the partnership or company may elect at which of its places of business it will be assessed for the whole of its personal property.

109. If a resident has no place of business he shall be assessed at his place of residence.

110. It shall be the duty of every person assessable for real or personal property in every Municipality to give all information to the assessors, and he may deliver to the assessors a statement in writing setting forth the particulars of the property for which he should be assessed, but no such statement shall bind the assessor or excuse him from making due enquiry as to its correctness.

111. In assessing vacant ground, or ground used as a farm garden or nursery, and not in immediate demand for building purposes, in towns, the value of such vacant ground shall be that at which sales of it can be freely made, and where no sales of it can be reasonably expected during the current year, the assessor shall value it as if held for farming or gardening purposes, with such percentage added as the situation of the land may reasonably call for, and such vacant land, whether surveyed into lots or not, if unsold as such, may be entered on the assessment roll as so much of the original lot or section, as the case may be, and where ground is not held for purposes of sale, but *bona fide* inclosed and used in connection with a residence or building as a paddock, garden, park or lawn, it shall be assessed at a valuation which, at six per centum, would yield a sum equal to the annual rental, which, in the judgment of the assessor, it is reasonably worth, reference being always had to its position and local advantages.

112. Each assessor shall make and complete and deliver his roll to the Clerk of the Municipality in each year on or before the fifteenth day of May or such prior day as the Municipality may prescribe by by-law with his affidavit thereto, or endorsed thereon, made before a Justice of the Peace in the following form :

I, _____ do swear that I have in the within or annexed assessment roll assessed the Municipality of _____ (or part, as the case may be, naming the part) according to law to the best of my skill and ability and without favor.

Sworn before me at _____
this _____ day of _____ A D 188 _____
J P

ASSESSOR.

APPEAL FROM ASSESSMENT ROLL AND REVISION OF ROLL.

113. If the Council of a Municipality, other than a town,

consists of not more than five members it shall form a Court of Revision, and if it consists of more than five members, the Council shall appoint five of its members to be a Court of Revision, and three thereof shall be a quorum for the transaction of business.

114. The Clerk of the Municipality shall be the Clerk of the Court of Revision, and shall record all the proceedings thereof.

115. The Court may meet and adjourn from time to time, and may be summoned to meet at any time by the Chairman of the Municipality, and all the duties of the Court of Revision shall be completed before the first day of July in each year.

116. All evidence before the Court of Revision shall be taken on oath, and any member shall be competent to administer the oath to any person giving evidence before the Court, and the Clerk of the Court may, when required, issue a summons to any witness to attend such Court, and if any person so summoned as a witness fails without good and sufficient reason to attend (having been tendered compensation for his time at the rate of one dollar per day and mileage at the rate of ten cents per mile, where a railway is not available, or actual railway fare), he shall on summary conviction incur a penalty not exceeding fifty dollars.

117. The Court shall try all complaints in regard to persons wrongfully placed upon the roll or omitted therefrom or assessed too high or too low or in regard to any property of any person which has been misdescribed or omitted from the roll, or in regard to any assessment which has not been performed in accordance with the provisions and requirements of this Ordinance, as the case may be.

118. The proceedings for the trial of complaints shall be as follows:—

(1.) Any person assessed within the Municipality, who considers himself aggrieved for any or all of the causes hereinafter referred to, may, within fourteen days of the time fixed for the return of the roll, give notice in writing to the Clerk of the Municipality that he considers himself

so aggrieved, naming the complaints and grounds of appeal and upon what property;

(2.) If any ratepayer within the Municipality thinks that any person has been assessed too high or too low, or has been wrongfully inserted in or omitted from the assessment roll, or that the property of any person has been mis-described or omitted from the roll, or that the assessment has not been performed in accordance with the provisions and requirements of this Ordinance, the Clerk shall, on his request in writing, give notice to such person and to the assessor of the time, when the matter will be tried by the Court, and the matter shall be decided in the same manner as complaints by a person assessed;

(3.) The Clerk of the Court shall post up in some convenient place within the Municipality, a list of all complainants on their own behalf against the assessor's return, and of all complaints on account of assessment or want of assessment or improper assessment of other persons, stating the names both of the complainant and the party complained against, with a concise description of the matter complained of together with an announcement of the time when the Court will be held to hear the complaints; and no alterations shall be made in the roll unless under a complaint formally made according to the above provisions;

(4.) If at any time before the return of the collector's roll it shall be discovered that the property of any taxable person or part thereof has been omitted from the said roll, the Clerk shall notify such taxable person if known, and if he resides or has a place of business within the Municipality, that at a meeting of the Council, to be held at least six days after such notice, an application will be made to the said Council to assess such taxable property for such sum as may be deemed right, and that such taxable person is required to attend such meeting to show cause why the said taxable property should not be assessed, and as to the amount the same should be assessed for.

If such taxable person does not reside or have a place of business in the Municipality, then such notice shall be posted by registered letter to the Post Office address of such person fifteen days before such meeting of the Council.

After such notices have been served, or posted as aforesaid, and after the expiration of the time mentioned therein or if such taxable person be not known, then without any notice the Council may assess such taxable property and

direct the Clerk to enter the same upon the proper collector's roll for such sum as they shall direct, and the name of such taxable person if known.

Provided always that the provisions of sections 119 and 120 as to appeal shall apply to any such assessment.

Immediately after such assessment shall be made as aforesaid, the Clerk shall place the same on the collector's roll at the end thereof and shall rate the same at the same ratio as the rest of the said roll and thereafter the same shall be collectable in the same manner as the other taxes ;

(5.) The Clerk shall cause to be left at the residence of each assessor or addressed to each said assessor by registered letter to the Post Office address a list of all complaints respecting his roll ;

(6.) The Clerk shall also prepare a notice in the form following for each person with respect to whom a complaint has been made :

Take notice that you are required to attend the Court of Revision for the Municipality of _____ at _____ on the _____ day of _____ in the matter of the following appeal _____ appellant. That you are assessed (too high) or (too low) or (not a *bona fide* resident) or as the case may be. Signed, _____ Clerk.

And every such notice shall be posted by a registered letter to the Post Office address of such person, as entered on the assessment roll, fifteen days before the sitting of the Court, unless if a person has a place of business within the Municipality, in which case the Clerk shall cause the said notice to be served at such place of business at least six days before the sitting of said Court ;

(7.) Persons complained against may appear before the Court in person or by agent ;

(8.) The Court after hearing the complainant and the party complained against and any evidence adduced, as well as the assessor, shall determine the matter and confirm or amend the same accordingly ;

(9.) If either party fail to appear, either in person or by agent, the Court may proceed *ex parte*.

119. The roll, as finally passed by the Court, and certified by the Clerk as passed, shall, except in so far as the same may be further amended on appeal to the Judge of the Supreme Court, be valid, and bind all parties concerned,

notwithstanding any defect or error committed in or with regard to such roll, or any defect or error or mis-statement in the notice required by sub-section (5) of the foregoing Section of this Ordinance, or the omission to deliver or transmit such notice.

2. Provided that an appeal to a Judge of the Supreme Court shall lie, not only against the decision of the Court of Revision, on an appeal in the said Court, but also against the omission, neglect or refusal of said Court to hear or decide an appeal.

120. In all cases of appeals, under the provisions of the preceding section, the proceedings shall be as follows:

(1.) The person appealing shall, in person or agent, serve upon the Clerk of the Municipality, within eight days after the decision of the Court of Revision, a written notice of his intention to appeal to a Judge of the Supreme Court;

(2.) The Clerk shall, immediately after the time limited for filing notice of appeals, forward a list of the same to the Judge of the Supreme Court, usually exercising jurisdiction in the Judicial District of which such Municipality forms a part, or if such Municipality forms part of more than one Judicial District, then to the Judge whose official residence is nearest the Municipality;

(3.) The Clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint to the Court of Revision, but in the event of failure by the Clerk to have the required service of notice in any appeal made, or to have the same made in proper time, the Judge may direct service to be made for some subsequent day upon which he may sit;

(4.) The Clerk of the Municipality shall cause a conspicuous notice to be posted up in his office or the place where the Council of the Municipality holds its sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the time and place at which a Court will be held to hear appeals;

(5.) The Clerk of the Municipality shall be the Clerk of such Court:

(6.) At the Court so holden the Judge shall hear the appeals, and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that all

the appeals may be determined before the first day of September ;

(7.) At the Court to be holden by the Judge, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll, passed by the Court of Revision, shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the Judge, if then given, who shall write his initials opposite any part of the said roll, in which any mistake, error or omission is corrected or supplied, and if the decision is not then given the Clerk of the Municipality shall, when the same is given, forthwith alter and amend the roll according to the same, and shall write his name opposite every such alteration or correction.

(8.) In all such proceedings the Judge shall possess all such power for compelling the attendance of, and for the examination on oath, of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him in the Supreme Court.

(9.) All process or other proceedings, in, about or by way of appeal, may be entitled as follows :

“ In the matter of appeal from the Court of Revision of the Municipality of

A. B.,

Appellant,

and :

C. D.,

Respondent.”

(10.) The cost of any proceeding before the Judge as aforesaid, shall be paid by or apportioned between the parties in such a manner as the Judge thinks proper ; and where costs are ordered to be paid by any party, the same shall be enforced by execution to be issued as the Judge may direct from the Supreme Court, or in the same manner as upon an ordinary judgment for costs recovered in such Court.

(11.) The costs chargeable, or to be awarded in any case, may be the costs of witnesses and of procuring their attendance, and none other, the same to be taxed according to the allowance in the Court for such costs ; and in case

where execution issues, the costs thereof as in the like Court, and of enforcing the same, may also be collected thereunder.

(12.) The decision and judgment of the Judge shall be final and conclusive in every case adjudicated upon.

COLLECTORS AND THEIR DUTIES.

121. All rates, assessments, charges and taxes required to be collected by any provision of this Ordinance shall be collected as hereinafter provided.

122. The collector shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the Municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person, and shall at the time of such demand, enter the date thereof on his collection roll opposite the name of the person taxed, and such entry shall be *prima facie* evidence of such demand.

123. In case any person neglects to pay his taxes for fourteen days after such demand as aforesaid, the collector may, by himself or by his agent, levy the same with costs by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the Municipality, or of any goods or chattels found on the premises the property of, or in the possession of, any other occupant of the premises and may impound the same on the premises where distrained.

124. If any person whose name appears on the roll is not resident within the Municipality, the Collector shall transmit to him by post, addressed to the address given on the assessment roll, a statement and demand of the taxes charged against him on the roll, and shall at the time of such transmission enter the date thereof on the roll opposite the name of such person, and such entry shall be *prima facie* evidence of such transmission and of the time thereof. The Collector after one month from the date of the delivery of the roll to him and after fourteen days from the time such demand, as aforesaid, has been so transmitted by post may make distress of any goods and chattels which he may find

upon the land and may impound the same thereon, and no claim of property, lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds thereof.

125. The collector shall, by advertisement over his hand posted up in at least three public places within the Municipality, within which the sale of goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale and of the land on which the same was distrained; and at the time named in the notice the collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to satisfy the claims of the collector, including costs and charges allowed by this Ordinance.

126. If the property distrained has been sold for more than the amount of taxes and costs, and if no claim for the surplus has been made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or right to the surplus, such surplus shall be returned to the person in whose possession the said property was when the distress was made, or if such claim be made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant.

127. If the claim is contested such surplus money shall be paid over by the collector to the Treasurer of the Municipality, who shall retain the same until the respective rights of the parties have been determined by action at law or by arbitration as provided in this Ordinance.

128. Taxes may be recovered with interest and costs, as a debt due to the Municipality, in which case the production of a copy of so much of the Collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the Treasurer of the Municipality, shall be *prima facie* evidence of the debt.

129. On or before the fourteenth day of December in every year or on such day in the next year not later than the first day of March as the Council of the Municipality may appoint, every Collector shall return his roll to the

Treasurer of the Municipality, and shall pay over the amount then in his hands collected by him to such Treasurer, specifying in a separate column in his roll how much of the whole amount is paid over on account of each separate rate, and shall under oath verify the dates before the Treasurer of the demands of payment and of the amounts returned as paid by him opposite the name of each party in the Collector's roll in manner following :—

“ I, _____ Collector for the Municipality of _____ do solemnly swear that the foregoing roll contains a true account of the moneys collected by me ; that the dates of personal demands of payment and of posting of statements and demands are correctly set forth, and that I have paid in all the moneys collected by me. So help me God.”

130. In case the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as in the last preceding section mentioned, the Council of the Municipality may, by resolution, authorise the Collector, or some other person in his stead, to continue the levy and collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes.

2. No such resolution or authority shall alter or affect the duty of the collector to return his roll, or shall, in any manner whatsoever, invalidate or otherwise affect the liability of the Collector or his sureties.

131. If any of the taxes mentioned in the Collector's roll remain unpaid, and the Collector be not able to collect the same, he shall deliver to the Treasurer of the Municipality an account of all the taxes remaining due on the roll, and in such account the Collector shall show, opposite to each assessment, the reason why such collection could not be made, by inserting, as the case may be, the words “non-resident,” or “not sufficient property to distrain,” or “instructed by Council not to collect,” as the case may be.

132. Upon making oath before the Treasurer that the sums mentioned in such account remain unpaid, and that he has not, upon diligent enquiry, been able to discover sufficient goods or chattels belonging to or in the possession of the persons charged with or liable to pay such sums, or on the premises belonging to or in the possession of any

occupant thereof, whereon he could levy the same, or any part thereof, the Collector shall be credited with the amount not realized.

133. Where a Municipality has passed a by-law requiring taxes to be paid on or before a given time, it shall be the duty of the Collector to make a return on oath, on the day following the time so named, of the names of all persons who have not so paid their Municipal taxes.

134. The costs chargeable for distress and sale as aforesaid, shall be as follows:—

Mileage going to and returning from the place of seizure, each mile necessarily travelled . . .	Ten cents.
Seizure	One dollar.
Taking care of property	The sum actually disbursed not exceeding two dollars per day.
Notices of sale and posting same up	One dollar and fifty cents.
For selling, five per cent on the amount realized, not exceeding the amount of the taxes.	

TREASURER.

135. The Treasurer shall keep regular books of account in such manner as may be directed from time to time by the Council, which shall show faithfully all moneys received and how expended, and he shall exact and retain vouchers for all moneys paid, and he shall prepare and submit to the Council at least once in every month a correct statement of the moneys at the credit of the Municipality.

136. The Treasurer shall receive and safely keep all moneys belonging to the Municipality, and shall pay out the same in such a manner as the laws of the Territories and the lawful by-laws or resolutions of the Council of the Municipality whose officer he is, direct; but no member of the Council shall receive any money from such Treasurer for any work performed or materials supplied under any special contract with the Municipality, except as remuneration for services authorised by this Ordinance.

137. After the Collector's roll has been returned to the Treasurer, arrears of taxes may be paid to such Treasurer,

and thereafter no more money on account of the arrears then due upon said roll shall be received by any other officer of the Municipality than the Treasurer, who shall receive payment of such arrears, and of all taxes of lands of non-residents, and on payment give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land and the date of payment.

138. On the first day of May in every year the Treasurer shall add any arrears that may appear to be due upon any parcel of land to the arrears already returned and also four per centum on the whole amount then due.

139. The Treasurer shall not receive any part of the tax charged against any parcel of land unless the whole of the arrears then due is paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of taxes chargeable upon any of the sub-divisions, and leave the other sub-divisions chargeable with the remainder, and the Treasurer may, in his books, divide any piece or parcel of land which has been returned to him in arrear for taxes into as many parts as the necessities of the case may require.

140. The Treasurer shall, on demand, give to the owner of any land charged with arrears of taxes a written statement of the arrears at that date certified under his hand and he may charge twenty cents for the search on each separate lot or parcel not exceeding four, and for every additional ten lots or parcels a fee of twenty cents.

141. The Treasurer shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land.

142. The Treasurer shall not be eligible as Auditor.

143. It shall be the duty of the Treasurer to see that moneys, collected under by-law for the purpose of the payment of interest on debentures issued by the Municipality

or providing for a sinking fund for the same, are properly applied. And the Council of any Municipality carrying a sinking fund for the redemption of its debentures may invest the same in school debentures of any school district in the Territories, lawfully issued, and all moneys belonging to such sinking fund, while not otherwise invested, shall be deposited in some Chartered Bank of Canada, in the name of the Treasurer and Chairman of such Municipality jointly.

144. In case any Treasurer dies, resigns, is dismissed from office or absconds, it shall be lawful for his successor to draw any moneys belonging to the Municipality, deposited to the credit of such Municipality with any Bank or private individual.

AUDITORS.

145. No one shall be appointed as Auditor who is, or who during the preceding year was, a member of the Council, or officer of the Municipality, or who had during such preceding year either directly or indirectly a share or interest in any contract with, or on behalf of, the Municipality, except as Auditor.

146. The Auditor shall examine and report upon all accounts affecting the Municipality or relating to any matter under its control or within its jurisdiction for the year ending on the thirty-first day of December preceding his appointment.

147. The Auditor, shall prepare an abstract of the receipts, expenditures, assets and liabilities of the Municipality, and also a detailed statement of the said particulars in form as the Council may direct, and shall make a special report of any expenditure made contrary to law and shall file the same in the office of the Clerk of the Municipality within one month after his appointment, and thereafter any inhabitant or ratepayer of the Municipality may inspect the said report and may by himself or agent, at his own expense, take a copy thereof or extracts therefrom.

148. The Council shall, upon the report of the Auditor, finally audit and allow the accounts of the Treasurer and

Collectors, and all accounts chargeable against the Municipality; and in case of charges not regulated by law the Council shall allow what is reasonable.

ROAD OVERSEERS.

149. It shall be the duty of the Road Overseer, so soon thereafter as convenient after having received from the Clerk of the Municipality a list of parties liable for the performance of statute labor, to notify and require them respectively, to meet him at a certain time and place to perform the labor imposed upon them by the Council.

150. All statute labor imposed by this Ordinance shall be performed under the direction of the Road Overseer, who shall be liable to the Council for the due performance of the same, and shall report to the Council any refusal or neglect of parties assessed to perform the labor imposed upon them.

151. Any person liable for the performance of statute labor, except as hereinbefore provided, neglecting or refusing to perform the same when directed so to do by the Road Overseer, shall be liable to a penalty of four dollars per day, for every day of statute labor imposed upon him, which he shall so neglect or refuse to perform, which penalty may be recovered in a summary manner before a Justice of the Peace.

152. All statute labor to be done under this Ordinance shall be performed on the public roads of the Municipality, or on the bridges, drains, ditches or water-courses therein, to benefit and improve the same, or as may be determined by the Council.

VOTERS' LISTS.

153. The Clerk shall, on or before the first day of August in each year, prepare alphabetically for the Municipality or Wards, as the case may be, a list of those persons being duly qualified to vote at Municipal elections therein whose names appear on the assessment roll as finally revised by the Court of Revision, and shall post the same in a conspicuous place in his office: such list shall contain, opposite the name of each voter, a short description of the real

property in respect of which he is entitled to vote, or if on personalty or income, the words "personalty" or "income" as the case may be.

154. Any person who has been resident in the Municipality in the then current year prior to the first day of July, and who is otherwise duly qualified, whose name does not appear on the voters' list or who is not assessed on the roll high enough to be qualified as a voter, or whose name is put down in error, may, either by himself or agent, apply to have the list amended by giving to the Clerk a notice in the following form :

To the Clerk of the Municipality of

Take notice that I intend applying to the Council to have my name added to the voters' list (or to have the voters' list corrected, as the case may be) for the following reasons (here state the ground according to the facts.)

(Signature of Applicant.)

.....

Applicant.

or (name of applicant.)

.....

Applicant by his Agent.

(Signature of Agent.)

.....

155. If any person qualified as a voter on income has left the Municipality, or if a person has disposed of the property for which he was qualified as a voter under this Ordinance before the first day of October in the then current year, or if any person's name is wrongfully put down, he shall be deemed disqualified as a voter, and any person duly qualified may apply to the Council to have the name of the party so or otherwise disqualified struck off the voters' list by notice to the Clerk of his intention of applying to the Council for that purpose as provided in the preceding section.

156. Notices served upon the Clerk under the two preceding sections shall be served in each year on or before the first day of November.

157. On or before the fifth day of November, the Clerk shall make a list of all applications for amendments to the voters' list stating names and grounds of each of all such applications, and shall post the same in a conspicuous place in his office, and shall immediately thereafter notify the

parties interested of the time and place fixed by the Council for hearing such applications.

158. On or before the first day of December in each year the Council of each Municipality shall meet as a final Court of Revision on the voters' list and shall hear and determine all applications of which notice has been given to the Clerk as hereinbefore provided, and thereupon amend the voters' list in all cases provided for by sections 154 and 155, as may be deemed fit and right, and the list so amended, shall be the voters' list of the Municipality for the year next ensuing.

159. The Council sitting as a final Court of Revision on the voters' list as aforesaid shall have all the powers and privileges conferred by this Ordinance upon the Court of Revision for the Municipality sitting upon the assessment roll with the same provisions for the attendance of witnesses and the imposition and recovery of penalties.

BY-LAWS.

160. Every by-law under this Ordinance shall be under the seal of the Municipality, and shall be signed by the Chairman or by the person presiding at the meeting at which the by-law is finally passed, and by the Clerk of the Municipality, and every such by-law shall have three distinct and separate readings before the same shall be finally passed, but not more than two readings shall be had at any one meeting, except by the unanimous vote of the Council present.

161. A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the Municipality, certified to be a true copy by the Clerk thereof and by any member of the Council, shall be authentic and received as *prima facie* evidence of the due execution and contents thereof, without further proof, in any Court of Justice.

BY-LAWS FOR CREATING DEBTS.

162. By-laws for contracting debts or borrowing money, which do not provide for the payment of the debts contracted or money borrowed within the financial year, shall,

before the final passing thereof, receive the assent of a majority of the ratepayers entitled to vote thereon in the manner hereinafter provided.

163. No by-law for granting bonuses to manufactories, mills, railways, or any works of a public nature; for exemption from taxation for a longer period than one year, or for building, owning or operating grist mills, elevators, and manufacturing establishments, shall be introduced or entertained by the Council, except on a petition of one half the resident ratepayers of the Municipality; and all such by-laws shall, before the final passing thereof, receive the assent of a majority of the ratepayers voting thereon, in the manner hereinafter provided, and such majority shall include two-thirds of the resident ratepayers, provided, however, that upon the introduction of any such by-law no informality in the proceedings prior to such introduction shall affect its validity.

164. In any case of passing a by-law for contracting a debt or borrowing money for any purpose the Council, may in its discretion make the principal of such debt repayable by equal annual instalments during the currency of the period (in no case to exceed thirty years as hereinbefore provided) within which the debt is to be discharged, and may issue the debentures of the Municipal Corporation for the amounts and payable at the times corresponding with such instalments, together with interest, annually or semi-annually, as may be set forth and provided in such by-law.

165. Such by-law shall set forth the annual special rate to be raised in each year during the currency of the debt, which shall be sufficient according to the amount of rateable property, appearing by the last revised assessment roll, to discharge the several instalments of principal and interest accruing due on said debts as the said instalments become respectively payable according to the terms of such by-law; and in cases within the section it shall not be necessary that any provision be made for the creation of a sinking fund.

166. Every Municipality may, under the formalities required by this Ordinance, pass by-laws for contracting debts by borrowing money or otherwise, and for levying

rates for the payment of such debts on the rateable property of the Municipality for any purpose within the jurisdiction of the Municipality, or on roads and bridges, or water works outside the limits of the Municipality; provided that no Municipality shall have powers to pass by-laws borrowing money or otherwise to a greater extent than five per cent of the assessed value of the assessable property in the said Municipality, subject to the following provisions:

(1.) The by-law shall name a day when it is to take effect;

(2.) If not contracted for lighting, drainage or water works, or for purchase of public works, the whole of the debt and the obligations to be issued for its payment shall be made payable in twenty years at the furthest from the date on which the said by-law takes effect, and if the debt is contracted for lighting, drainage or water works, or for the purchase of public works, the same shall in like manner be paid in thirty years at the furthest from the day on which the by-law takes effect;

(3.) The by-law shall set forth a certain specific sum to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt, as the said instalments and interest become respectively payable according to the terms of the by-law;

(4.) No future increase of the rateable property within the Municipality, nor any extra income of any nature or interest, whatsoever, from any work whatsoever, stock, share or interest therein, shall be taken into account in estimating the rateable property; but, if by reason of the increase or decrease in the valuation of property in the Municipality, the annual rate as hereinbefore provided should require to be greater or less as the case may be, the rate may be increased or decreased accordingly;

(5.) The by-law, unless it is for a work payable by local assessment shall recite the amount and object of the debt, the amount to be raised annually, the value of the rateable property according to the last revised assessment roll, the amount of the existing debt of the Municipality other than for current expenses, the interest and principal separately, and how much, if any, of each is in arrear;

(6.) If the by-law is for work payable by local assessment it shall recite:

(a.) The amount of the debt which such by-law is in-

tended to create, and the object for which it is to be created ;

(b.) The total amount required by this Ordinance to be raised annually by special rate for paying the debt and interest under the by-law ;

(c.) The value of the whole real property rateable under the by-law as finally determined as aforesaid ;

(d.) The annual special rate in the dollar, or in the case of towns, on the foot frontage or otherwise, as the case may be, for paying the interest and creating a yearly sinking fund for paying the principal of the debt or for discharging instalments of principal, according to the provisions of this Ordinance, or in case the debt is payable by instalments annually, for paying the same, principal and interest, respectively as they become due ;

(e.) That the debt is created on the security of the special rate setled by the by-law, and on that security only.

167. In case a by-law requires the assent of the electors of the Municipality before the passing thereof, the following proceedings shall be taken for ascertaining such consent :—

(1.) The Council shall, by the by-law, fix the day and hour for taking the votes of the electors, and such places in the Municipality as the Council shall, in their discretion, deem best, and shall name a Returning Officer and Deputy Returning Officers to take the votes at each place where the votes are to be taken, and the day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed by-law as hereinafter provided ;

(2.) The Council shall, before the voting thereon by the ratepayers, publish a copy of the by-law in some public newspaper, published within the said Municipality, or if there be no such newspaper, in some public newspaper near the Municipality, and such publication shall be continued in at least one number weekly of such newspaper for three successive weeks, and shall also put up a copy of the by-law at four or more of the most public places of the Municipality ;

(3.) Appended to each copy shall be a notice, signed by the Clerk of the Municipality, stating that such is a true copy of the proposed by-law, which will be taken into consideration after one month from the first publication in the

newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held;

(4.) The Deputy-Returning Officer shall open the polls at the day and hour named, and record the votes by open voting for and against the by-law, "yea" or "nay," and make a return thereof to the Returning-Officer of the Municipality.

168. The Council shall, in the by-law, fix the time and place when and where the Returning-Officer of the Municipality shall sum up the number of votes given for or against such by-law.

169. On the application of any person interested in promoting or opposing the passage of the by-law, the Chairman shall authorise the attendance of one person, on behalf of the party applying, at each polling place and at the final summing up of the votes.

170. Every ratepayer being a man, unmarried woman or widow, shall be entitled to vote on any by-law requiring the assent of the electors, who at the time of tendering the vote is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received nor is in expectation of receiving any reward or gift for the vote which he tenders, and who is at the time of the tender a freeholder in his own right or whose wife is a freeholder of real property within such Municipality, and is rated on the last revised assessment roll as such freeholder for not less than four hundred dollars, provided that such person is named or purported to be named in the voters' list of electors.

(2.) Every ratepayer shall be entitled to vote on any by-law requiring the assent of the electors, who is a man, unmarried woman or widow and at the time of tender of the vote is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received nor is in expectation of receiving any reward or gift for the vote which he tenders, and is resident within the Municipality for which the vote is taken for one month next before the vote, and who is or whose wife is a leaseholder of real property within the Municipality, and who is rated on the

last revised assessment roll therefor for not less than four hundred dollars, and which lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law is made payable; in which lease the lessee has covenanted to pay all Municipal taxes in respect of the property leased, and which person is named or purported to be named in the voters' list.

171. The oaths to be submitted to voters shall be in form similar to those administered to electors when voting for the Municipal Councillors, provided, however, that such voters are otherwise duly qualified to vote for such by-law.

172. The Returning Officer, after he has received certified returns from the Deputy Returning Officers of the number of votes given at each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorised to attend, or such of them as may be present, sum up from such statements the number of votes for and against such by-law, and shall then and there declare the result, and forthwith certify to the Council, under his hand, whether the majority of the electors entitled to vote, who have voted upon the by-law, approved or disapproved of the same.

173. Every by-law which is carried by the required majority of the duly qualified electors who have voted thereon, shall, within six weeks thereafter, be passed by the Council which submitted the same.

174. A by-law requiring the assent of the electors shall not come into operation until after thirty days from the final passing thereof by the Council but such by-law shall come into operation within sixty days after said final passing thereof.

175. All by-laws for contracting debts, which do not provide for payment thereof within the financial year, shall receive the assent of the Lieutenant-Governor, after the passing thereof by the Council of the Municipality, and the assent of the Lieutenant-Governor to any such by-law shall be conclusive evidence that all necessary formalities in respect to the passing thereof have been complied with.

QUASHING BY-LAWS.

176. In case a resident of a Municipality, or any other person interested in a by-law, order or resolution of the Council thereof, applies to a Judge of the Supreme Court and produces to the Court a certified copy of the by-law, order or resolution, and shows by affidavit that the same was received from the Clerk, and that the applicant is resident or interested as aforesaid, the Judge after at least ten days' service on the Municipality of a rule to show cause in this behalf, may quash the by-law, order or resolution, in whole or in part, for illegality, and according to the result of the application award costs for or against the Municipality.

177. No application to quash or annul any such by-law, order or resolution, in whole or in part, shall be entertained by any Judge, unless such application is made within twenty days from the passing of such by-law, order or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, when such by-law has not been submitted or has not received the assent of such electors or ratepayers, and in such case an application to quash such by-law may be made at any time.

178. Any by-law, the passage of which has been procured through or by means of any corrupt practices, as defined by this Ordinance, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained.

179. Before determining any application for the quashing of a by-law, upon the ground that the passing of the same has been procured by means of any corrupt practices, as defined by this Ordinance, and if it is made to appear to a Judge of the Supreme Court that probable grounds exist for a motion to quash such by-law, the Judge may thereupon make an order for an enquiry to be held, upon such notice to the parties affected as the Judge may direct concerning the said grounds, before himself or whom he may appoint to conduct such enquiry, and require that upon such enquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath. The said Judge, after the taking or the return of

said evidence, as the case may be, may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question, and if the grounds therefor appear to him to be satisfactorily established, he may make an order for quashing said by-law, and order the costs attending such proceedings to be paid by the parties or any of them who have supported said by-law; and if it appears that the application to quash said by-law ought to be dismissed, the said Judge may so order, and in his discretion award costs to be paid by the persons applying to quash said by-law.

180. After an order has been made by a Judge directing an enquiry, and after a copy of such order has been left with the Clerk of the Municipality of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the enquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings.

181. In case a by-law, order or resolution is illegal, in whole or in part, and in case anything has been done under it which by reason of such illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the Municipality, and every such action shall be brought against the Municipality alone, and not against any person acting under the by-law, order or resolution.

182. In case the Municipality tenders amends to the plaintiff or his attorney, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases.

183. No by-law shall be set aside for corrupt practices; provided the passage thereof was not affected by such corrupt practices.

CORRUPT PRACTICES.

184. The following persons shall be deemed guilty of bribery, and shall be punished accordingly :

(1.) Every person who directly or indirectly, by himself, or by any other person in his behalf, gives, lends, or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a Municipal election, or upon a by-law for raising money or creating a debt upon a Municipality or part of a Municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at such election or upon such by-law ;

(2.) Every person who, directly or indirectly, by himself, or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in any Municipal council, or to procure the passing of any by-law as aforesaid, or the vote of any voter at a Municipal election or for such by-law ;

(3.) Every person who by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in a Municipal election, or to procure the passing of any by-law as aforesaid, or the vote of any voter at a Municipal election, or for such by-law ;

(4.) Every person who advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at a Municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money, wholly or in part expended in bribery at such election, or at the voting upon such by-law ;

(5.) Every voter who, before or during a Municipal election, or the voting on such by-law, directly or indirectly, by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other

person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at such election or upon such by-law ;

(6.) Every person who after any such election or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration, on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such election, or upon any such by-law ;

(7.) Every person who hires horses, teams, carriages or other vehicles, for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, teams, carriages or other vehicles, for the purpose of conveying any electors to or from any polls as aforesaid.

185. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence and be subject to the penalty hereinafter mentioned.

186. The actual personal expenses of a candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Ordinance.

187. Any candidate elected at any Municipal election who shall be found guilty by the Judge of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be rendered ineligible as a candidate at any Municipal election for two years thereafter.

188. Any person who is adjudged guilty of bribery, shall incur a penalty of twenty-five dollars and shall be disqualified from voting at any Municipal election, or upon a by-law for the next succeeding two years.

189. The penalties imposed by the preceding section shall be recoverable, with full costs of suit, by any person who sues for the same, in the Supreme Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible either as a candidate or a municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied.

190. It shall be the duty of the Judge who finds any candidate guilty of a contravention of sections 183 and 184 of this Ordinance, or who condemns any person to pay any sum in the Supreme Court for any offence within the meaning of this Ordinance, to report the same forthwith to the Clerk of the Municipality wherein the offence has been committed.

191. The Clerk of every Municipality shall duly enter in a book to be kept for that purpose, the names of all persons within his Municipality who have been adjudged guilty of any offence as aforesaid, and of which he has been notified by the Judge who tried the case.

192. Any witness shall be bound to attend before the Judge of the Supreme Court upon being served with the order of the Judge directing his attendance, and upon payment of the necessary fees for his attendance, in the same manner as if he had been directed by a writ of subpoena, so to attend, and he may be punished for contempt and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpoena.

193. No person shall be excused from answering any question put to him in any action or other proceeding in any Court or before any Judge, touching or concerning any election or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to the question tends to criminate such person, but no answer, given by any person claim-

ing to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Ordinance, shall be used in any proceeding under this Ordinance against such person, if the Judge gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer to the satisfaction of the Judge.

194. All proceedings other than an application in the nature of a *quo warranto* against any person for any violation of sections 184 and 185 of this Ordinance shall be commenced within thirty days after the Municipal election at which the offence is said to have been committed, or within thirty days after the day of voting upon a by-law as aforesaid.

CONTROVERTED ELECTIONS.

195. In case the validity of the election of Councillors is contested, the same may be tried by a Judge of any Supreme Court in Chambers, and any candidate at the election or any elector who gave or tendered his vote thereat, or any member of the Council, or any elector of the Ward, or if there is no Ward, of the Municipality, may be the relator for the purpose.

196. If within six weeks after the election, or one month after the acceptance of office by the person elected, the relator shows by affidavit to any such Judge reasonable grounds for supposing that the election was not legal, or was not conducted according to Law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the Judge or before a Justice of the Peace or a Commissioner for taking Affidavits, in the sum of two hundred dollars, with two sureties to be allowed as sufficient by the Judge upon affidavit of justification, in the sum of one hundred dollars each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought any cost which may be adjudged to him against the relator, the Judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try matters contested.

197. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try

the validity, both of the election complained of and the alleged election of the relator or other person.

198. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons.

199. When more writs than one are brought to try the validity of an election, all such writs shall be made returnable before the Judge who is to try the first, and such Judge may give one judgment upon all, or a separate judgment upon each or more of them as he thinks fit.

200. The writs shall be issued by the Clerk of the Supreme Court, and shall be returnable before the Judge in Chambers, at a place named in the writ, upon the eighth day after service, computed exclusively of the day of service, or upon any later day named in the writ.

201. The writ shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge, upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit.

202. The Judge before whom the writ is made returnable or is returned, may, if he thinks proper, order the issue of a writ or summons at any stage of the proceedings, to make the Returning Officer or any Deputy-Returning Officer a party thereto.

203. The Judge before whom the writ is returned may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose, and any intervening party shall be liable or entitled to costs like any other party to the proceedings.

204. The Judge shall in a summary manner, upon statement and answers without formal pleadings, hear and determine the validity of the election, and may by order cause the assessment rolls, collector's rolls, list of electors, and any other records of the election to be brought before him, and may enquire into the facts on affidavit or affirmation or by oral testimony.

205. In case the election complained of is adjudged invalid, the Judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted, and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall, by the writ, cause a new election to be held.

206. In case the election of all the members of a Council is adjudged invalid, the writ for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the Council, shall be directed to the Sheriff of the Judicial District in which the election took place, and the Sheriff shall have all the powers for causing the election to be held, which a Municipal Council has in order to supply vacancies therein.

207. Any person, whose election is complained of, may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit, post-paid, through the Post Office, directed to "The Clerk of the Judicial District" who issued the writ, or may cause to be delivered to such Clerk, a disclaimer signed by him to the effect following :

I, A.B., upon whom a Writ of Summons in the nature of a *Quo Warranto* has been served for the purpose of contesting my right to the office of Councillor, for the Municipality of _____ do hereby disclaim the said office and all defence of any right I may have to the same.

Dated _____

day of _____
Signed _____

A.B.

208. Such disclaimer, or the envelope containing the same, shall moreover be endorsed, on the outside thereof, with the word "Disclaimer," and be registered at the Post Office where mailed.

209. Where there has been a contested election, the

person elected may, at any time after the election, and before his election is complained of, deliver to the Clerk of the Municipality a disclaimer signed by him as follows:

I, A.B., do hereby disclaim all rights to the office of Councillor, for the Municipality of _____ and all defence of any right that I may have to the same.

210. Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate, having the next highest number of votes, shall then become the Councillor, or other officer, as the case may be.

211. Every person disclaiming shall deliver a duplicate of his disclaimer to the Clerk of the Council, and the Clerk shall forthwith communicate the same to the Council.

212. No costs shall be awarded against any person duly disclaiming, unless the Judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge.

213. In all cases not otherwise provided for, costs shall be in the discretion of the Judge.

214. The decision of the Judge shall be final, and he shall, immediately after his judgment, return the writ and judgment, with all things had before him touching the same, except such as he may otherwise order, into the Court from which the writ issued, there to remain of record as a judgment of the said Court, and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory mandamus and by writs of execution for the costs awarded.

215. The Judges of the Supreme Court sitting in *Banc* or a majority of them may, by rules, settle the forms of the writs of summons, certiorari, mandamus and execution under this Ordinance, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ

or order of the Court or Judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon, and may from time to time rescind, alter or add such rules, but all existing rules shall remain in force until rescinded or altered as aforesaid.

SALE OF LAND FOR TAXES.

216. Subject to the provisions of the Territories Real Property Act, the taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege or encumbrance of any party whomsoever.

217. Any Municipality may by by-law remit the whole or any part of the taxes so in arrears within the Municipality, and upon the passing of such a by-law, the Clerk of the Municipality shall forthwith transmit a certified copy of such by-law to the Treasurer, and the Treasurer shall then collect only so much of said taxes in arrears as are not by the by-law remitted.

218. The Treasurer shall on demand give to the owner of any land charged with arrears of taxes a written statement of the arrears as appears in his office at that date, certified under his hand, and he may charge a fee of twenty cents for each search on every parcel of land not exceeding four, and for every additional ten lots or parcels a fee of twenty cents.

219. The Treasurer shall annually, on or before the fifteenth day of June, prepare a list of all lands against which arrears of taxes remain unpaid in his office, and shall add thereto a commission of two and one-half per cent., for selling, and a proportionate share of the cost of any advertising required to be done by him to carry out the provisions of this Ordinance, the list to state under separate heads the Municipality, lot, or section, township, range, number of acres, or size of lot, amount in arrears, and costs, and total amount against the land.

220. The lists, so prepared by the Treasurer, shall be headed "List of lands in the (fill in proper title) to be sold for taxes," and shall in addition to the provisions herein-

before contained, publish the same in four consecutive weekly issues of a newspaper published in the Municipality, if there be one, and if there be none such published, then in such newspaper as the Council by resolution may direct, and at the foot thereof shall state the day, time and place when and where the lands described therein are to be sold; and for the next following nine consecutive weekly issues of said newspaper, shall publish a notice therein in form following:

“Sale of lands in the (fill in proper title) for arrears of taxes.”

“Notice is hereby given that certain lands in the (fill in proper name) will be offered for sale for arrears of taxes (stating the day, time and place when and where the said lands are to be sold, and the dates of the issues of the said newspapers in which a full list of said lands may be found.)”

And shall also publish a similar notice in the North-West Territories Gazette during the said thirteen weeks, and post up a copy of said list as advertised in at least five conspicuous places in the Municipality, one of which shall be in the Clerk's office, and also one in each Post Office in the Municipality.

221. At the place and at the time advertised, and which shall be within one month after the last publication of the sale as hereinbefore provided, the Treasurer shall proceed to sell the lands by public auction, and the same shall be offered for sale in lots or parcels, as the case may be, against which the arrears of taxes together with the costs and charges stand.

222. Where the title to any land sold for arrears of taxes is in the Crown, the deed therefor, in whatever form given, shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognize, and the Municipality on whose behalf any land shall be sold for arrears of taxes as aforesaid, shall, in case of any such sale being declared invalid, be liable only for the purchase money actually paid therefor to the Municipality and interest thereon as for damages or otherwise.

223. It shall not be the duty of the Treasurer to make enquiry, before effecting the sale of land for taxes, to ascertain whether or not there is any distress on the land, nor shall

he be bound to inquire into, nor form any opinion of, the value of the land.

224. The Treasurer shall offer each lot or parcel of land separately, and shall state the whole amount due on said lot or parcel, and shall sell the whole or so much thereof as is necessary to the party who pays the whole of said arrears, costs and charges.

225. The land adjudged to be sold by the Treasurer under this Ordinance shall be, (when the land is not subdivided into lots as defined in this Ordinance,) described by commencing at the south-east corner, and shall conform as nearly as may be to the shape and number of acres in the lot or parcel of land offered for sale, and shall include the buildings or other improvements thereon, and when the land has been sub-divided into lots, if the whole lot is not sold, the amount adjudged to be sold shall be a strip off the whole southerly side of said lot, and shall include the buildings or other improvements thereon.

226. All sales of lands for taxes shall take place and be holden within the limits of the Municipality where the land to be sold is situated.

227. The owner of any land may pay the arrears, with costs and charges against the same, at any time before the same is sold.

228. The Treasurer may adjourn the sale from time to time, but at the time of such adjournment shall publicly state at what time the sale shall be resumed.

229. If the purchaser of any land fails to pay his purchase money immediately after a sale, the Treasurer shall forthwith put up the property for sale again.

230. The Treasurer, after selling any lands for taxes, shall give a certificate to the purchaser, stating what part of the land has been sold, describing the same as in the notice of sale, the quantity sold, the sum for which it has been sold, and further stating that the land so sold will be conveyed by the Treasurer to the purchaser or his assigns, on his or

their demand, at any time after two years from the date of sale, if the same be not previously redeemed.

231. The purchaser shall, on receipt of the Treasurer's certificate, become the owner of the land, so far as to have all the necessary rights of action and powers for protecting the same from spoliation or waste until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber upon the land or otherwise injure the land, nor shall he do so himself, but he may use the land himself without deteriorating its value, provided that the purchaser shall not be liable for damage done to the property without his knowledge.

232. The owner, or his agent appointed by him in writing, may redeem any land sold by the Treasurer for arrears of taxes at any time after, and before the expiration of two years from the sale thereof, by paying to him the full amount for which the land was sold and interest thereon at the rate of twenty per centum per annum, to be computed from the date of sale, and an additional commission to the Treasurer of two and one half per cent.

233. From and after the payment to the said Treasurer of the amount of redemption money as aforesaid, the purchaser shall cease to have any further rights in or to the lands in question.

234. The purchaser shall be entitled to receive the full amount of purchase money from the Treasurer for the land so redeemed, together with interest to be computed at the rate of twenty per centum per annum, from the date of the certificate given to him by the Treasurer to the date of the redemption.

235. If the land be not redeemed within the period allowed for its redemption, being two years from the date of sale, exclusive of that day, then on demand of the purchaser or his assigns or other legal representatives, at any time afterwards, and on payment of two dollars, the Treasurer shall prepare and execute and deliver to him or them a transfer in duplicate of the land sold, as in form "L" in the appendix to this Ordinance.

(2.) Such transfer deed shall name the date and state the cause of sale and the price, and shall describe the land according to the description in the certificate, and no transfer shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrears.

236. The Treasurer, in addition to the fees, commissions and charges for selling, shall be entitled to receive a commission from the Municipality of two and one half per centum on all moneys collected on account of arrears of taxes, and may deduct the same from any money remaining in his hands to the credit of the Municipality.

EXECUTIONS AGAINST MUNICIPALITIES.

237. Any writ of execution against a Municipality may be endorsed with the direction to the Sheriff to levy the amount thereof by rate, and the proceedings thereon shall be as follow :

(1.) The Sheriff shall deliver a copy of the writ and endorsement to the Treasurer of the Municipality, with a statement in writing of the amount required to satisfy such execution, including the amount of interest thereon, and Sheriff's fees, and demand the payment of the same;

(2.) In case the amount demanded is not paid to the Sheriff within thirty days after such delivery, the Sheriff shall examine the assessment roll of the Municipality, and shall in like manner as rates are struck for general Municipal purposes, strike a rate sufficient in the dollar to cover the amount claimed as aforesaid, with such addition to the same as the Sheriff deems sufficient to cover the interest, his own fees and the Collector's percentage, up to the time when such rate will probably be available ;

(3.) The Sheriff shall thereupon issue a warrant or warrants, under his hand and seal of office, directed to the Collector or Collectors respectively of the Municipality, and shall annex to every precept the roll of such rate, and shall by such precept, after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the warrant, command the Collector or Collectors, within their respective jurisdiction, to levy such rate at the time and in the manner by Law required in respect to the general annual rates ;

(4.) In case at any time for levying the annual rates, next

after receipt of such warrant or warrants, the Collectors have a general rate roll delivered to them for such year, they shall add a column thereto headed : Execution rate in A. B. versus the Municipality of ———, as the case may be, adding a similar column, if there are more executions than one, and shall insert therein the amount by such warrant or warrants to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are required to make the returns of the general annual rate, return to the Sheriff the warrant or warrants with the amount levied thereon, deducting their percentage :

(5.) The Sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the Treasurer, for the general purposes of the Municipality ;

(6.) In case the Collector of any Municipality, against which an execution has issued, is not paid by percentage fixed by by-law of the Municipality, he shall be paid for such collections a sum not exceeding two and one half per centum.

238. The Clerk, Assessors and Collectors of the Corporation shall, for the purposes of the carrying into effect, or permitting or assisting the Sheriff to carry into effect the provisions of this Ordinance, with respect to such execution, be deemed to be Officers of the Court, from which such writ issued, and as such, may be proceeded against by attachment, mandamus or otherwise, to compel them to perform the duties hereby imposed upon them.

ARBITRATIONS.

239. In any case where a dispute arises between two Municipalities, or between a person and a Municipality, involving a claim for the payment of money or damages, or between two or more parties for the surplus money in the hands of a Municipality, in cases where property distrained for the payment of taxes has been sold for more than the amount of taxes and costs, either party to the dispute may require that the same be settled by arbitration.

240. In cases where arbitration is authorized, either party may appoint an arbitrator and give notice thereof in

writing to the other party, calling upon him to appoint an arbitrator on his behalf, and a notice to a Municipality shall be given to the Chairman thereof.

241. The appointment of all arbitrators shall be in writing under the hands of the appointers, or, in case of a Municipality, by a by-law of the Council.

242. The two arbitrators appointed by or for the parties shall, within seven days from the date of the appointment of the last-named arbitrators, appoint, in writing, a third.

243. Where more than two parties are interested, each of them shall appoint an arbitrator; and if there should be an even number of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default, at the expiration of twenty-one days after the last of such arbitrators has been appointed, the Lieutenant-Governor may, on application of any one of the parties interested, appoint such arbitrator.

244. In case of neglect or refusal of any party to appoint an arbitrator when notified so to do, or in case of two parties appointed and being unable to agree upon a third, the Lieutenant-Governor shall, upon application of any one of the parties interested in such arbitration, appoint a party or parties to act for, and on behalf of, the party so refusing, or a third arbitrator, as the case may be.

245. In case of an arbitration between a Municipality and the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the Municipality in the exercise of any of its powers or injuriously affected thereby, if, after the passing of the by-law, any person interested in the property appoints and gives due notice to the Chairman of the Municipality of his appointment as an arbitrator to determine the compensation to which such person is entitled, the Chairman shall, if authorized by by-law, within seven days, appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the Council intends to exercise with respect to the property, describing it.

246. In such last mentioned arbitration, if, after service

upon the owner or occupier of, or person so interested in the property, of a certified copy of a by-law, the owner or occupier or person so interested, omits for twenty-one days to name an arbitrator, and give notice thereof as aforesaid, the Council or the Chairman, if authorized by by-law, may name an arbitrator on behalf of the Council, and give notice thereof to the owner, occupier or person so interested, and the latter shall, within seven days thereafter, name an arbitrator on his behalf.

247. Within ten days after the appointment of the third arbitrator, the arbitrators appointed shall meet to hear and determine the matter referred to them.

248. In any of the cases hereinbefore provided, the arbitrators shall make their award within one month after the appointment of the third arbitrator.

249. No member, officer or person in the employment of any Municipality interested in any arbitration, shall be appointed to act as such arbitrator.

250. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath before any Justice of the Peace or Notary Public:

"I, A. B, do swear that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence, to the best of my skill and knowledge. So help me God."

251. All evidence taken by any Court of Arbitration under this Ordinance, shall be taken on oath, and any arbitrator is hereby empowered to administer the same.

252. A majority of the arbitrators so appointed shall make the award, and a copy thereof shall be furnished to each of the parties interested in the matter referred to arbitration.

253. The arbitrators shall have power to award the payment of a fixed sum, by any of the parties to the other, for the costs of the arbitration, or of any portion thereof, including fees for their own services as follows

For every meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of any party, to each arbitrator, not exceeding.....	\$2.00
For every day's sitting, to consist of not less than six hours, to each arbitrator, not exceeding.....	10.00
For every sitting, not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied in such proceedings, to each arbitrator, not exceeding.....	2.00

254. Full notes of the evidence taken by arbitrators under this Ordinance shall be made, and together with any documents submitted in proof of any allegations made on behalf of parties interested, shall be retained by the Chairman of the Arbitration, or until an order is issued by a Judge of the Supreme Court, to produce the same in case of an appeal from the decision of the arbitrators.

255. Every award under this Ordinance shall be in writing, and under the hands of all or a majority of the arbitrators, and shall be subject only to an appeal to the Supreme Court.

256. An award made by arbitrators under this Ordinance may be referred back by the Supreme Court for amendment or for additional evidence, or may be set aside on questions of law, but not on questions of fact.

OATHS AND DECLARATIONS TO BE TAKEN UNDER THIS ORDINANCE.

257. Every person elected or appointed under this Ordinance to any office requiring a qualification of property in the incumbent shall, before he takes the oath of office or enters on his duties, make and subscribe a solemn declaration to the following effect :

I do solemnly swear that I am a British subject; that I had at the time of my election or appointment to the office of _____ in the Municipality of _____ (as the case may be) and still have in my own right (or in the right of my wife) such an estate as does qualify me to act in the said office and that such estate is (naming the nature of it) and is of the value of _____ dollars over and above all charges, liens and incumbrances affecting the same.

(Signed)

A. B.

258. Every member of the Municipality, Clerk, Assessor, Collector and Constable shall, before entering on the duties of his office, make and subscribe a solemn oath to the following effect :

I, _____, do solemnly swear that I will truly, faithfully and impartially, to the best of my knowledge and ability execute the office of _____ to which I have been elected or appointed (as the case may be) in the Municipality of _____ and that I have not received and will not receive any payment or reward or promise of such for the exercise of any partiality or neglect or undue execution of the said office, and that I have not by myself or on behalf of any other person, either directly or indirectly, any interest in any contract with or on behalf of the said Municipality.

259. Every Auditor, before acting as such, shall take the following oath :

I, _____ having been appointed to the office of Auditor for the Municipality of _____ do solemnly swear that I will faithfully perform the duties of such office according to the best of my judgment and ability, and that I had not either directly or indirectly any share or interest whatever in any contract with, by or on behalf of such Municipality during the year preceding my appointment (except as auditor, if such be the case), and that I have not any contract with the said Municipality except that of Auditor for the present year.

260. Every member of the Council and the subordinate officers of the Municipality shall take the oaths of office and qualification before some Justice of the Peace or Notary Public, not being a member of the Council, and the Justice of the Peace or Notary Public shall give the necessary certificate of the same having been duly made and subscribed.

PENAL CLAUSES.

261. If the Clerk fails to furnish ballot boxes in manner herein provided, he shall incur a penalty of one hundred dollars for every ballot box, which he has failed to furnish in the manner prescribed.

262. Any person who :

(a.) Without due authority, supplies any ballot paper to any person ;

(b.) Or fraudulently puts into the ballot box any paper other than the ballot paper which he is authorized to put in ;

(c.) Or fraudulently takes out of the polling place any ballot paper;

(d.) Or without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballots then in use for the purpose of the election; shall, on conviction thereof, in a summary way, before a Justice of the Peace, be liable to a fine not exceeding two hundred dollars and costs of prosecution.

(2.) And any Deputy Returning Officer, Poll Clerk, Candidate or Agent who interferes or attempts to interfere with any voter in marking his ballot, or who marks or causes to be marked a ballot paper so as to defeat the intentions of the voter, or who at any time communicates any information he may be possessed of as to the candidate or candidates for whom any vote has been given, or who induces any person to display his ballot paper so as to make known to himself or to any other person the manner in which he has voted, or for or against whom he has marked his ballot paper, shall on conviction thereof, in a summary way, before two Justices of the Peace, be liable to a fine not exceeding four hundred dollars, and costs of prosecution, or imprisonment not exceeding one year, or both.

263. If any officer of a Municipality refuses or neglects to perform any duty required of him, by this Ordinance, he shall, on conviction thereof, be fined in a sum not exceeding one hundred dollars.

264. Every fine and penalty imposed by or under the authority of this Ordinance, may, unless where other provision is specially made therefor, be recovered and enforced with costs of prosecution, by summary conviction before any Justice of the Peace for the North-West Territories, and all such fines and penalties, when recovered, shall form part of the General Fund of the Municipality wherein the same is imposed.

265. Proceedings for offences under this Ordinance may be had, and proceedings therein taken and conducted, under and by virtue of the Act of the Parliament of Canada intitled "The Summary Convictions Act."

266. The Council of every Municipality may pass by-

laws for inflicting reasonable fines and penalties, not exceeding one hundred dollars, exclusive of costs, for breach of any of the by-laws of the Municipality, and for inflicting reasonable punishment by imprisonment, with or without hard labor, either in the lock-up house of the Municipality, or in the nearest common jail, for any period not exceeding thirty days, in case of non-payment of the fine and costs inflicted for any such breach, unless such fine and costs, including the costs of committal, are sooner paid; except for breach of any by-law or by-laws passed for the suppression of houses of ill-fame, for which the imprisonment may be for any period not exceeding six months, in case of the non-payment of the fines and costs inflicted, unless such fines and costs including costs of committal, are sooner paid:

TOWNS.

267. Whenever any area is incorporated as a Town Municipality, the same shall be styled and known as the Municipality of the Town of (the name by which it is to be known), and, unless otherwise provided, the Council thereof shall consist of a Mayor and six Councillors, elected annually, at the time and in manner as provided for Municipalities by this Ordinance, except that the inhabitants of every Town Municipality incorporated previously to the commencement of this Ordinance shall continue to be a body corporate under its existing name, and otherwise shall be subject to the provisions of this Ordinance.

268. The several provisions of this Ordinance, and forms in the Appendix thereto *mutatis mutandis*, relating to Municipalities generally, and all the powers conferred and duties imposed upon Municipalities, the Councils and officers thereof, except herein otherwise provided, shall appertain to Town Municipalities, as if in each instance specially enacted; and the word "Chairman" wherever used in this Ordinance shall, in an incorporated town, mean the Mayor.

269. The Council of a Town Municipality may, in addition to its other powers, pass by-laws for:

- (1.) The erection and regulation of hospitals;
- (2.) Preventing the putting of anything prejudicial to health into any stream or body of water, within the town, or from which water is supplied for an purpose;

(3.) Preventing the burial of the dead within the Municipality ;

(4.) Appointing a Street Surveyor, whose duty it shall be, under authority of the Council, to oversee all work on streets, alleys, lanes, by-ways, sidewalks, drains, water courses and ditches, and generally any work to be done of a public nature ;

(5.) And to assess against the property of owners to be benefited thereby, the whole or any part of any public improvement or work, such as the laying out or widening of any street, lane, alley, or by-way, public square, building site, walks, grading and paving streets, building or enlarging drains, sewers, watercourses and ditches, and appropriate land therefor, the property of individuals both within and without the Municipality ; but nothing in this Ordinance shall be taken to allow a Council to enter on or appropriate any land the property of another, without first paying the owner the value thereof in full, the same to be determined by arbitration as in this Ordinance provided ;

(6.) The Council of every Municipality shall make to the owners or occupiers of, or other person interested in lands entered upon, taken, or used by the Corporation in the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercises of such powers, beyond any advantage, which the claimant may derive from the contemplated work, and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Ordinance ;

(7.) In the case of real property, which a Council has authority under this Ordinance to enter upon, take, or use without the owner's consent, corporations, tenants in tail or for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants unborn, lunatics, idiots, married women or others, have power to act as well in reference to any arbitration, notice and action under this Ordinance, as in contracting for and conveying to the Council any such lands, or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof ;

(8.) In case there be no such person, who can so act in respect to such lands, or in case any person interested in respect to any such lands is absent from these Territories,

or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the Supreme Court of the Judicial District, in which such property is situate, may, on the application of the Council, appoint a person to act in respect to the same for all or any of the said purposes ;

(9.) In case any person, acting as aforesaid, has not the absolute estate in the property, the Council shall pay to him legal interest on the amount to be paid in respect of such property and shall retain the principal to be paid to the person entitled to it, whenever he claims the same, and executes a valid acquittance therefor, unless the Judge of the Supreme Court of the Judicial District, in which such property is situate, in the meantime directs the Council to pay the same to any person or into Court ; and the Council shall not be bound to see to the application of any interest so paid or of any sum paid under the direction of such Court ;

(10.) All sums, agreed upon or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject ;

(11.) The Council of any Municipality, in all cases where claims for compensation or damages are made against them, which under the provisions of this Ordinance are declared to be the subject of arbitration, in the event of the parties not being able to agree, may tender to any person making such claim, such amount, as they may consider proper compensation for the damage sustained, or lands taken, and in the event of the non-acceptance by the claimant or claimants of the amount so tendered and the arbitration being proceeded with and if an award is obtained for an amount not greater than the amount so tendered the costs of the arbitration and award shall, unless otherwise directed by the Arbitrator, be awarded to the Corporation and set off against any amount, which shall have been awarded against them.

TENDERS OF AMENDS.

270. The Council of any Municipality, upon any claim being made, or action brought for damages for alleged negligence on the part of the Municipality, may tender or pay into Court, as the case may be, such amount as they may consider proper compensation for the damage sustained, and in the event of the non-acceptance by the claimant of

such tender or the amount paid into Court, and the action being proceeded with, and a verdict being obtained for no greater amount than the amount so tendered or paid into Court, the costs of suit shall be awarded to the Defendants and set off against any verdict, which shall have been obtained against them.

271. Every assessment made under authority of the preceding section, for work or improvement or repairs to be done, shall be made by the street surveyor.

272. The assessment shall be made upon such property as the street surveyor decides is directly benefited by such improvement, but no such work or improvement shall be undertaken unless on a petition therefor to the Council of two-thirds of the number of those to be benefited thereby, and who would be assessed therefor, except in case of repairs to work done previously and for which property owners have contributed, and then only in a sum not exceeding two hundred dollars, which shall be rateably assessed on the basis of the original assessment.

273. Assessments made under the three preceding clauses shall be signed by the Mayor and Clerk, and published weekly for four consecutive weeks in some newspaper published in the town, or if there be none, then in such newspaper as the Council may by resolution direct, and in all other respects as to notice, demand, appeal, provision and collection, shall be subject to the provisions of this Ordinance.

274. The Mayor and Council shall be the Court of Revision of the town.

275. Every Municipality shall keep in repair all sidewalks, crossings, sewers, culverts and approaches, grades and other works made or done by its Council, and on default so to keep in repair, shall be responsible for all damages sustained by any person by reason of such default, but the action must be brought within six months after the damages have been sustained.

276. The rate in any year to be levied against property of every kind in towns, including improvement tax, general fund, local fund, and school rates, together with interest on

the debt and sinking fund, shall not exceed two and a half cents on the dollar.

277. Except members of Her Majesty's Naval or Military Force, on full pay or on actual service, or of the North-West Mounted Police Force, or of a Fire company duly organized by by-law of the Municipality, every male inhabitant of an incorporated town, of the age of twenty-one years and upwards, who has resided in the said town for a period of two months, and has not been assessed upon the assessment roll of the town, or whose taxes do not amount to two dollars, shall be taxed at two dollars yearly, to be levied and collected at such time, by such person, and in such manner as the Council of the Municipality may by by-law direct.

A P P E N D I X.

FORM A.

(PETITION *vide* Section 8.)

To His Honor the Lieutenant-Governor }
of the North-West Territories. }

The Petition of the undersigned sheweth :

1. That they are respectively British subjects, over twenty-one years of age, and now are and have been either owners or householders within the area herein described, for three months last preceding the date of this petition.

2 That no part of said area lies within any existing Municipality.

3. That the total number of male British subjects, over twenty-one years of age, within the said area, who now are and have been, either owners or householders, for three months next preceding the date of this petition, is

Your Petitioners therefore pray that under the provisions of "The Municipal Ordinance," the following area, namely :

may be established as a Municipality by the name of the Municipality of

And your Petitioners will pray.

Dated, 18

FORM B.

AFFIDAVIT TO ACCOMPANY PETITION, *vide* Section 9.)Canada,
North-West Territories, } I,of
Territories, do solemnly swear :—

in the said

That I was personally present, and did see the several persons, whose names are subscribed thereto, sign the Petition hereto annexed, praying for the erection of the area therein described into a Municipality, by the name of

That the total number of Persons duly qualified, in accordance with the said Ordinance, to sign the said Petition, is

That the total number of persons, duly qualified, who have signed the said Petition, is

That public notice, a copy of which is hereto attached, of such intended application, was posted on the _____ day of _____ 18____, in three different places within the proposed area.

Sworn before me,
at _____
Territories, on the _____
of _____ 18____ }
the said
day

FORM C.

(NOTICE OF APPLICATION FOR INCORPORATION, *vide* Section 9.)

NOTICE.

Public notice is hereby given, that the undersigned and others will, by petition, apply to His Honor the Lieutenant-Governor for the erection of the area hereinafter described into a Municipality, under the provisions of "The Municipal Ordinance," to be styled "The Municipality of (*here insert the name proposed*) namely : The area composed of (*giving sections, townships, ranges and meridians*).

Dated at _____ this _____ day of _____ 18____

A. B.,
C. D.,
E. F.,

Three of the Petitioners.

FORM D.

(ELECTION NOTICE AT FIRST ELECTION, *vide* Section 15.)

NOTICE.

Municipality of _____

Public Notice is hereby given to the Electors of the Municipality aforesaid, that, having been appointed by order of His Honor the Lieutenant-Governor, dated the _____ day of _____ 18 _____, Returning Officer to hold the first Election of Councillors for the said Municipality, I hereby require the presence of the said Electors, at _____ on (*here insert day of week, as well as date*) from ten until noon of the clock of the said day, for the purpose of nominating persons as Councillors for the said Municipality; and that in case a Poll becomes necessary, such Poll will be opened on (*here insert same day of the week as for nomination of the next following week*) the day of _____ 18 _____, from the hour of nine in the forenoon until five of the clock in the afternoon, at (*describe the polling station*) or, as the case may be, in each of the following polling divisions, that is to say :

For Polling Division No. 1, consisting of (*or bounded as follows, or otherwise describing it clearly*) at (*describing the polling station, and so continuing for all the other divisions and stations*).

And that at (*describe the place*) on (*day of the week*) the day of _____ 18 _____, at _____ o'clock, I shall sum up the votes and declare the result of the election.

And further, notice is hereby given, that the first meeting of the Council for the said Municipality is, by these presents, called to be held at _____ o'clock on _____ the day of _____ 18 _____, at (*describe place*).

Given under my hand, at _____ this _____ day of _____ 18 _____.

Returning Officer.

FORM E.

(NOTICE FOR NOMINATION AT SUBSEQUENT ELECTIONS, *vide* Section 25).

NOTICE.

Municipality of _____

Public Notice is hereby given, that a Meeting of the Electors of the Municipality aforesaid will be held at (*description of place*) on (*day of the week*) the _____ day of _____ 18 _____, from ten until noon of the clock of the said day, for the purpose of nominating _____ persons to serve as Councillors for the said Municipality, for the next ensuing year.

Dated under my hand at _____ this _____ day of _____ 18 _____.

Returning Officer.

FORM F.

(POLLING NOTICE AT SUBSEQUENT ELECTIONS, *vide* Section 28.)

NOTICE.

Municipality of

Public Notice is hereby given to the Electors of the Municipality aforesaid, that a Poll has been granted for the Election now pending for the said Municipality, and that such Poll will be open on (*here insert same day of the week as for nomination of the next following week*) the

day of 18 , from the hour of nine in the morning till five of the clock in the afternoon, at (*describe the polling station*) or, as the case may be, in each of the following Polling Divisions, that is to say:

For the Polling Division No. 1 (*or other designation*), consisting of (*or bounded as follows, or otherwise describing it clearly*) at (*describing the Polling Station, and so continuing for all the other Polling Divisions and Stations in the Municipality*).

And that I will at (*describe the place*), on (*day of the week*), the day of 18 , at o'clock, sum up the votes and declare the result of the election.

Given under my hand, at this day of 18 .

Returning Officer.

FORM G.

(Vide Section 36.)

BALLOT PAPER.

Election of the Council for the Municipality of
Polling Division No. (if divided into Polling Divisions).

Ward No. (if for a Ward),
18 .
day of

FOR COUNCILLORS.	FOR MAYOR.
Swinford.	Bull
Richardson.	Jones
Perley,	Smith
Hamilton.	
Campbell	
Brown	
Adam	

N. B.—This Form to be adapted to circumstances.

FORM H.

(Vide Section 39.)

DIRECTION FOR GUIDANCE OF VOTERS.

The Voter will go into one of the apartments provided, and with a pencil make a cross opposite the name or names on the right hand side of the ballot paper, of the party or parties for whom he wishes to vote, thus ×.

If the Voter votes for more candidates than he is by Law entitled to vote for, his ballot paper will be void, unless he discovers the fact before the same is deposited in the ballot box, when he can obtain a new one from the Returning Officer.

If the Voter inadvertently spoils a ballot paper, he can obtain a new one, on satisfying the Returning Officer of the fact.

If the voter places any mark on the ballot paper, by which he may afterwards be identified, his ballot paper will be void.

The voter, after he has made the cross × opposite the name or names of the party or parties for whom he wishes to vote, shall fold up his ballot paper so as to show the initials of the Deputy Returning Officer on the back thereof, but so as to conceal the manner in which he has voted, and shall deliver the same to the Deputy Returning Officer, and shall forthwith quit the polling place.

Municipalities.

FORM K.

(Vide Section 106.)

NON-RESIDENT LAND ASSESSMENT ROLL FOR YEAR

MUNICIPALITY OF

No. of Assessment.	The description and extent of the land, if not subdivided into lots, by describing the section, or portion of section, township and range by their numbers or other description, or if subdivided into lots, by giving the numbers and other description thereof, so far as the same can be ascertained.	The actual cash value of each parcel or lot of land.	Total value of the land.

FORM L.

(TRANSFER OF LAND BY TREASURER, *Vide* Section 235.)

To all to whom these presents shall come, I,
 _____, of _____, in the North-West Territories,
 Treasurer of (describe Municipality.)

Greeting—

Whereas, by virtue of authority vested in me by "The Municipal Ordinance," I did on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____, sell by public auction, the land hereinafter mentioned, for arrears of taxes and costs and charges thereon, to _____, of _____, in the _____ at and for the price and sum of _____ lawful money of Canada, being the arrears of taxes alleged to be due thereon, up to the day of _____ one thousand eight hundred and _____ together with costs.

Now know ye that I, _____, the said Treasurer, in pursuance of such sale, and of the said Ordinance, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said _____ of _____ in the _____ his heirs and assigns, all that certain parcel and tract of land and premises, containing _____ being composed (describe the land so that the same can be readily identified.)

In witness whereof I, the said Treasurer, have hereto set my hand and affixed the Seal of the said Municipality this the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

Treasurer.

(Seal.)

CHAPTER 9.**AN ORDINANCE RESPECTING STATUTE LABOR AND FIRE DISTRICTS.**

Title, s. 1.	Omitted Names, s. 12.
Who Resident, s. 2.	List to be posted, s. 13.
Organization, ss. 3, 4.	Appeals, s. 15.
Returning Officer, s. 5.	Commutation, ss. 16, 18, 22.
Declaration of Voter, ss. 6, 7.	Non-resident, 17.
Overseer and Duties, ss. 8, 9, 11,	Substitutes, 20.
14, 19, 22, 24, 25, 26, 27, 28,	Delinquents, 21.
29, 30.	Expenses, s. 23.
How assessed, s. 10.	Forms—Appendix.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, in Council enacts as follows:—

1. This Ordinance may be cited as “The Statute Labor and Fire Ordinance.”

2. In this Ordinance the word “Resident” means any male occupant of lands over eighteen years of age and under the age of sixty, excepting clergymen and such others as are exempt by law, residing in the area established, or proposed to be established, as a Statute Labor and Fire District; and the word “Person” includes corporations, joint stock companies and partnerships.

3. Whenever the Lieutenant-Governor is satisfied, by such proof as he may require, that any portion of the Territories, not exceeding an area of 144 square miles, and not either in part or wholly within the limits of any Municipality organized and in existence under an Ordinance of the Territories, contains a population of at least fifty residents, he may cause notices to be posted up in eight conspicuous and widely separated places within such area, of his intention to proclaim the same a Statute Labor and Fire District, after the expiration of thirty days from such posting.

4. After the expiration of the thirty days named, in the notice hereinbefore mentioned, the Lieutenant-Governor, unless a majority of the residents within the area aforesaid, by petition, addressed to him, object to such formation, shall proclaim the said area a Statute Labor and Fire District, describing its limits and giving it a district number.

5. The Lieutenant-Governor shall thereafter appoint one of the residents within the district so erected as Returning Officer, who shall forthwith, by inserting an advertisement to that effect in two weekly consecutive issues of the newspaper published nearest to or within the district, call a public meeting of the residents of the district, to elect, by open voting, one of their number, being a resident, as Overseer. The costs of such advertisement and meeting, as well as the cost of publishing the proclamation in the North-West Territories Gazette, to be afterwards defrayed out of the funds of the district as hereinafter provided.

6. Every resident voting for such overseer shall sign a declaration as in Form A in the Appendix to this Ordinance, and record his vote and the land upon which he votes as provided in such Form, the order and direction of the voting being according to the discretion of the Returning Officer, but the poll shall be open for two hours after the Returning Officer has declared to the meeting that the poll was opened, and any person falsely recording himself as an occupant of lands within the district shall be liable, on summary conviction before a Justice of the Peace, to a fine of ten dollars and costs.

7. Immediately after the election of overseer, as provided in the preceding section, the Returning Officer shall make his return to the Lieutenant-Governor, accompanying it with the record of the voters, having first verified such record on oath before a Justice of the Peace, or a Notary Public, as in Form B in the Appendix to this Ordinance.

8. The name of the Overseer so elected shall be published in the first issue of the North-West Territories Gazette published after the election so held, the costs of such publication being afterwards defrayed out of the funds of the district, as hereinafter provided; and such overseer shall hold office for two years from the date of such publication,

unless the position become vacant through death, resignation, or moving out of the district, and upon the expiration of his term, or in the event of the position becoming so vacant, the Lieutenant-Governor shall issue his writ, to such resident of the district as he may designate, for another election under the provisions of this Ordinance.

9. It shall be the duty of such Overseer to assess a road and fire district tax as hereinafter provided, upon all male inhabitants and occupiers or owners of real estate in the district over which he is Overseer.

10. Every resident shall be assessed one day; and the owner or occupant of every parcel of land in the said district to the extent of:—

Not more than 160 acres shall be assessed	
for	2 days
Over 160 and not more than 320 acres	3 days
Over 320 and not more than 640 acres	4 days
Over 640 and not more than 1280 acres	5 days
And for every additional 640 acres, one day more.	

And every person so assessed shall be liable to do labor on the highways and roads, or for fire protection purposes, as hereinafter provided; provided always that no person shall be compelled to labor at a greater distance than four miles from his residence or the land for which he is assessed.

11. The overseer shall, on or before the fifteenth day of May, in each year, make out his road and fire district list in Form C of the Appendix to this Ordinance, setting down in each column, as accurately as may be after diligent enquiry, the information called for by the heading thereof.

12. The names of persons omitted from such road and fire district list, and of new inhabitants, shall, from time to time, be added thereto, and be rated by the overseer in the same proportion as others on such list.

13. A list of road and fire district work required to be done, shall be prepared and posted up by the Overseer in eight conspicuous places within the district, at least ten days before calling out the labor.

14. The Overseer shall also give, by registered letter,

posted at the nearest Post Office to his residence, at least fifteen days previous to the day fixed for labor, notice to each person assessed to work on highways and roads and for fire district purposes, within the limits of the district, naming in such notice, when and where each person is to appear for that purpose, and with what implements.

15. Any person who feels himself aggrieved by the tax assessed by the overseer, may appeal, within five days from such assessment, to the nearest Justice of the Peace, whose decision thereon shall be final.

16. Every person liable to work on the highways and roads and for fire district purposes, shall work the whole number of days for which he is assessed; but every such person may elect to commute for the same, or for some part thereof, at the rate of \$1.50 per day; in which case such commutation money shall be paid to the Overseer; and the Overseer, when such land tax is paid, either in money or labor, shall write the word "paid" opposite each name or tract of land on his list.

17. Persons assessed as non-residents shall be deemed to have commuted the statute labor for which they are liable, at the rate of \$1.50 per day, and the amount of the commutation shall be a debt recoverable as such at the suit of the Overseer in any Court of competent jurisdiction.

18. Every person intending to commute for his assessment, or any part thereof, shall, within five days after he is notified to appear and work on the highways and roads and for fire district purposes, pay the commutation money for the work required of him by such notice; and the commutation shall not be considered as made until such money is paid.

19. The Overseer is empowered to require cart or waggon, or plough, or scraper, with a pair of horses or oxen, and a man, from any person having the same within his district, who has been assessed two days or more, and who has not commuted his assessment; and any person so furnishing the same shall be credited two days for each day's service therewith.

20. Every person assessed to work on highways and roads and for fire district purposes, and warned to work, may appear in person, or by an able-bodied man as a substitute; and the person or substitute so appearing shall, subject to the orders of the Overseer, actually work eight hours in each day, under a penalty of twenty cents an hour for every hour such person or substitute is in default, to be imposed as a fine on the person assessed.

21. Every person so assessed and duly notified, who does not commute, and who refuses or neglects to appear, as above provided, shall forfeit for every day's liability the sum of not more than \$5, and if he is required to furnish a team, waggon, man or implements, and refuses or neglects to comply, he shall forfeit therefor and be fined as follows: For wholly omitting to comply with such requisition, not more than \$5 for each day; and for omitting to furnish a cart, waggon, plough or scraper, not more than \$2.50 for each day; and for omitting to furnish a pair of horses or oxen, not more than \$2.50 for each day; and for omitting to furnish a man to manage the team, not more than \$1 for each day's liability; such penalties and fines, with costs of prosecution, to be recoverable before a Justice of the Peace, on complaint only of the Overseer or his successor, in a summary way, and when recovered to be paid to the Overseer; but no conviction shall operate as a discharge of liabilities for assessment.

22. The acceptance by the Overseer of any excuse for refusal or neglect shall not in any case exempt the person excused from commuting for or working the whole number of days for which he is assessed during the year.

23. The expenses connected with the proclamation erecting the district into a Statute Labor and Fire District, and the expenses of advertising and holding the meeting of residents for the election of the Overseer of such district, in which the sum of \$5, to be paid to the Returning Officer appointed by the Lieutenant-Governor for directing and holding such election, shall be included, and the remuneration of the Overseer, as hereinafter provided, shall be a first charge upon commutation moneys and fines collected by the Overseer; and the balance shall be applied and expended by

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CHAPTER 10.**AN ORDINANCE RESPECTING FIRE DISTRICTS.**

“Resident ” Definition of, s. 1.	Powers of Guardians, s. 6.
Erection, Fire Districts, s. 2.	Notice, s. 7.
Order to fix Date, s. 3.	Penalty, s. 8.
Rate, s. 4.	Return, s. 9.
Commutation, s. 5.	Appendix Forms A, B, C.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. In this Ordinance the word “ Resident ” shall mean any male occupant of lands, over eighteen years of age, resident for three months in the area established or proposed to be established as a Fire District.

2. Upon application, as in Form A in the Appendix to this Ordinance, signed by a majority of the residents of any district, not less than thirty-six and not more than one hundred and forty-four square miles ; the said application being verified on oath before a Justice of the Peace, or a Notary Public, as in Form B in the Appendix to this Ordinance, the Lieutenant-Governor may, by Order, erect such area into a Fire District, to be under the operation of the following Sections of this Ordinance, (no reasonable objection being raised thereto,) and shall also appoint a Fire Guardian or Guardians for the district. Provided that a notice in the Form C in the Appendix to this Ordinance, (or to the like effect) of the intention to make such application has been posted in five conspicuous places in the described area. The sum of six dollars to cover costs of advertizing shall accompany such application.

3. Such order shall fix a date (such date not being later than fourteen days from the date of the order,) from and after which the provisions of this Ordinance shall apply to the district so erected, and such order shall be published in the Official Gazette of the Territories.

4. After the erection of the district, each resident of the

same shall be liable to a rate of four dollars per annum, payable to the Fire Guardian or Guardians, to be expended as hereinafter provided.

5. Any resident may commute his rate by contributing labor for the benefit of the fire district at the rate of one dollar per day of eight hours for a man, or two dollars per day for a man with team and implements.

6. The Fire Guardian or Guardians shall have full direction and control of the district for fire protection, and shall apply the rate or labor, as may seem best to him or them for the purposes of this Ordinance.

7. Every resident performing labor under this Ordinance shall receive at least eight days notice from the Fire Guardian, which shall be not later than the fifteenth day of July, such notice stating the time and place where the labor is to be performed.

8. Every resident refusing to pay his rate, or to commute the same before the first day of August in each year, or refusing to obey the directions of the Fire Guardian, shall, upon conviction before a Justice of the Peace, be liable to a fine not exceeding twenty-five dollars, with costs of prosecution, and, in default of payment, to be imprisoned for a term not exceeding one month; and such fine, when recovered, shall accrue to the Fire District and be paid to the Fire Guardian by the convicting Justice.

9. Each Fire Guardian shall, on or before the first day of September in each year, forward to the Lieutenant-Governor a return, showing the amount of money received by him, and from whom, the amount expended, number of days' work performed, and by whom, length and width of fire breaks, and cash in hand.

10. This Ordinance shall not apply within Municipalities.

FORM C.

(Vide Section 2.)

Notice is hereby given that after the expiration of four weeks from the date of the first publication of this notice, application will be made to the Lieutenant-Governor for the erection of the following area of lands, to wit (describe the boundaries of the proposed district) into a Fire District, under the provisions of "The Ordinance respecting Fire Districts."

Dated at _____ this _____ day of _____
 A. D. 188 _____
 First published _____ the _____ day of _____ A. D. 188

CHAPTER 11.**AN ORDINANCE RESPECTING THE HERDING OF ANIMALS.**

Title s. 1.	Damages, s. 8.
Erection of Herd District., s. 2.	Appraisers, ss. 9, 10.
Order fixing date, s. 3.	Penalties, ss. 11, 16.
Reducing or adding to districts, s. 4.	Surplus money, s. 14.
Poundkeepers, ss. 5, 12, 13.	Owner liable for damage, s. 15.
Distrain for Trespass, s. 6.	Districts not included, s. 17.
When made, s. 7.	Appended Forms, A, B and C.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. This Ordinance may be cited as "The Herd Ordinance."

2. Upon application as in Form "A" in the Appendix to this Ordinance signed by two-thirds of the male occupants of lands resident for three months, over twenty-one years of age, of any district not less than one hundred and forty-four square miles, the said application being verified on oath before a Justice of the Peace or a Notary Public as in Form "B" in the Appendix to this Ordinance, the Lieutenant-Governor may by order, erect such district into a herd district, to be under the operation of the provisions of this Ordinance, (no reasonable objection being raised thereto), provided that a notice in the Form "C" in the Appendix, or to the like effect, of the intencion to make such application, has been posted in at least one conspicuous place in each township or fraction of township, constituting the proposed herd district, three weeks next preceding the application being made to the Lieutenant-Governor, and provided such application is accompanied with the sum of six dollars to cover the cost of publication in the Official Gazette of the Territories.

3. Such order shall fix a date, such date not being later than fourteen days from the date of the order, from and after which the provisions of this Ordinance shall apply to

the district so created, and such order shall be published in the Official Gazette of the Territories.

4. Upon an application signed by two-thirds of those qualified as aforesaid in any section of country proposed to be added to an existing herd district, or of any section of country proposed to be withdrawn from the operation of the provisions of this Ordinance, verified under oath as aforesaid, and advertised as aforesaid and accompanied by a sum of money as aforesaid, the Lieutenant-Governor may by order add such section of country to such existing herd district, or withdraw such section of country from the operation of the provisions of this Ordinance, as the case may be, and such order shall fix a date, (such date not being later than fourteen days from the date of the order), from and after which it shall come into force, and such order shall be published in the Official Gazette of the Territories.

5. The Lieutenant-Governor, for the purposes of this Ordinance, may appoint in any herd district one or more poundkeepers for impounding animals distrained under this Ordinance, and in every such appointment the place where such pound is to be kept shall be defined.

6. The owner or occupier of any land within any such herd district may, between the fifteenth day of May and the thirty-first day of October inclusive in each year, distrain all animals doing damage upon his cultivated lands, or stacks of grain, and when any such distress is made the distrainer shall keep and properly feed such animals in some secure place other than the public pound until his damages are appraised; or if damages are not claimed, the owner or occupier may impound at once, notifying the poundkeeper that damages are not claimed.

7. Such distress shall be made at any time before such animals doing damage as aforesaid escape from such lands or while followed and kept in sight by the party sustaining damages, or by any person being on the said land at the time such damage is done, and without regard to the sufficiency of the fence thereon.

8. As soon as practicable after such distress, if damages are claimed, the distrainer shall notify the owner of the

animal so distrained, if known to the distrainer, and if such owner does not, within twelve hours after receiving such notice, pay the damages claimed by the distrainer. The latter shall, within forty-eight hours after such distress, unless the same is made on Sunday, in which case before the Wednesday morning thereafter, apply to a Justice of the Peace having jurisdiction within the said district, who shall appoint three disinterested inhabitants of such district to appraise the damages; such appraisers shall each receive as compensation for their services, two dollars for making the appraisal and five cents per mile as mileage in going to and returning from the place where the damages are sustained, to be paid, in the first instance, by the distrainer, the distance travelled by the appraisers and their fees to be made part of the returns of said appraisers.

9. The appraisers shall, immediately after their appointment, be sworn faithfully to perform their duty by any Justice of the Peace having jurisdiction in the said district, and proceed to the place and view the damages done, and they may take the evidence of any person of the facts or circumstances necessary to enable them to ascertain the extent of such damage, and for this purpose the appraisers, or either of them, are authorized to administer an oath to every such witness.

10. The appraisers shall ascertain, and certify under their hands, the amount of such damage, with fees for their services as aforesaid.

11. Within twenty-four hours, Sunday excepted, after the damages are so appraised, unless the amount so ascertained and the fees of the appraisers and fifty cents justice fees are paid or tendered to the distrainer, he shall cause the animals distrained to be put in the nearest pound in the same district, there to remain until the same are sold, as hereinafter directed, or until the damages so certified and the fees of the appraisers and justices, and costs of keeping such animals, together with the poundkeeper's fees, are paid, and if such animals are put in any pound the distrainer shall deliver the certificate of the appraisers to the keeper of such pound.

12. The poundkeeper shall receive, keep and properly

feed the animals so delivered to him in the public pound, and shall within ten days sell such animals, or so many of them as are necessary, at public auction, giving a least six days' notice of such sale, by posting the same at such pound and at three of the most public places in the district.

13. From the proceeds of such sale the poundkeeper shall retain sufficient to pay the amount of his fees and the cost of keeping such animals, as authorized by this Ordinance, and he shall pay to the distrainer the damages so certified, with fees of the appraisers and the justices, and if there is any surplus, the same shall be paid to the owner of such animals, if known, but if no owner appears at the time of such sale, or within one week thereafter, and claims such surplus, the same shall be paid to the Lieutenant-Governor.

14. The Lieutenant-Governor shall pay such surplus money, if claimed within one year after the distress, to the owner of such animals, but if not claimed within that time such surplus money shall be applied to the public purposes of said district, as directed by the Lieutenant-Governor in Council.

15. The owner of such animals shall be liable in an action at law for all damages done by such animals, without regard to the sufficiency of the fences on the lands on which damage is done, to be recovered in any court of competent jurisdiction.

16. Any person who unlawfully takes such animals after being distrained out of the possession of the person making distress, or out of the possession of the poundkeeper, (as the case may be,) shall be liable, on summary conviction before a Justice of the Peace, to a fine not exceeding forty dollars, and shall also be liable to double the amount of damages committed by such animals to the person injured thereby.

17. The provisions of this Ordinance shall not apply in the districts west of Range sixteen west of the third principal meridian, and hereafter all Municipalities shall be and are hereby withdrawn from the operation of this Ordinance, and shall not be included in any Herd District to be formed under the provisions of this Ordinance.

18. The following shall be the fees and costs authorized by this Ordinance :

(1) To the owner or occupier of the land injured by an animal for driving and delivering the same to the poundkeeper—His reasonable expenses ;

To the poundkeeper—

For every stallion or bull, fifty cents ; for every other horse, mule or jack, or head of cattle or swine, twenty-five cents ; for every sheep, goat or goose, each ten cents—for each day the same shall be impounded, for their support ;

For notifying owner of animal impounded, fifty cents ;

For posting notices, if owner not known, one dollar, and the actual cost of newspaper advertisement when incurred ;

For posting notices of sale, one dollar ;

And for each mile necessarily travelled in the performance of his duties, ten cents ;

And two and one-half per cent commission upon the amount realized on the sale, for selling animal and applying proceeds according to the provisions of this Ordinance.

APPENDIX.

FORM A.

(Vide Section 2.)

To His Honor the Lieutenant-Governor of the North-West Territories:
The application of the undersigned sheweth .

That it is desirable to put in force within (here describe the area) the provisions of "The Herd Ordinance."

That your applicants comprise two-thirds of those qualified to present this application under the provisions of the said Ordinance ;

Your applicants therefore pray that your Honor may be pleased to cause the proper order to be issued constituting the above-described area into a Herd District as provided by the said Ordinance.

A. B., C. D., E. F., etc.

FORM B.

(Vide Section 2.)

I, A. B., of _____ do make oath and say :

That the total number of persons in the area described in the annexed application qualified to present this application under the Herd Ordinance is _____ persons, and of the above number _____ persons have signed the same ;

That I was personally present and did see the parties whose names are attached thereto sign the same, and each of them before signing the same was cognizant of the contents thereof.

N. B. If no one person can verify all the signatures attached to the application, the above form may be altered to meet the circumstances.

FORM C.

(Vide Section 2.)

Notice is hereby given that after the expiration of four weeks from the date of the first publication of this notice, application will be made to the Lieutenant-Governor for the erection of the following area of lands, to wit: (describe the boundaries of the proposed districts,) into a herd district (or to be added to an existing herd district, naming the same, or to be withdrawn from the operation of the provisions of the Herd Ordinance as the case may be) under the provisions of "The Herd Ordinance."

Dated at

A. D 188

(Signed,)

A. B.

C. D.

E. F.

First published

day of

A. D. 188

CHAPTER 12.

AN ORDINANCE RESPECTING FENCES.

Fences, ss. 1, 2.

Action for Damages, s. 3.

Cross Fence, s. 4.

Disagreement, s. 5.

Penalties, s. 6.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. No action for damages caused to crops and fields by domestic animals shall be maintained unless such crops and fields are enclosed by a lawful fence: Provided that this section shall not apply to Herd districts or Municipalities in which by-laws relating to pounds are in force.

2. North of the range of townships numbered thirty, any substantial fence four feet six inches high shall be a lawful fence, if it consists:

(a.) Of rails or boards, the lower one not more than one foot from the ground, the others not more than six inches apart, except the top one, which may be eight inches from the next lower rail:

(b.) Of upright posts or boards not more than six inches apart

(c.) Of barbed wire and a substantial rail on the top, the wires to be not less than two in number, and the lower one not more than twenty inches from the ground:

(d.) Of common wire and a substantial top rail, the wires to be not less than four in number, or more than one foot apart.

(1.) In all other parts of the Territories any substantial fence four feet six inches high shall be a lawful fence, if it consists:

(a.) Of rails or boards, not less than four in number, the lower one not more than eighteen inches from the ground, and each panel not exceeding twelve feet in length.

(b.) Of upright posts or boards not more than six inches apart:

(c.) Of barbed wire and a substantial rail on the top, the wires to be not less than two in number, and the lower one not more than twenty inches from the ground ;

(d.) Of common wire and a substantial top rail, the wires to be not less than three in number, or more than one foot apart.

(2.) In all parts of the Territories, any river bank, or other natural boundary, reasonably sufficient to keep domestic animals out of any enclosed land, shall be a lawful fence.

3. No action for damages caused to hay or grain in stacks shall be maintained unless the same is surrounded by a substantial fence, not less than four feet six inches high, and at no point nearer than twelve feet from such stacks and consisting :

(c.) Of rails or boards, the lower one not more than one foot from the ground, the others not more than six inches apart, except the top one, which may be eight inches from the next rail, each panel not exceeding twelve feet in length ; or

(b.) Of barbed or common wire, and a substantial rail on the top, the wires to be not less than five in number, the lower not more than one foot from the ground and the others not more than eight inches apart ;

(c.) Provided that this section shall not apply to Herd districts between the fifteenth day of May and the thirty-first day of October in each year.

4. Whenever the owner or occupier of any land erects a line or boundary fence, the owner or occupier of the adjoining land shall, as soon as he encloses it by connecting a cross fence with the said line fence, pay to the former the fair value of one half of so much of the said line fence as forms one side of the enclosure ; and each of the owners or occupiers of adjoining lands shall make keep up, and repair a just proportion equal to one half of the fence forming a boundary between them ; and any one of such persons failing to do so after one week's notice from his neighbor, shall compensate such neighbor to the value of the work done in making and repairing the same.

5. In case any interested parties disagree as to what is a lawful fence, or as to the just proportion of a line fence, which each of the adjoining owners or occupiers should

make or keep in repair, or render compensation therefor, or if damages be done by horses, mules or neat cattle breaking into and destroying the product of any land, the same being enclosed by a lawful fence, the owner of the animals so trespassing shall pay to the party injured the amount of such damages. If the parties interested cannot agree as to question in dispute, three (3) persons shall be appointed, one by each of the interested parties, and the third by the two thus appointed, who shall decide the dispute and whose award may be enforced in any Court of law.

6. Any person who erects or has on his premises, a wire fence, without a securely fastened and substantial top rail throughout its whole length, shall, upon summary conviction before a Justice of the Peace, be liable to a penalty not exceeding one hundred dollars and costs, and in default of payment of such fine and costs, to imprisonment not exceeding three months.

CHAPTER 13.

AN ORDINANCE RESPECTING TRESPASSING AND STRAYING OF ANIMALS.

Title.	Poundkeeper not to become purchaser, s. 12.
Interpretation, s. 1.	Fees, s. 13.
Pound District, s. 2.	Recovering impounded animals, s. 14.
Estray, s. 3.	Penalty, s. 15.
Impounding Trespassers, ss. 4, 5.	Rescue, s. 16.
Damages, ss. 6, 7.	Disputes, s. 17.
Poundage Fees, s. 8.	Right of Action, s. 18.
Security, s. 9.	Poundkeepers' Returns, s. 19.
Poundkeepers and their Duties, s. 10.	
Proceeds of sale, s. 11.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. In this Ordinance,

(1.) The word "animal" means any horse, mule, jack, sheep, goat, neat cattle, swine or geese ;

(2.) The word "trespasser" means any animal which breaks into any ground enclosed by a lawful fence ;

(3.) The word "estrays" means any stallion of the age of one year or upwards, any swine or geese running at large, and any bull one year old or upwards running at large between the first day of February and the first day of June.

2. The Lieutenant-Governor may, by order published in the official Gazette of the Territories, constitute any part of the Territories, not less than 144 square miles in area, into a pound district, and appoint therefor one or more poundkeepers.

3. The Lieutenant-Governor, on an application signed by ten farmers of any pound district constituted as hereinbefore provided, may order that any bull declared an estray by this Ordinance, running at large in such pound district, shall be counted an estray, or not an estray, at any season named in the order, and the Lieutenant-Governor, on a like application, may in any ensuing year rescind such order.

4. The owner or occupier of any land surrounded by a lawful fence, or his agent, may capture any trespasser upon such land, and drive and deliver the same to the nearest poundkeeper of the pound district in which the trespass was committed, and the said pound-keeper shall impound such trespasser, and shall be responsible for the feed and safe-keeping thereof, so long as he is legally bound to hold the same; and such pound-keeper is empowered to collect the amount of the damages caused by, and all charges for the keep and other incidental expenses connected with, such trespasser, before delivering up the same to the owner; and it shall be the duty of the captor to leave with the pound-keeper a statement in writing to his claim for damages done by such trespasser, and his reasonable charges incurred in driving the trespasser to and delivering the same to the pound-keeper.

5. Any resident in the Territories may capture any estray found within any pound district, and drive and deliver the same to the pound-keeper of such district; and the said estray shall be dealt with in every way as a trespasser under this Ordinance.

6. In every case where damage is done to the enclosed lands of any person by any of the animals hereinbefore mentioned breaking the fences enclosing the same, such animal shall be considered and treated as a trespasser within the meaning of this Ordinance, if that part of the fence broken by such animal were lawful, although other parts of the enclosing fence may not be lawful; and any animal hereinbefore mentioned breaking through a division fence, which its owner is bound to repair and keep up, shall be considered and treated as a trespasser within the meaning of this Ordinance, although the said fence shall not be a lawful fence.

7. The owner or occupant of any land, or the person in charge of any animal, shall be liable for any damages caused by such animal under his charge as though such animal were his own property; and the owner of any animal not permitted to run at large by law shall be liable for any damages done by such animal, although the fence enclosing the premises was not a lawful fence.

8. The person capturing any animal shall, at the time of delivering the same to the pound-keeper, deposit poundage fees, if such are demanded, and with the statement of his demand, as hereinbefore provided, give to the pound-keeper with a surety, if required by the pound-keeper, his written agreement in the words, or to the following effect:

“ I, A. B., do hereby agree that I will pay to the owner of the (*describing the animal*) by me this day impounded, all costs to which the said owner may be put in case the distress by me proves to be illegal, or in case the claim for damages by me fails to be established.”

9. The owner of any animal impounded shall at any time be entitled to his animal on demand made therefor without payment of any poundage fees, on giving satisfactory security to the pound-keeper for all costs, damages and poundage fees that may be established against him.

10. On the pound-keeper impounding an animal it shall be his duty—

(1.) If the owner be known, to immediately notify him of such impounding and if such owner refuse within three days after such notification to pay all lawful damages and other charges, and take away his animal, to advertise for at least ten days the sale of such animal, by posting notices in three of the most public places in the pound district, and upon the day named in such notice for such sale, to sell such animal by public auction:

(2.) If the owner be not known, to cause to be posted forthwith in three of the most public places in the pound district, and if reasonably practicable to be inserted in the nearest newspaper published in the Territories (in both English and French if apparently necessary), a notice giving as near as possible all the marks, natural and artificial, color, and probable age of such animal; and after the expiration from the date of such notice of—

(a) Twenty days,

If the animal be a horse, mule, jack, or one of the neat cattle species and over two years old, and

(b) Six days,

If the animal be of the last mentioned kinds under two years old, or of any other kind of any age—

If no owner be found, the pound-keeper shall advertise

and sell the animal in the same manner as herein provided when the owner is known.

11. The pound-keeper shall apply the proceeds of any such sale as follows :

- (1) To the payment of his own proper charges ;
- (2.) To the payment of the captor's reasonable charges and damages ;
- (3.) The balance to the owner of the animal sold, if known, and if not known, after the same has remained in his hands for three months unclaimed, to the Lieutenant-Governor, to become, if still unclaimed for one year thereafter, a part of the revenue of the Territories.

12. The pound-keeper shall neither directly nor indirectly become the purchaser at any sale conducted under his direction.

13. The persons mentioned in this Ordinance shall be entitled to receive the following amounts :

(1.) The owner or occupier of the land injured by a trespasser, or the captor of an estray, for driving and delivering the same to the poundkeeper—

His reasonable expenses ;

(2.) The pound-keeper—

For every stallion or bull, fifty cents ; for every other horse, mule or jack, or head of cattle or swine, twenty-five cents ; for every sheep, goat or goose, each ten cents—for each day the same shall be impounded, for their support ;

For notifying owner of animal impounded, fifty cents ;

For posting notices if owner not known, one dollar ; and the actual cost of newspaper advertisements when incurred ;

For posting notices of sale, one dollar ;

And for each mile necessarily travelled in the performance of his duties, ten cents ;

And two and one half per cent. commission upon the amount realized on the sale, for selling animal and applying proceeds according to the provisions of this Ordinance.

14. The owner of any animal captured or impounded under the provisions of this Ordinance shall be entitled to recover the same from any person in whose possession such animal may be, upon tender of all damages committed and the charges incurred up to the time of the tender.

15. A pound-keeper guilty of any neglect of duty imposed upon him by this Ordinance shall be liable to a penalty not exceeding one hundred dollars, upon the complaint only of the party who suffers by such neglect.

16. If any person shall rescue any trespasser or stray from the person lawfully taking the same to the pound, he shall be liable to a penalty not exceeding twenty dollars; and if any person shall make a breach of any pound, or shall unduly set at large any animal impounded, he shall be liable to a penalty not exceeding forty dollars.

17. In case of dispute between any of the parties mentioned in this Ordinance, or of any complaint being made that any penalty has been incurred, the same may be brought before a Justice of the Peace and disposed of by him in a summary manner.

18. Nothing herein contained shall be construed to impair the right of action under any statute, ordinance, or the common law, for damages occasioned by trespassers within the meaning of this Ordinance.

19. Every pound-keeper shall forward to the Lieutenant-Governor, on the thirty-first day of December in each year, a return in such form as he may direct, showing all cattle impounded during the year, and the amount of damages and other charges paid, and all sales made by him, and the surplus, if any, on each sale, and how much surplus was disposed of.

20. This Ordinance shall not apply within any Municipality.

CHAPTER 14.

AN ORDINANCE RESPECTING BULLS.

Districts affected by Ordinance, s. 1	Districts not included, s. 5.
Bulls, ss, 2, 3, 4.	Notice, Form A.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. This Ordinance shall come into force and take effect only in such portion or portions of the Territories, and at and from such time or times as the Lieutenant-Governor may designate and fix by order published in the Official Gazette of the Territories.

2. Whenever this Ordinance is put into force, as aforesaid, in any portion of the Territories, erected into a Stock District, no bull of one year old or upwards shall be permitted to run at large between the first day of April and the first day of July in each year; and whenever the said Ordinance is likewise put into force in any other part of the Territories, no bull as aforesaid shall be permitted to run at large at any time.

3. Any person who finds a bull unlawfully permitted to run at large may capture and confine the same, and as soon thereafter as conveniently practicable, shall notify the owner thereof, if known to such captor, and if such owner do not within a reasonable time after receiving such notice, take away such bull and pay the captor thereof five dollars for his trouble, and twenty-five cents per day for the keep of the said bull every day the same has been in his custody, such owner shall be liable, on prosecution in a summary way before a Justice of the Peace, to a fine not exceeding twenty dollars, together with the costs of prosecution, fee for capturing, and the cost of keeping the bull as aforesaid; which said fee and the cost of keeping the bull as aforesaid, shall be paid over, on collection, to the captor; and in default of payment of such fine, fee and costs, the Justice of the Peace may grant his warrant to levy the same by distress

and sale of the goods and chattels of the owner of such bull.

4. When the owner of any bull so captured and confined is unknown to the captor, the said captor shall post up a notice in Form A of this Ordinance, in three public places in the neighborhood of the capture, and advertise such notice in four consecutive weekly issues of a newspaper published nearest the place of residence of the captor, and the owner thereof shall be entitled to receive delivery thereof on the conditions set forth in the next preceding section and upon paying the expenses incurred for advertising; but, if at the end of four weeks after the last publication of the advertisement, no owner be found for such bull, then, upon application to a Justice of the Peace, the said Justice may, after ten days' notice, posted up in three conspicuous places in the neighborhood, such notice stating time and place of sale, cause the said bull to be sold; and out of the proceeds of such sale, first pay expenses of sale and advertising and then the sum of five dollars and costs of keeping, to the captor; and after defraying all other expenses, pay over the balance to the General Fund of the Territories.

5. This Ordinance shall not apply to pound districts, under "the Ordinance respecting Trespassing and Straying of Animals."

FORM A.

PUBLIC NOTICE.

(Vide Section 4.)

Notice is hereby given, that (*description of Bull*) is detained by the undersigned, at (*place where detained*), and if not claimed will be sold in accordance with the provisions of the Ordinance respecting Bulls.

CHAPTER 15.

AN ORDINANCE RESPECTING STALLIONS.

Stallions, s. 1.

Proceedings to restrain, s. 2.

Proceedings after restraint, s. 3.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. No stallion of one year old or upwards shall be permitted to run at large within ten miles of any settlement in the Territories.

2. Any person, who finds a stallion unlawfully permitted to run at large, may capture and confine the same, and as soon thereafter as conveniently practicable, shall notify the owner thereof, if known to such captor ; and if such owner do not within a reasonable time after receiving such notice, take away such stallion and pay the captor thereof five dollars for his trouble, and twenty-five cents per day for the keep of the said stallion every day it has been in his custody, such owner shall be liable on prosecution in a summary way before a Justice of the Peace, to a fine not exceeding twenty dollars, together with the costs of prosecution, fee for capturing, and the cost of keeping the stallion as aforesaid : which said fee and the cost of keeping, shall be paid over, on collection, to the person who captured him ; and in default of payment of such fine, fee, and costs, the Justice of the Peace may grant his warrant to levy the same by distress and sale of the goods and chattels of the owner of such stallion.

3. When the owner of any stallion so captured and confined is unknown to the captor, the said captor shall apply to a Justice of the Peace, who shall cause a notice to be posted up in three public places in the neighborhood of the capture, and likewise cause an advertisement to be published in the Official Gazette, and in four consecutive issues of a newspaper published nearest the place of residence of the captor, describing such horse and to whom application

therefor may be made ; and the owner thereof shall be entitled to his stallion in compliance with the conditions hereinbefore set forth and paying the expenses incurred for advertising ; but if at the end of four weeks after the last publication of the advertisement the stallion has not been delivered up as aforesaid, then the said Justice, or in his absence any other Justice of the Peace, may, after ten days' notice, cause the said stallion to be sold, and out of the proceeds of such sale pay five dollars and the cost of keeping the stallion to the captor thereof, and, after defraying all other expenses, pay over the balance to the General Revenue Fund of the Territories.

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CHAPTER 16.**AN ORDINANCE FOR THE PROTECTION OF SHEEP.**

Dogs worrying sheep may be destroyed, s. 1.	Proof of Dog's propensity not necessary, s. 4.
Penalty on owner, s. 2.	
Conviction not to bar civil action, s. 3.	
	Fines, how disposed of, s. 5.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. Any person may kill any dog in the act of pursuing, worrying or destroying sheep, lambs, calves, colts, pigs or poultry, elsewhere than on the enclosed land occupied by the owner of such dog.

2. On complaint made on oath before a Justice of the Peace, that any person owns or has in his possession a dog, which has within three months previous worried, injured or destroyed any sheep, lamb, calves, colts, pigs or poultry, outside the enclosed land occupied by the owner of such dog, such Justice of the Peace may issue his summons, directed to such person, stating shortly the matter of such complaint, and requiring such person to appear before him at a certain time and place therein stated, to answer to such complaint; and upon conviction, on the evidence of one credible witness, other than the complainant, of having such dog in his possession, the Justice of the Peace may make an order for the killing of such dog within three days, and in default thereof may in his discretion impose a fine upon such person not exceeding twenty dollars, with costs, to be levied by distress on the goods and chattels of such person.

3. No conviction under this Ordinance shall bar any action by the owner or possessor as aforesaid, for the recovery of damages in respect of the subject matter for which such conviction is had.

4. It shall not be necessary for the plaintiff in any action for injuries done by a dog, as aforesaid, to prove that the defendant was aware of the propensity of the same to pursue and injure animals, nor shall the liability of the owner or possessor as aforesaid of any dog, for any injury done by such dog, depend upon his previous knowledge of the propensity of the same to injure animals.

5. All fines recovered under this Ordinance shall be paid into the General Revenue Fund of the Territories.

CHAPTER 17.**AN ORDINANCE FOR DRIVING OFF HORSES AND CATTLE.**

Penalties, s. 1.

Civil action, s. 2.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. Any person who takes, rides or drives off any horse or mule belonging to another without the owner's consent, or who, when bringing his own animal from the prairie, takes or drives off the horse or mule of any other person grazing with his own, or who wilfully or negligently causes or allows horses mules or cattle of other parties to be driven with his herd more than five miles from their grazing places, shall, upon conviction thereof before a Justice of the Peace, be liable to a fine of not exceeding one hundred dollars and costs of prosecution, and in default of payment to be imprisoned for a term not exceeding three months; provided that if the owner of any animal, in bringing it from the prairie, finds it necessary to drive other animals a greater distance than five miles before he can separate his own animal from among them, he shall not be liable to the penalties imposed by this Ordinance, if he at once drives back such other animals to the place from which he drove them.

2. Nothing in this Ordinance shall prevent the owner of any animal taken, ridden or driven off, as aforesaid, bringing a civil action for damages in addition to any penalty imposed under this Ordinance.

CHAPTER 18.**AN ORDINANCE RESPECTING INFECTIOUS AND
CONTAGIOUS DISEASES OF DOMESTIC
ANIMALS.**

Veterinary Surgeons, s. 1.	Penalties, s. 9. Fees, s. 10. Inspection of Animals, s. 11. Forms, A, B, C.
Infectious Diseases, ss. 2, 3.	
Proceedings to suppress same, ss. 4,	
5, 6, 7, 8.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. The Lieutenant-Governor may, whenever he considers it necessary, appoint one or more Veterinary Surgeons, defining in such appointments the district or limits within which each such veterinary surgeon shall exercise the powers by Law imposed on him.

2. The owner of any horse or animal affected with glanders or farcy, or the person in whose charge such animal may be, shall, immediately on ascertaining that the animal is affected, or on being notified thereof, in writing, by a veterinary surgeon, appointed as aforesaid, kill such animal, and burn or bury the carcass of the same to the satisfaction of the veterinary surgeon aforesaid. And in case the owner or person, in whose charge the affected animal may be, refuses or neglects to carry out the provisions of this section, the veterinary surgeon may kill and burn or bury the carcass of the animal, at the expense of the said owner or keeper; provided however, that if the owner of such animal has reason to believe that it is not affected with glanders or farcy, he may deliver a notice in writing to that effect to the veterinary surgeon, and the veterinary surgeon shall thereupon place the animal in quarantine, and shall give notice requiring the owner or person in whose charge such animal may be, to be and appear before such Justice of the Peace as may be named in such notice, at such time and at such place as may therein be named, to show cause why the said animal should not be destroyed; and the

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APPENDIX.

FORM A.

(Vide Section 4.)

In the matter of a diseased

A..... B.....

Complainant.

and

C..... D.....

Complained against.

I, A..... B..... of farmer, (or as the case may be) make oath and say as follows :

1. I reside at

2. I know C..... D..... who resides at and who is by occupation a farmer, or (as the case may be).

3. The said C..... D..... owns, (or has in his possession, or on his premises, or elsewhere, or running at large, a horse, mare, cow, ox or other domestic animal, naming the animal, as the fact is, which to the best of my knowledge and belief, (or according to my information, as the case may be,) is affected with some infectious or contagious disease, dangerous to life.

Sworn before me at this day of

18

J..... P.....

A.....B.....

FORM B.

(Vide Section 4.)

ORDER AND SUMMONS.

In the matter of a diseased

A..... B.....

Complainant.

and

C..... D.....

Complained against.

Upon the application of A. B., and upon reading the affidavit of I do order that G. H. do forthwith make examination of a certain (here describe the animal) of C. D., in (here describe where the animal is,) alleged to be infected with some infectious or contagious disease, and report the result to me in writing, in pursuance of the "Ordinance respecting infectious and contagious diseases of domestic animals" on the day of at o'clock in the noon; and I do order that the said G. H. do personally appear before me at that time at And I do further order that C. D. do personally appear before me at on the said day of at o'clock in the noon, to answer the complaint made against him in respect to the said diseased animal, when the same will be heard and the matter determined according to law.

Dated day of

X..... Y.....

J. P.

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which vent brand shall not in any case be placed in such a position as to obliterate or efface the original brand, and where any such vent brand shall have been branded as aforesaid, it shall be *prima facie* evidence of sale or transfer.

11. Every person recording a brand shall also at the same time record and register his vent brand.

12. If any person shall brand, or cause to be branded, any stock the property of another person, without that other person's consent, he shall pay the owner of the same three times the value of the animal so branded, and any such owner may sue for and recover the same in any Court of competent jurisdiction.

13. The owner of any recorded brand may, by writing, transfer the same to any person, who may record the transfer, and the transferee shall have thereafter all the rights of the person who first recorded it.

14. The presence of a recorded brand on any animal shall be *prima facie* evidence of the ownership of such animal by the owner of such brand.

15. The following fees shall be paid to the officials mentioned in this Ordinance :

To the sub-recorder for receiving each application for registration of a brand and for transmitting the same to the recorder,	\$.75
Fee to accompany each application sent to the recorder,	1.25
For each certified copy of a recorded brand,50
For every search for brand,25

16. The recorder shall, on the first day of the month of January and July in each year, make a return to the Lieutenant-Governor, verified on oath before a Judge of the Supreme Court, showing the emoluments of his office during the six months next preceding.

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CHAPTER 20.

AN ORDINANCE RESPECTING PRAIRIE AND FOREST FIRES.

Provisions and Penalties respecting	Fire Guardians, s. 4.
prairie fires, ss. 1, 2.	Duties of Peace Officers s. 5
Recovering damages, s. 3.	Prosecutions, s. 6.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. Any person, who, directly or indirectly, kindles, or in any way causes the kindling of, or places, or is a party to kindling or placing fire in the open air in any part of the Territories, except for camp or domestic purposes, or for clearing land in the months of December, January, February, or March, except as hereinafter provided, shall on conviction thereof, pay a fine not exceeding two hundred dollars, with costs of prosecution, and in default of payment be imprisoned for a term not exceeding six months.

Provided always, that a person may at any time kindle a fire, if he has present, during the whole time of the burning, six persons with proper appliances for putting out fires, or without such assistance, inside a ploughed break not less than ten feet wide; provided that North of Township 30, fires may be kindled for the purpose of clearing land during the month of April also.

2. Any person who kindles, or is a party to kindling a fire in the open air for any of the purposes allowed in the next preceding section, and allows such fire to escape, shall, on conviction, be liable to a fine not exceeding one hundred dollars, with costs of prosecution; and, in default of payment, be imprisoned for a term not exceeding three months. Any person travelling by land or water, who shall light a fire on the prairie or elsewhere, and does not put it out before starting, shall be liable to all the penalties hereinafter imposed, and in the case of several offenders, such costs and fines shall be recoverable from each of them separately.

3. Nothing in this Ordinance shall bar or prevent the owner of private property from recovering damages from any offender against the first and second sections of this Ordinance.

4. The Lieutenant-Governor may appoint fire guardians, having the power of constables, to enforce the provisions of this Ordinance, who, together with all Justices of the Peace, shall have the power to call out any male person within ten miles of a prairie fire, to proceed at once, and help to extinguish said fire, and any person refusing to do so shall be liable to a fine of ten dollars, with costs of prosecution. The Lieutenant-Governor-in-Council may, where it is deemed expedient, employ Counsel for the prosecution of offences under this Ordinance, whose services shall be paid for out of the General Revenue Fund of the Territories.

5. It shall be the duty of all Peace Officers, upon view of any infraction of any of the enactments of this Ordinance, forthwith to arrest the offender, and without warrant bring him before a Justice of the Peace to be dealt with according to Law.

6. Prosecutions under this Ordinance shall be in a summary manner.

CHAPTER 21.

AN ORDINANCE TO ENFORCE THE DESTRUCTION
OF THE CANADA THISTLE AND OTHER
NOXIOUS WEEDS.

Definition of "Noxious Weeds," s. 1. | Du y of Municipality, s. 3.
Destruction of, s. 2. | Penalties, ss 2, 4

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. In this Ordinance the expression "Noxious Weeds" means wild mustard, cockle, Canada thistle, and wild oats, and no other kinds of weeds.

2. Every owner or occupier of land shall cause to be cut down, or otherwise destroyed, all noxious weeds growing thereon, so often in each year as is necessary to prevent them going to seed, and if any owner or occupier allows noxious weeds to grow and the seed thereon to ripen, he shall be liable, on summary conviction before a Justice of the Peace, to a fine of not less than ten dollars nor more than twenty-five dollars for every such offence, with costs of prosecution.

3. It shall be incumbent upon every Municipality to have all noxious weeds growing on the highways within its limits destroyed, to prevent their going to seed.

4. Any person who vends for seed purposes, grain, grass, or other seed, among which there is any seed of wild mustard, cockle, Canada thistle, wild buckwheat and wild oats, shall be liable, on summary conviction before a Justice of the Peace, to a fine of not less than ten dollars nor more than one hundred dollars, with costs of prosecution.

CHAPTER 22.

AN ORDINANCE TO PREVENT THE POLLUTION OF RUNNING STREAMS.

Polluting Streams, s. 1.
Definition of Banks, s. 2.
Prosecutions, s. 3.

Proceedings may be summary, s. 4.
Where Ordinance not to apply, s. 5.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. Any person who deposits or causes or allows to be deposited along the bank of any running stream in the Territories, or who shall cast or throw into its waters any stable manure, or any night-soil, carcases, or any other filthy or impure matter or substance of any kind, shall be guilty of an offence, and for each and every such offence incur a penalty of not less than five dollars, together with the costs of prosecution; and on non-payment of such penalty and costs forthwith after conviction, be imprisoned in the nearest common gaol, with or without hard labor, for not exceeding one month, unless such penalty and costs are sooner paid.

2. The banks of all running streams within the Territories shall, for the purposes of this Ordinance, include all lands within fifty feet of ordinary high water-mark on either side of such streams.

3. Prosecutions for offences under this Ordinance may be had before one Justice of the Peace, in a summary way; and all fines recovered shall be paid to the General Revenue Fund of the Territories.

4. Any person found committing any offence under this Ordinance may be arrested on view by any Constable or Peace Officer, and taken, without any warrant, before the nearest Justice of the Peace and immediately proceeded against without any other formality.

5. This Ordinance shall not refer to the discharge of sewer waters from any pipe or drain leading from any dwelling house, hotel or public institution.

CHAPTER 23.

AN ORDINANCE RESPECTING AGRICULTURAL SOCIETIES IN THE TERRITORIES.

Title, s. 1.	Report of same, s. 9.
Organization, s. 2.	Statement Receipts and Disbursements, s. 10.
Meeting for the Election of Officers, s. 3.	Society's Journal, s. 11.
Fees, s. 4.	Officers and Directors to give information, s. 12.
Object, s. 5.	Certificate of Organization, s. 13.
Funds, s. 6.	Corporate Seal, s. 14.
Annual Meeting, s. 7.	Schedule, Forms A and B.
Meeting of Officers, s. 8.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. This Ordinance may be cited as "The Agricultural Societies Ordinance."

2. An Agricultural Society shall be held to be organized under the provisions of this Ordinance, whenever fifty persons, over eighteen years of age, have signed a declaration naming a place, where the Society purposes to hold its first exhibition, and forwarded the same to the Lieutenant-Governor, with an accompanying certificate, signed by one of the subscribers and verified before a Justice of the Peace or a Notary Public ; such declaration and certificate to be in Form A of this Ordinance.

Provided always, that the applicants shall reside within twenty-five miles of the place where such first exhibition is to be held, and have not already signed any declaration for the establishment of an existing Agricultural Society under this Ordinance.

3. Upon the Lieutenant-Governor acknowledging the receipt of a declaration as aforesaid, expressing his approval of the organization of the proposed Agricultural Society, the party making the certificate accompanying the same, or in his absence any one appointed by the Lieutenant-Governor, shall call a meeting for the election of the

various officers by public notice published for two weeks in the nearest newspaper, or posted in five conspicuous places at least fifteen days before the time fixed for holding such meeting, and it shall be held in a central and convenient place.

4. Any person may become a member of an Agricultural Society organized under this Ordinance by paying to the Treasurer thereof yearly the sum of one dollar.

5. The object of Societies organized under this Ordinance shall be to encourage improvement in Agriculture;

(a) By importing or otherwise procuring seeds, plants and animals of new and valuable kinds;

(b) By awarding prizes for excellence in the raising or introduction of stock, the invention or improvement of agricultural implements or machines, the production of grain and all kinds of vegetables, plants, flowers and fruits, home manufactures and works of art, and generally for excellence in any agricultural production or operation;

(c) By offering prizes for essays on questions of scientific enquiry relating to agriculture, and the best systems of protection against prairie fires.

6. The funds of the Society, however derived, may be expended for any object not inconsistent with those authorized by this Ordinance.

7. The annual meeting of every Society shall be held in the month of January in each year on call of the President, who shall give eight days' written or printed public notice thereof, when there shall be elected a President, two Vice-Presidents, a Secretary-Treasurer, or a Secretary and Treasurer, and not less than seven Directors and an Auditor, another to be appointed by the President then elected; and the place for holding the annual exhibition shall be also then decided; and the persons entitled to vote at such meeting shall be paid-up members for the ensuing year.

8. The meeting of the Officers shall be held pursuant to adjournment, or called by written notice given by authority

of the President, or in his absence of the senior Vice-President, at least ten days before the day appointed, and at any meeting five shall be a quorum.

9. The said Officers and Directors shall, in addition to the ordinary duties of management, cause to be prepared, and shall present at the annual meeting, a report of their proceedings during the year, in which shall be stated the names of all the members of the Society, the amount paid by each set opposite his name, the names of all persons to whom prizes have been awarded, the amount of such prizes respectively, together with such remarks and suggestions upon Agriculture in the District, as the Directors are enabled to offer.

10. There shall also be presented to the said annual meeting, a detailed statement of the receipts and disbursements of the Society during the year.

11. The said report and statement, if approved by the meeting, shall be entered in the Society's Journal, kept for such purpose, and signed by the President, or Vice-President, as being a correct entry; and a true copy thereof, certified by the President and Secretary for the time being, shall be sent to the Lieutenant-Governor, on or before the fifteenth day of February next following the date of such meeting.

12. The said Officers and Directors shall answer and give such information as the Lieutenant-Governor may, from time to time, require touching the interest or condition of agriculture in their districts.

13. Whenever the President and the Secretary of a Society formed under this Ordinance, have transmitted to the Lieutenant-Governor a certificate in Form B of this Ordinance, showing the organization of such Society, the number of members forming the same, which shall be at least seventy-five, the amount of subscriptions paid up, and funds subscribed, the Lieutenant-Governor in Council may grant to the said Society, out of the General Revenue Fund of the North-West Territories, a sum not exceeding the amount subscribed and paid to the said Society.

14. Each Society formed under this Ordinance shall be a Corporation with a Corporate Seal, under the name of the

Agricultural Society of (inserting the name of the Society) and shall have power to acquire and possess real estate and to dispose of the same for all purposes of the said Society.

SCHEDULE.

FORM A.

(Vide Section 2.)

We the undersigned, each being over eighteen years of age and residing within twenty-five miles of (*name of place*) being the proposed place of holding the first exhibition, agree to form ourselves into a Society, under the provisions of the Agricultural Societies Ordinance, under the name of (*name of Society*) and we respectively promise to pay to the Treasurer of the said Society, annually, as long as we continue members thereof, the sum set opposite our respective names, and to conform ourselves to the By-Laws and Regulations of the said Society.

And we hereby state that we have not previously signed any declaration for the establishment of an existing Agricultural Society under the said Ordinance.

Name.	Subscription.

I, _____, one of the Subscribers to the above declaration, hereby certify that the sum of at least one dollar has been paid by each of the above Subscribers, as his first annual subscription to the proposed Agricultural Society of (*insert proposed name of Society*); and that I hold, on behalf of the said proposed Society, the several amounts so paid.

Sworn before me at _____ in the North West Territories, this _____ day of _____

J. P. or N. P.

} Signature of
Subscriber.

FORM B.*(Vide Section 13.)*

We, A. B., President of the Agricultural Society of
 and C. D., Secretary of the said Society, certify and declare that the said Society
 is now regularly organized, that the actual number of Members is
 and that the sum of _____ has been subscribed by and is now at
 the disposal of the said Society.

A. B., President.
 C. D., Secretary.

Dated this _____ day of _____ 188 .

CHAPTER 24.

AN ORDINANCE TO INCORPORATE COMPANIES
FOR THE ESTABLISHMENT OF CEMETERIES.

Title, s 1.	Form of deed, s. 16.
Establishment of Public Cemeteries, s. 2.	Interest on stock, s. 17.
Provisions respecting same, s. 3	Sale of sites, s. 18.
Form of Instrument, s. 4.	Shareholders, s. 19.
Enclosure of Cemeteries, s 5.	Directors, s. 20.
Repairs, s 6.	Sale of lots, s 21
Drainage, s 7.	Management, s. 22.
Polluting streams, s 8.	First Directors, s. 23.
Penalties, ss 9, 10, 30.	Voting, s. 24
Burials, s 11	President, s 25.
Must be conducted decently, s. 12.	By Laws, s. 26
Graves for strangers and poor, s 13.	Recording Book, s. 27.
Exemption from taxation, s. 14.	Instalments, s. 28.
Registration of lots, s. 15.	Liability of Directors, s. 29.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. This Ordinance may be cited as "The Cemetery Ordinance."

2. Any number of persons, not less than twenty, may form themselves into a company for the purpose of establishing one or more public Cemeteries outside the limits of any town, unless permission be given by by-law of said town for such establishment within its limits.

3. Subject to the preceding section, when any number of persons, not less than twenty, have

(a) Subscribed stock to an amount adequate to the purchase of the ground required for such a Cemetery, and

(b) Executed an instrument according to the form in the next section contained, and

c) Paid to the treasurer of the proposed company twenty-

by virtue of this Ordinance, keep the Cemetery and the buildings and fences thereof in complete repair, and in good order and condition.

7. The Company shall make all proper and necessary sewers and drains in and about the Cemetery for draining it and keeping it dry; and they may, from time to time, as occasion requires, cause any such sewer or drain to open into an existing sewer, with the consent in writing of the persons having the management of the street or road, and with the like consent of the owner or occupier of the land through which, or part of which, the opening is intended to be made, doing as little damage as possible to the street, road or land, wherein the same is made, and restoring it to the same or as good condition as it was in before being disturbed.

8. If the Company at any time causes or suffers to be brought to or to flow in any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place, any offensive matter from the Cemetery, whereby the water is fouled, the Company shall forfeit, for every such offence, five hundred dollars.

9. The said penalty, with full costs of suit, may, by a civil action in any Court of competent jurisdiction, be recovered by any person having a right to use the water; but the penalty and costs shall not be recoverable unless sued for during the continuance of the offence, or within six months after it has ceased.

10. In addition to the penalty of five hundred dollars, (and whether the same has been recovered or not,) any person, having a right to use the water, may sue the company, in a civil action, for any damage specially sustained by him by reason of the water being fouled, or, if no special damage is alleged, then for the sum of ten dollars for every day during which the offensive matter has continued to be brought or to flow, after the expiration of twenty-four hours from the time when the notice of the offence was by such person served upon the Company.

11. No body shall be buried in a vault, or other space, under any Chapel or other building in the Cemetery, nor

within fifteen feet of the outer wall of any such Chapel or building.

12. The Company shall make regulations to ensure all burials within the Cemetery being conducted in a decent and solemn manner.

13. The Company shall furnish graves for strangers, and for the poor of all denominations, free of charge, on the certificate, in the latter case, of a minister or clergyman of the denomination to which the deceased belonged, that the relatives of the deceased are poor and cannot afford to purchase a lot in the Cemetery.

14. The real estate of the Company, and the lots or plots, when conveyed by the Company to individual proprietors for burial sites, shall be exempt from taxation of any kind, and shall not be liable to be seized or sold under execution.

15. When a lot has been sold by the Company for a burial site, the conveyance shall not require to be registered for any purpose whatever, and shall not be affected by any Registry Act, nor shall any judgment, mortgage or incumbrance subsist on any lot so conveyed.

16. The deeds from the Company shall be in the following form :

“ Know all men by these presents, that the Cemetery Company, in consideration of _____ dollars, paid to them by _____ of _____, the receipt whereof is hereby acknowledged, grants unto the said _____, his heirs and assigns, _____ lot of land in the Cemetery of the said Company, called _____, and situate in _____ which lot is delineated and laid down on the map of the said Cemetery, and is thereon designated as _____, containing by measurement _____ superficial feet.”

17. From and out of the proceeds of the sales of burial sites made by the Company, the Company may pay to its shareholders who may not desire to take land in the Cemetery to the full extent of the stock subscribed for and paid by them, interest on their paid up stock, not represented by land in the Cemetery, at such rate as may be agreed on, not exceeding eight per centum per annum, and may also repay to such shareholders the amount of paid up stock held by them, not represented by land in the Cemetery.

(1.) Every such shareholder of the said Company shall be taken to be a shareholder, and shall be entitled to all the rights of shareholders in respect of the shares of the capital stock of the Company, held by him and fully paid up, and which are not represented by land in the Cemetery, until such shares are repaid to him by the Company; and upon the repayment to him of any share, he shall cease to be a shareholder in respect of such share,

(2.) Except as aforesaid, no dividend or profit of any kind shall be paid by the Company to any member there

18. Subject to the provisions in the preceding section contained, one half of the proceeds of all sales of burial sites made by the Company, shall be first applied to the payment of the purchase money of the land acquired by the Company, and the residue to preserving, improving, and embellishing the land, as a Cemetery, and to the incidental expenses of the Company: and after payment of the purchase money, the proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the Cemetery and to the incidental expenses thereof, and to no other purpose whatever.

19. Every proprietor of a lot in the Cemetery, containing not less than one hundred superficial feet, and who has paid twenty-five per cent, or more of the price of the lot, shall be deemed a shareholder in the Company, and every such lot shall be deemed a share in the Company.

20. Every shareholder who has paid to the company not less than ten dollars in all on his share or shares, shall be eligible as a Director.

21. The Company may sell a lot of any size, but no proprietor of a lot containing less than one hundred superficial feet shall thereby become a member of the Company or have any vote in the management of the affairs thereof.

22. The affairs and property of the Company shall be managed by five directors, a majority of whom shall form a quorum.

23. The first directors shall be chosen by ballot from

among the subscribers to the instrument creating the Company ; and thereafter the directors shall be annually elected by the shareholders, on the first Monday in June in every year.

24. Upon every election of directors, including the first, every shareholder shall be entitled to one vote for every share he holds, or is possessed of, up to ten, and one vote for every five shares above ten ; but no shareholder shall vote unless he has paid at least two dollars upon each share on which he votes.

25. The directors, or a majority of them, shall, at their first meeting, elect one of their number to be President of the Company, and the President, if present, or, if he is not present, then some director, chosen for the occasion, shall preside at every meeting of the directors, and shall not vote, except in case of an equality of votes, when he shall have a casting vote.

26. The directors may pass by-laws for the laying out, selling and managing of the ground, for regulating the erection of tombs, monuments and grave stones therein, and for empowering the President to execute conveyances of plots to shareholders.

27. The directors shall record in a book kept for the purpose, all their by-laws and proceedings, and every person shall have access to such book for the purpose of searching and making extracts therefrom, without payment of any fee.

28. The directors may also call for instalments on the sums subscribed for, and may appoint a time for the payment thereof, and if the same are not then paid, the right of the subscriber and every instalment formerly paid shall be forfeited, and he shall be held not to have subscribed, unless the directors think it expedient to remit the forfeiture, which they may do if the instalments are paid, with interest, within one year after the day when they ought to have been paid.

29. The Directors shall be personally liable for any judgment recovered against the Company.

30. Any person who, in a Cemetery established under this Ordinance,

(1.) Plays any game or sport ; or

(2.) Discharges fire-arms (save at a military funeral); or who

(3.) Commits a nuisance therein ;

Shall, upon conviction thereof, in a summary manner before a Justice of the Peace, be punished by a fine of not less than five dollars, nor more than one hundred dollars and costs of prosecution.

CHAPTER 25.**AN ORDINANCE FOR THE PROTECTION OF GAME.**

Title, s 1.	Possession prima facie evidence, s. 8.
Close season, Deer species, s 2.	Guardians, ss. 9, 10.
Water fowl etc, s. 3.	Exportation, s. 11.
Eggs of Wild Fowl, s. 4.	Penalty, s. 12.
Special contrivances forbidden, ss. 5, 7.	Prosecution, s. 13.
Close season, Fur animals, s. 6.	Permits, s. 14.
	Exceptions, ss. 15, 16, 17.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. This Ordinance may be cited as "The Game Ordinance."

2. No elk, moose, cariboo, antelope, deer, or their fawn, mountain sheep or goat, or hare, shall be hunted, taken or killed between the First day of February and the First day of September in any year.

3. No person shall fire at, hunt, take or kill, in any year:

(1.) Any snipe between the First day of May and the Fifteenth day of August;

(2.) Any grouse, partridge, pheasant or prairie chicken, between the First day of February and the First day of September;

(3.) Any kind of wild duck, or wild geese between the Fifteenth day of May and the Fifteenth day of August.

4. No person shall at any time disturb, injure, gather or take the eggs of any species of wild fowl.

5. None of the contrivances for the taking or killing of the wild fowl known as swans, geese or ducks, which are described as swivel guns, batteries, sunken punts, or night lights shall be used at any time, nor shall any person use grain, seed or other description of food steeped in opium, alcohol or other narcotics, for the purpose of stupifying and capturing any species of wild fowl, except geese.

6. No person shall hunt, trap, or kill, in any year :

(1.) Any mink, fisher or martin between the Fifteenth day of April and the First day of November ;

(2.) Any otter or beaver between the Fifteenth day of May and the First day of October ;

(3.) Any muskrat between the Fifteenth of May and the First day of November.

7. No animal or bird named in the foregoing sections, except geese and hares, shall be taken or killed at any time by means of any rope, snare, spring, cage, net or trap of any kind, and no engine shall be, at any time for such purpose, placed, constructed, erected, or set either wholly or in part ; and any person finding any engine so placed, constructed erected, or set, may take possession of or destroy the same without such person thereby incurring any liability therefor.

8. No person, except as hereinafter mentioned, shall have in his possession, custody or care, any animal or bird already mentioned, or any part of the carcass of such animal or bird, with the exception of the skin, during the period in which by the Ordinance the killing thereof is prohibited, or which appears to have been killed by any of the means forbidden by this Ordinance, but every such animal or bird or any portion or portions thereof may be bought or sold, when lawfully taken. Possession of any animal or bird by any person in the close season, except as otherwise provided in this Ordinance, shall be deemed *prima facie* evidence that the same was illegally taken.

9. The Lieutenant-Governor-in-Council, or such person as may be deputed by them for the purpose, may appoint guardians, having the power of constables, to enforce the provisions of this Ordinance. And every such guardian so appointed shall forthwith seize the carcasses of any animal or birds mentioned in the preceding sections, or any portion thereof, found by him in the possession or custody of any person during any forbidden period, and which appear to him to have been taken or killed during such period, or by any of the illegal means set forth herein, and bring them before the nearest Justice of the Peace, who, unless the person in whose possession the said carcasses are found, establishes to the satisfaction of the said Justice, by his oath or

otherwise, that the provisions of this Ordinance in that respect have not been contravened, shall declare them confiscated either in whole or in part.

10. All animals or birds, or portion of animals or birds so confiscated shall belong to the guardian.

11. No person or corporation shall at any time or in any manner export or cause to be exported or carried out of the limits of the North-West Territories any grouse, partridge, pheasant, prairie chicken, elk, moose, cariboo, antelope, or their fawn, except as provided for in section 14 of this Ordinance.

12. Every offence against any of the provisions of this Ordinance shall be punishable by a fine not exceeding fifty dollars, and not less than five, and recoverable summarily on information, or on summons only, issued by a Justice of the Peace, and such Justice, on the proof which shall be thereof made, may impose the penalty with costs of prosecution, and such penalty shall belong to the General Fund of the Territories, and in default of immediate payment, the offender shall be imprisoned in the common gaol of the district where the offence was committed, for any period of time not exceeding two months; but every magistrate shall have power to convict on view.

13. No prosecution shall be brought after three calendar months from the day of the committing of the offence charged.

14. The Lieutenant-Governor, or any person by him thereunto empowered, may grant written permission to any persons to procure birds or eggs for scientific purposes, during the close season.

15. Notwithstanding anything hereinbefore contained, any traveller, family or other person in a state of actual want, may kill any bird or animal herein mentioned, and take any egg or eggs hereinbefore referred to, for the purpose of satisfying his immediate want, but not otherwise.

16. The provisions of this Ordinance, except Section 4, shall not apply to Indians in any part of the Territories,

with regard to any game actually killed for their own use only, and not for purposes of sale or traffic.

17. This Ordinance shall not apply North of a line drawn one hundred miles North of the North Saskatchewan River.

CHAPTER 26.**AN ORDINANCE RESPECTING THE SALE OF
MEDICINES AND DRUGS.**

Sale License, s. 1.

| Penalty, s. 2,

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. In such parts of the Territories as the Lieutenant-Governor shall by proclamation set apart for that purpose, no person whatsoever, other than those holding a diploma from any Medical Faculty of Great Britain, Ireland or Canada, shall sell medicines by retail within such parts of the Territories so set apart, without license first had and obtained from the Lieutenant-Governor, which license may be granted upon certificate of such examiner or examiners as he may appoint to enquire into the knowledge of such person in pharmacy, that such applicant is a fit person to receive such license, and upon payment to the General Fund of the Territories of ten dollars; but nothing in this Ordinance shall be construed to prohibit retailers and others from selling epsom salts, castor oil, or drugs and medicines for which a patent has been obtained.

2. Any person contravening the provisions of this Ordinance shall, upon conviction before a Justice of the Peace in a summary way, be liable to a penalty not exceeding one hundred dollars, and costs of prosecution.

CHAPTER 27.

AN ORDINANCE RESPECTING POISONS.

Title, s. 1.	Fee for License, s. 7.
Provisions, s. 2.	Penalties, s. 8.
License, ss 3, 4.	Exceptions, s. 9.
Register to be kept, s. 5.	Form of License, s 10.
Restrictions, s. 6.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. This Ordinance may be cited as "The Poisons Ordinance."

2. Except as hereinafter provided, no person shall put out strychnine or other poison in any part of the Territories.

3. When a Justice of the Peace, on complaint before him on oath, is satisfied that it is advisable to put out poisons for the destruction of wolves, he may grant to such person or persons as he thinks proper, a license to put out such poison, and shall in such license limit the area within which such poison shall be used.

4. Such license shall not be given for a longer period than six months, and shall not permit of any person putting out strychnine or other poison within one mile of any public trail or within two miles of any dwelling house or camp, except on his own premises.

5. Every Justice of the Peace who issues any license for putting out poison shall keep a register of the same, which shall state the name of the person to whom the license is given, the area within which such poison is to be used, and the date of issuing the same, and shall make a return of all licenses issued by him, on the last days of June and December in each year, in such form as may be prescribed by the Lieutenant-Governor in that behalf.

6. No poison shall be set out unless it is mixed with

grease and placed in a hole or hollow in a piece of timber or other material or in some kind of a vessel.

7. There shall be payable to the Justice of the Peace, for taking the complaint and issuing the said license, the sum of one dollar.

8. Every person convicted of an infraction of any of the provisions of this Ordinance, shall be liable on summary conviction to a fine not exceeding one hundred dollars, with costs of prosecution, and in default of payment, to be imprisoned, with or without hard labor, for a term not exceeding three months.

9. This Ordinance shall not apply to poisons placed under the ground for the purpose of killing vermin.

10. The said license shall be in the following form :

A. B., who resides at _____, is hereby permitted to set out strychnine or other poisons, for the purpose of destroying wolves, within the area mentioned: _____.

Provided that such poison shall not be placed within one mile of any public trail, or within two miles of any house or camp, except on the premises of the said A. B. This license is only good for six months from the date hereof.

Given under my hand at _____ this _____
 day of _____ A.D. 18 _____
 Signed
 J. P.

CHAPTER 28.

AN ORDINANCE RESPECTING FERRIES.

Title, s. 1.	Schedule to be posted, s. 12.
Licenses, ss. 2, 3.	Inspectors, s. 13.
Tolls, s. 4.	Bond, s. 14.
Fee, s. 5.	Penalties, ss. 15, 19, 20.
Hours of Running, s. 6.	Application of fees, s. 16.
Exemptions, s. 7.	Civil action, s. 17.
Where row-boat may be used, s. 8.	Liability, s. 18.
Approaches, s. 9.	Returns, 21.
Fords, s. 10.	
Definitions in License, s. 11.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. This Ordinance may be cited as "The Ferries Ordinance."

2. The Lieutenant-Governor-in-Council may, at any time, issue a license to any person or persons for the establishment and usage of a ferry or ferries, upon any river or stream or navigable water in the Territories, granting the exclusive right to ferry over the same during the time and within the limits specified and described in such license, and upon such terms, with such security and other arrangements as are hereinafter provided.

3. Such license shall not be granted for :

- (1.) A longer term than three years ;
- (2.) Any greater limit than three miles up and three miles down stream from the point at which the ferry is to be placed, as specified in the license ;
- (3.) Any ferry other than such as may be known as a cable or swing ferry ;
- (4.) Any ferry of which the boat or scow is not of sufficient capacity to carry safely one double wagon loaded to the extent of three thousand pounds, with two horses or other draught animals attached.

4. The maximum rate of tolls which may be charged for each crossing by means of a licensed ferry, under the preceding sections of this Ordinance, shall be as follows:

For every—

(a.) Double vehicle, loaded or unloaded, including two horses or other draught animals and driver, 50 cents;

(b.) Vehicle loaded or unloaded, drawn by single horse or other animal, with driver, 25 cents;

(c.) Horse or other animal, with rider, 20 cents;

(d.) Horse, mule, ox or cow, without vehicle or rider, 5 cents;

(e.) Passenger, other than the driver of any single or double vehicle, or the rider of any animal, 5 cents;

(f.) Animal, more than two attached to any vehicle, 10 cents;

(g.) Pig, sheep, colt, calf or dog, 5 cents;

(h.) All articles or goods not in a vehicle, over 100 pounds, per hundred pounds, 2 cents;

(i.) Foot passenger, 10 cents.

5. The fee to be paid by a licensee on receiving a ferry license, as hereinbefore provided, shall be five dollars.

6. Licensed ferries shall be run at all hours of the day and night, Sundays included, at which they are required, unless in cases in which loss of life or injury to, or loss of property is likely to result therefrom, but in every case in which a ferry is used after nine o'clock in the evening or before six o'clock in the morning, double the rates specified in the license of such ferry may be charged.

7. Notwithstanding anything contained in this Ordinance, no toll shall be charged on children going to or returning from school, and in no case shall Her Majesty's mail be obstructed, or charged more than the rates that may be charged according to the terms of license between the hours of six o'clock in the morning and nine o'clock in the evening.

8. In case the water in a stream, to ferry over which a license has been granted, becomes too shallow to work such boat or scow, as provided in section three, sub-section four, the licensee shall keep a row boat or canoe, with which he shall transfer foot passengers and baggage across such stream.

9. The approaches to every ferry shall be kept in such condition by the licensee that such ferry is reasonably accessible at all times for loaded double teams without danger or loss of or injury to property.

10. A ferry on any stream that may be fordable at any time shall not be used to block up or injure the ford or fords or landing from the usual ford or fords on such stream, nor shall the licensee do any act which shall in any reasonable degree make the fording of such stream any more difficult than it would otherwise have been.

11. The Lieutenant-Governor-in-Council shall express and define in every ferry license granted, the maximum rate of tolls, on payment of which persons and property shall be ferried over the river or stream within the limits to which license applies, the kind and size of vessels to be used in such ferrying, the limits of river and length of time covered by such license and the provisions, reservations and liabilities provided in this Ordinance, shall apply to every such license.

12. Every person holding a ferry license shall keep at all times posted up in a conspicuous place on both sides of the river, as near as possible to such ferry, a schedule or clear statement, certified by the Clerk of the Legislative Assembly, showing the ferry rates and the hours of crossing.

13. The Lieutenant-Governor-in-Council may, from time to time, appoint ferry inspectors, not having any interest in such ferry as owner, surety or otherwise, whose duty it shall be to report on the condition of such ferry or infractions of this Ordinance by the licensee, from time to time as requested by the Lieutenant-Governor, or on complaint of any party using or desiring to use any such ferry. And if at any time a person holding a ferry license fails to comply with the written directions of an inspector, by neglecting to repair or not removing a vessel condemned, or not providing a suitable vessel within the time specified in such direction, he shall forfeit his license.

14. Before any license granted, as hereinbefore provided, shall take effect, the licensee shall give to the Lieutenant-Governor a bond with one or more approved sureties, in a penal sum of one thousand dollars, conditioned for the faith-

ful performance of the conditions hereinbefore set forth in every respect, and upon the death, removal from the Territories, or insolvency of any surety, or if required by the Lieutenant-Governor, the licensee shall substitute another similar bond with the like conditions and within the time named for such purpose by the Lieutenant-Governor.

15. Upon any licensee being convicted before a Justice of the Peace of violating any of the terms or conditions of his license, or of this Ordinance, or of insulting or ill-treating any person travelling over or desiring to travel over such ferry, or wilfully injuring or harming any property in transit across such ferry, or neglecting to repair or not removing a vessel condemned by the inspector, or not providing a suitable vessel as directed by such inspector, he shall be liable to a fine not exceeding one hundred dollars and cost of prosecution, and on non-payment thereof, to be imprisoned for any period not exceeding three months, unless the fine and costs are sooner paid, and shall be further liable to forfeit his license under directions of the Lieutenant-Governor.

16. All moneys accruing from ferry license fees or bonuses, under this Ordinance, shall be paid into the General Fund of the Territories.

17. No conviction shall be a bar to the ordinary civil remedies for damages in favor of the person upon whose complaint such conviction took place.

18. Every person holding a ferry license, and his sureties to the extent of the bond, shall be liable for all damages that may occur to persons and property while using such ferry, from any carelessness of such licensee or his agent, or from any insufficiency in the strength or suitability of the appliances used for ferry purposes by such licensee.

19. Any person unlawfully interfering with the rights of any licensed ferryman by taking, carrying or conveying within the limit of such ferry license, across the water on which the same is situate, any person or personal property, in any vessel, or on any raft or other contrivance, for hire or reward, or hindering, or interfering with such license in any way, such person shall, on conviction before a Justice

of the Peace, be liable to the same penalties as are provided in section 15 of this Ordinance.

20. If any person using such ferry refuses to pay the proper toll or rates chargeable for ferrying himself or his property, the person holding the license of such ferry may forthwith seize any property in possession of the offender there being ferried and hold the same, and on conviction before a Justice of the Peace, for non-payment as aforesaid, such offender shall be liable to a fine of fifty dollars, and, in default of payment, to an imprisonment not exceeding two months; for the payment of which fine, and the tolls unpaid and the costs of prosecution, the property so seized shall be liable for sale under a distress warrant.

21. A return of all ferry licenses granted during the previous year, with the rates allowed, fees collected or paid, names of the parties receiving the license, together with the location and description of the ferry, shall be submitted to the Legislative Assembly at its next Session.

CHAPTER 29.

AN ORDINANCE RESPECTING MARRIAGES.

Title, s. 1.	Witnesses, s. 11.
Who may solemnize marriages, s. 2.	Fees, s. 12.
Licenses, ss. 3, 4, 5, 6.	Penalties, s. 13.
Affidavit, ss. 7, 8.	Exemption, s. 14.
Consent, s. 9.	Forms, A, B.
Returns, s. 10.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. This Ordinance may be cited as "The Marriage Ordinance."

2. The ministers and clergymen of every church and religious denomination, duly ordained and appointed according to the rites and ceremonies of the churches and denominations to which they respectively belong, and resident in Canada, and having ecclesiastical oversight of any congregation, or part of a congregation, in the Territories, by virtue of such ordination and appointment, and according to the rites and usages of their own respective churches or denominations, and Commissioners appointed for that purpose by the Lieutenant-Governor, may solemnize marriage between any two persons not under a legal disqualification to contract marriage.

3. No Marriage Commissioner shall solemnize marriage unless the parties to the intended marriage produce to him the license required by section four of this Ordinance; and no minister or clergyman shall solemnize marriage, unless a license is produced as aforesaid; or unless the intention of the two persons, by publication of banns, to intermarry, has been proclaimed at least once openly on a Sunday in some public religious assembly; or unless he has satisfied himself that there is no legal impediment to the proposed marriage; in which latter case such minister or clergyman

shall insert in the certificate of marriage hereinafter required words to the following effect :

“And I further certify that previous to solemnizing such marriage I fully satisfied myself that there was no legal impediment to the said parties intermarrying.”

4. Marriage licenses shall be in Form A, at the end of this Ordinance, and shall be supplied from the office of the Lieutenant-Governor, to such persons as he may from time to time appoint, to issue the same to applicants for such licenses.

5. Every license under the hand and seal of the Lieutenant-Governor shall be and remain valid, notwithstanding the Lieutenant-Governor, who signs the same, has ceased to hold office before the time of its issue.

6. Every issuer of marriage licenses shall sign each license as the same is issued by him.

7. Before a license is granted by any issuer, one of the parties to the intended marriage shall personally make an affidavit before him to the effect of the Form B at the end of this Ordinance.

8. In case the issuer has knowledge or reason to suspect that any of the statements in the affidavit of any applicant for a marriage license are not correct, the said issuer shall require further evidence to his satisfaction before issuing the license ; and a copy of all such affidavits and evidence shall be placed on file in his office.

9. The father, if living, of any person under twenty-one years of age (not being a widower or widow), or if the father is dead, then the mother of the minor, or if both parents are dead, then the lawfully appointed guardian or the acknowledged guardian who may have brought up, or for three years immediately preceding the intended marriage supported or protected the minor, shall have authority to give consent to such marriage.

10. Every issuer of marriage licenses shall, on the first days of January and July in each year, make a return to the Lieutenant-Governor of all licenses issued by him

during the preceding six months, with the names of the parties to whom issued, and shall accompany such return with the original affidavit taken in each instance; and, whenever called upon, return to the Lieutenant-Governor all unissued licenses.

11. All marriages shall be solemnized in the presence of two or more credible witnesses, besides the minister, clergyman or marriage commissioner performing the ceremony; and every person solemnizing a marriage shall register the same according to the provisions of the Ordinance respecting the registration of births, marriages and deaths.

12. There shall be payable to every issuer of marriage licenses, on the issue of each license by him, the sum of three dollars, of which such issuer shall be entitled to retain one dollar as his fee; the remainder he shall pay over to the Lieutenant-Governor, to form part of the revenue of the Territories, with each return made by such issuer.

13. Any person unlawfully issuing a marriage license supplied from the office of the Lieutenant-Governor, any issuer of marriage licenses granting a license without first having obtained the affidavit required by this Ordinance, and any person solemnizing a marriage contrary to the provisions of this Ordinance, shall, on conviction before a Judge of the Supreme Court of the Territories in a summary way, for every such contravention, forfeit and pay a fine not exceeding one hundred dollars, and costs of prosecution.

14. No minister, clergyman or marriage commissioner who solemnizes a marriage in conformity with the provisions of section two of this Ordinance, shall be subject to any action or liability for damages or otherwise, by reason of there having been any legal impediment to the marriage, unless at the time when he performed the ceremony he was aware of the impediment.

Forms referred to in the foregoing Ordinance.

FORM A. (*vide* Section 4.)

CANADA. North-West Territories. (L. S.)	}	Lieutenant-Governor.
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These are to certify that A. B., of _____ and C. D., of _____ being minded, as it is said to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said A. B. (or C. D.) has made oath that he (or she) believes that there is no affinity, consanguinity, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

And these are therefore to certify that the requirements in this respect of the Ordinance respecting Marriages have been complied with.

Issued at _____ in the North-West Territories, this
 day of _____ A. D. 18 _____

.....
Issuer of Licenses.

FORM B. (*vide* Section 7.)

I. A. B., or C. D.	}	Bachelor (or Widower.) Spinster (or Widow.)
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make oath and say as follows:

1. I, and C. D. (or A. B.) of _____ Spinster (or Widow.)
Bachelor (or Widower.)
 are desirous of entering into the contract of marriage, and of having our marriage duly solemnized at _____

2. According to the best of my knowledge and belief there is no affinity, consanguinity, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

3. I am of the age of _____ years, and the said C. D. (or A. B.) is of the age of _____ years.

4. [*In case one of the parties is under the age of twenty-one years, add*]

E. F., of _____ is the person whose consent to said marriage is required by law, and the said E. F. has formerly consented to the said marriage.

[*Or if both parties are under age*]

E. F., of _____ and G. H., of _____ are the persons, whose consent to the said marriage is required by law, and the said E. F. and G. H. have formerly consented to the said marriage.

[*Or if in the case of one of the minors there is no person whose consent is required by law, add according to the facts.*]

The father of the said C. D. (or A. B.) is dead, and the mother of the said C. D. (or A. B.) is dead, and the said C. D. (or A. B.) having no lawfully appointed or acknowledged guardian, there is no person who has authority to give consent to the said marriage.

[In case both the parties are minors, and there is no person whose consent is required by law, add a similar statement concerning the other party, according to the facts.]

(Signed)

A. B.

Or C. D.

Sworn before me at
North-West Territories, this
day of A.D. 18
(Signed)

in the

.....
Issuer of Licenses.

CHAPTER 30.

AN ORDINANCE RESPECTING THE INCORPORATION OF JOINT-STOCK COMPANIES BY LETTERS PATENT.

Title, s. 1.	Liability of Shareholders, ss. 62 to 65, incl.
Interpretation, s. 2.	Liability of Directors and Officers, ss. 66 to 68, incl.
Letters Patent, ss. 3 to 12, incl.	Domicile—Service of Process, ss. 69 to 75, incl.
Supplementary Letters Patent, ss. 13 to 16, incl.	General Provisions, ss. 76 to 89, incl.
Further powers, ss. 17 to 21, incl.	Special clauses for Water and Gas Companies, ss. 90 to 103, incl.
Increase or Reduction of Capital, ss. 22 to 28, incl.	Prohibitions and Penalties, ss. 104 to 106, incl.
Powers, ss. 29, 30.	Enforcement of Penalties, s. 107.
Capital Stock, ss. 31 to 33, incl.	Arbitrations, ss. 108 to 111, incl.
Directors, ss. 34 to 40, incl.	Fees, ss. 112, 113.
Powers of Directors, ss. 41 to 44, incl.	Forms, A, B, C, D.
Calls, ss. 45 to 49, incl.	
Books, ss. 50 to 54, incl.	
Transfer of Shares, ss. 55 to 61, incl.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

SHORT TITLE.

1. This Ordinance may be cited as "The Companies' Ordinance."

INTERPRETATION.

2. In this Ordinance, and in all Letters Patent and Supplementary Letters Patent issued under it, unless the context otherwise requires :

(1.) The expression, "The Company," means the Company incorporated by Letters Patent under this Ordinance ;

(2.) The expression, "the undertaking," means the business of every kind which the Company is authorized to carry on;

(3.) The expression, "real estate," or "land," includes messuages, lands, tenements and hereditaments of any tenure, and all immovable property of any kind ;

(4.) The expression, "Shareholder," means every subscriber to or holder of stock in the Company, and includes the personal representatives of the Shareholder ;

(5.) The word " President," whenever it occurs in the said Ordinance, shall include " Chairman."

LETTERS PATENT.

3. The Lieutenant-Governor may, by Letters Patent under the Seal of the Territories, grant a Charter to any number of persons, not less than three, who petition therefor, constituting such persons and others, who thereafter become Shareholders in the Company thereby created, a body corporate and politic, for any of the purposes or objects to which the legislative authority of the Legislative Assembly of the Territories extends.

4. The applicants for such Letters Patent must advertise, by notice published at least once in the Official Gazette of the Territories, and in three consecutive weekly issues of any newspaper published at or nearest the place which is to be the chief business place of the Company, their intention to apply for the same, stating in such notice :

(1.) The proposed corporate name of the Company, which shall not be that of any other known Company, incorporated or unincorporated, or any name liable to be unfairly confounded therewith, or otherwise, on public grounds objectionable ;

(2.) The object for which the incorporation is sought ;

(3.) The place within the Territories, which is to be its chief place of business ;

(4.) The proposed amount of its capital stock ;

(5.) The number of shares, and the amount of each share ;

(6.) The names in full and the address and calling of each of the applicants, with special mention of the names of not less than three, nor more than nine, of their number who are to be the first or provisional Directors of the Company the majority of whom shall be residents of Canada.

5. At any time, not more than two months after the last publication of such notice, the applicants may petition the Lieutenant-Governor for the issue of such Letters Patent.

6. Such petition shall set forth :

(1.) The facts contained in the notice ;

(2.) The amount of stock taken by each applicant, and the amount paid in upon the stock of each applicant, as also the manner in which the same has been paid in, and is held for the Company.

7. The aggregate of the stock so taken shall be at least the one half of the total amount of the proposed capital stock of the Company.

8. The aggregate paid in on the aggregate stock so taken shall be at least ten per cent., and shall be paid in to the credit of the Company, or trustees therefor, and shall be standing at such credit in some chartered Bank of Canada, unless the object of the Company is one requiring that it should own real estate, in which case such aggregate may be taken as paid in if it is *bona fide* invested in real estate, suitable to such object, which is duly held by Trustees for the Company, and is of the required value, over and above all incumbrances thereon.

9. The petition may ask for the embodying in the Letters Patent of any provision which otherwise under the provisions hereof might be embodied in any by-law of the Company when incorporated ; and such provision so embodied shall not, unless provision to the contrary is made in the Letters Patent, be subject to repeal or alteration by by-law.

10. Before the Letters Patent are issued, the applicants must establish to the satisfaction of the Lieutenant-Governor the sufficiency of their notice and petition, and the truth and sufficiency of the facts therein set forth, and that the proposed name is not the name of any other known incorporated or unincorporated Company, and to that end the Lieutenant-Governor shall take and keep of record any requisite evi-

dence in writing under oath, affirmation or solemn declaration.

11. The Letters Patent shall recite all the material averments of the notice and petition as so established.

12. The Lieutenant-Governor may give to the company a corporate name, different from that proposed by the applicants, in their published notice, if the proposed name is objectionable.

SUPPLEMENTARY LETTERS PATENT.

13. If it is made to appear to the satisfaction of the Lieutenant-Governor, that the name of any company (whether given by the original or by supplementary Letters Patent, or on amalgamation) incorporated under this Ordinance, is the same as the name of an existing incorporated or unincorporated company, or so similar thereto as to be liable to be confounded therewith, the Lieutenant-Governor may direct the issue of a supplementary Letters Patent, reciting the former Letters and changing the name of the company to some other name, which shall be set forth in the supplementary Letters Patent.

14. When a company incorporated under this Ordinance is desirous of adopting another name, the Lieutenant-Governor, upon being satisfied that the change desired is not for any improper purpose, may direct the issue of supplementary Letters Patent, reciting the former Letters Patent, and changing the name of the company to some other name, which shall be set forth in the supplementary Letters Patent.

15. No alteration of its name under the two sections next preceding shall affect the rights or obligations of the company, and all proceedings may be continued or commenced by or against the company under its new name that might have been continued or commenced by or against the company under its former name.

16. Notice of the granting of every original and supplementary Letters Patent, under the provisions of this Ordinance, shall be forthwith given in the Official Gazette of the

Territories in the form of schedule A or B, as the case may be, appended to this Ordinance; and thereupon from the date of the Letters Patent, the persons therein named, and their successors, shall be a body corporate and politic by the name mentioned therein.

OBTAINING OF FURTHER POWERS.

17. The Company may, from time to time, by a resolution passed by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the company, at a special general meeting called for the purpose, authorize the Directors to apply for supplementary Letters Patent, extending the powers of the Company to such other purposes or objects, within the province of this Ordinance, as may be defined in the resolution.

18. The Directors may, at any time within six months after the passing of any such resolution, petition the Lieutenant-Governor for the issue of such supplementary Letters Patent.

19. The applicants for such supplementary Letters Patent shall give in at least one issue of the Official Gazette of the Territories, and one issue of a local newspaper published at or nearest the chief place of business of the Company, notice of their intention to apply for the same, stating therein the purposes or objects to which it is desired to extend the powers of the Company.

20. Before such supplementary Letters Patent are issued, the applicants shall establish to the satisfaction of the Lieutenant-Governor, the due passing of the resolution authorizing the application, and the sufficiency of their notice and petition; and for that purpose the Lieutenant-Governor shall cause to be taken and kept of record any requisite evidence in writing, by oath or affirmation, or by solemn declaration.

21. Upon due proof so made, the Lieutenant-Governor may grant supplementary Letters Patent under the seal of the Territories, extending the powers of the company to all or any of the objects defined in the resolution; and notice thereof shall be forthwith given by the Lieutenant-Governor in the Official Gazette of the Territories, in the

Form C in the Schedule to this Ordinance, and thereupon, from the date of the supplementary Letters Patent, the undertaking of the company shall extend to and include the other purposes or objects set out in the supplementary Letters Patent as fully as if such other purposes or objects were mentioned in the original Letters Patent; and a copy of every such notice shall forthwith be, by the company to which the notice relates, inserted in at least four separate issues of the newspaper published nearest to where the head office or chief agency is established.

INCREASE OR REDUCTION OF CAPITAL, ETC.

22. The directors of the company may, at any time, make a by-law sub-dividing the existing shares into shares of a smaller amount.

23. The directors of the company may, at any time after the whole capital stock of the company has been taken up and fifty per cent. thereof paid in, make a by-law for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company.

24. Such by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which the same shall be allotted: and in default of its so doing, the control of such allotment shall vest absolutely in the directors.

25. The directors of the company may, at any time, make a by-law for reducing the capital stock of the company to any amount which they consider advisable and sufficient for the due carrying out of the undertaking of the company: but the capital stock of a loan company shall never be reduced to less than twenty-five thousand dollars.

(2.) Such by-law shall declare the number and value of the shares of the stock as so reduced, and the allotment thereof, or the manner in which the same shall be made;

(3.) The liability of shareholders to persons who were, at the time of the reduction of the capital, creditors of the company, shall remain the same as if the capital had not been reduced.

26. No by-law for increasing or reducing the capital stock of the company, or for sub-dividing the shares, shall have any force or effect whatsoever, until it is approved by the votes of shareholders, representing at least two-thirds in value of all the subscribed stock of the company, at a special general meeting of the company, duly called for considering the same, and afterwards confirmed by supplementary Letters Patent.

27. At any time not more than six months after such sanction of such by-law, the directors may petition the Lieutenant-Governor for the issue of supplementary Letters Patent to confirm the same ;

(2.) The directors shall, with such petition, produce a copy of such by-law, under the seal of the company, and signed by the president, vice-president or secretary, and establish to the satisfaction of the Lieutenant-Governor the due passage and approval of such by-law, and the expediency and *bona fide* character of the increase or reduction of capital or subdivision of shares, as the case may be, thereby provided for ;

(3.) The Lieutenant-Governor shall, for that purpose, cause to be taken and kept of record, any requisite evidence in writing by oath or affirmation, or by solemn declaration as above mentioned.

28. Upon due proof so made, the Lieutenant-Governor may grant such supplementary Letters Patent, under the Seal of the Territories ; and notice thereof shall be forthwith given by the Lieutenant-Governor, in the Official Gazette of the Territories, in the Form D in the Schedule to this Ordinance ; and thereupon, from the date of the supplementary Letters Patent, the capital stock of the company shall be and remain increased or reduced, or the shares shall be sub-divided, as the case may be, to the amount, in the manner and subject to the conditions set forth by such by-law ; and the whole of the stock, as so increased or reduced, shall become subject to the provisions of this Ordinance in like manner, as far as possible, as if every part thereof had been or formed part of the stock of the company originally subscribed.

POWERS OF THE COMPANY.

29. All powers given to the company by the Letters

Patent or supplementary Letters Patent, shall be exercised subject to the provisions and restrictions contained in this Ordinance.

30. Every company incorporated under this Ordinance, may acquire, hold, sell and convey any real estate requisite for the carrying on of the undertaking of such company, and shall forthwith become and be invested with all property and rights, real and personal, theretofore held by or for it under any trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite or incidental to the carrying on of its undertaking, as if it was incorporated by a special Ordinance, embodying the provisions hereof and of the Letters Patent.

CAPITAL STOCK.

31. The stock of the company shall be personal estate, and shall be transferable, in such manner, and subject to all such conditions and restrictions as are prescribed by this Ordinance, or by the Letters Patent or by by-laws of the Company.

32. If the Letters Patent or the supplementary Letters Patent, make no other definite provision, the stock of the company, or any increased amount thereof, so far as it is not allotted thereby, shall be allotted at such times and in such manner as the directors prescribe by by-law

33. Every share in the company shall, subject to the provisions of Section Eight of this Ordinance, be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same has been otherwise agreed upon or determined by a contract duly made in writing and filed with the Lieutenant-Governor, at or before the issue of such share.

DIRECTORS.

34. The affairs of the company shall be managed by a Board of not more than nine, and not less than three directors.

35. The persons named as such in the Letters Patent, shall be the directors of the company, until replaced by others duly appointed in their stead.

36. No person shall be elected or appointed as a director thereafter unless he is a shareholder, owning stock absolutely in his own right, and to the amount required by the by-laws of the company, and not in arrear in respect of any call thereon: and at all times the majority of the directors of the company shall be persons resident in Canada.

37. The company may, by by-law, increase to not more than fifteen, or decrease to not less than three, the number of its directors, or may change the company's chief place of business in the Territories; but no by-law for either of the said purposes shall be valid or acted upon unless it is approved by a vote of at least two-thirds in value of the stock represented by the shareholders present at a special general meeting duly called for considering the by-law; nor until a copy of such by-law, certified under the seal of the company, has been deposited with the Lieutenant-Governor, and has also been published in the Official Gazette of the Territories.

38. Directors of the company shall be elected by the shareholders, in general meeting of the company assembled, in some place within the Territories, at such time, in such manner, and for such term, not exceeding two years, as the Letters Patent, or, in default thereof, as the by-laws of the company prescribe.

39. In the absence of other provisions in such behalf, in the Letters Patent or by-laws of the company:

(a.) The election of directors shall take place yearly, and all the directors then in office shall retire, but if otherwise qualified, they shall be eligible for re-election;

(b.) Notice of the time and place for holding general meetings of the company shall be given at least twenty-one days previously thereto, in some newspaper published in the place where the head office or chief place of business of the company is situate, or, if there is no such newspaper, then in the place nearest thereto, in which a newspaper is published;

(c.) At all general meetings of the company, every share-

holder shall be entitled to give one vote for each share then held by him; such votes may be given in person or by proxy,—the holder of any such proxy being himself a shareholder: but no shareholder shall be entitled, either in person or by proxy, to vote at any meeting, unless he has paid all the calls then payable upon all the shares held by him. All questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes;

(d.) Every election of directors shall be by ballot;

(e.) Vacancies occurring in the board of directors may be filled, for the remainder of the term, by the directors, from among the qualified shareholders of the company;

(f.) The directors shall, from time to time, elect from among themselves a President, and, if they see fit, a Vice President of the company, and may also appoint all other officers thereof.

40. If, at any time, an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but no such election may take place at any subsequent general meeting of the company duly called for that purpose: and the retiring directors shall continue in office until their successors are elected.

POWERS OF DIRECTORS.

41. The directors of the company may administer the affairs of the company in all things, and make or cause to be made for the company, any description of contract which the company may, by Law, enter into; and may, from time to time, make by-laws, not contrary to Law, or to the Letters Patent of the company, or to this Ordinance, for the following purposes:

(a.) The regulation of the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock;

(b.) The declaration and payment of dividends;

(c.) The number of the directors, their term of service, the amount of their stock qualification, and their remuneration, if any;

(d.) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company, and their remuneration ;

(e.) The time and place for the holding of the annual meetings of the company, the calling of meetings, regular and special, of the board of directors and of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings ;

(f.) The imposition and recovery of all penalties and forfeitures, which admit of regulation by by-law ;

(g.) The conduct, in all other particulars, of the affairs of the company ;

And the directors may, from time to time, repeal, amend or re-enact the same ; but every such by-law, and every repeal, amendment, or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall, at and from that time only, cease to have force.

42. No by-law for the issue, allotment or sale of any portion of the unissued stock at any greater discount or at any less premium than that which has been previously authorized at a general meeting, and no by-law for the remuneration of the president or any director, shall be valid or acted upon until the same has been confirmed at a general meeting.

43. The directors may deduct from the dividends payable to any shareholder, all such sums of money as are due from him to the company on account of calls or otherwise.

44. The directors may, when authorized by a by-law for that purpose, passed and approved of by the votes of shareholders, representing at least two-thirds in value of the subscribed stock of the Company represented at a special general meeting duly called for considering the by-law ;

(a.) Borrow money upon the credit of the Company, and issue bonds, debentures or other securities for any sums borrowed at such prices as are deemed necessary or expedient ; but no debentures shall be for a less sum than one hundred dollars ; hypothecate or pledge the real or personal

property of the Company, to secure any sums borrowed by the Company; but the amount borrowed shall not, at any time, be greater than seventy-five per cent. of the actual paid-up stock of the Company, but the limitation made by this section shall not apply to commercial paper discounted by the Company.

CALLS.

45. The directors may, from time to time, make such calls upon the shareholders in respect of all moneys unpaid upon their respective shares, as they think fit, at such times and places, and in such payments or instalments as the Letters Patent, or this Ordinance, or the by-laws of the Company require or allow.

46. A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed; and if a shareholder fails to pay any call due by him, on or before the day appointed for the payment thereof, he shall be liable to pay interest for the same, at the rate of six per cent. per annum, from the day appointed for payment to the time of actual payment thereof.

47. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amounts due on the shares held by such shareholder, beyond the sums then actually called for; and upon the moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the Company may pay interest at such rate, not exceeding eight per cent. per annum, as the shareholder, who pays such sum in advance, and the directors agree upon.

48. If, after such demand or notice as is prescribed by the Letters Patent or by the by-laws of the Company, any call made upon any share is not paid within such time, as, by such Letters Patent or by the by-laws, is limited in that behalf, the directors in their discretion, by vote to that effect duly recorded in their minutes, may summarily declare forfeited any shares whereupon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as, by the by-laws of the Company or otherwise, they prescribe; but, notwithstanding

such forfeiture, the holder of such shares at the time of forfeiture shall continue liable to the then creditors of the Company for the full amount unpaid on such shares at the time of forfeiture, less any sums which are subsequently received by the Company in respect thereof.

49. The directors may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls and interest thereon, by action in any Court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount in respect of one call or more, upon one share or more, stating the number of calls and the amount of each call, whereby an action has accrued to the Company under this Ordinance; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts as *prima facie* evidence thereof.

BOOKS OF THE COMPANY.

50. The Company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded:

(a.) A copy of the Letters Patent incorporating the Company, and of any supplementary Letters Patent, and of all by-laws thereof;

(b.) The names, alphabetically arranged, of all persons who are or have been shareholders;

(c.) The address and calling of every such person, while such shareholder;

(d.) The number of shares of stock held by each shareholder;

(e.) The amount paid in and remaining unpaid, respectively, on the stock of each shareholder;

(f.) The names, addresses and calling of all persons who are or have been directors of the Company, with the several dates at which each became or ceased to be such director;

(g.) A book called the register of transfers shall be pro-

vided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

51. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the Company and their personal representatives, at the head office or chief place of business of the Company, and every such shareholder, creditor, or personal representative may make extracts therefrom.

52. Every director, officer or servant of the Company, who knowingly makes, or assists in making any untrue entry in any such book, or who refuses, or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, shall be liable on conviction summarily before a Judge exercising criminal jurisdiction in the Territories, to a fine not exceeding five hundred dollars.

53. Every Company, which neglects to keep such book or books as aforesaid, shall forfeit its corporate rights.

54. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action, suit or proceeding against the Company or against any shareholder.

TRANSFER OF SHARES.

55. No transfer of shares, unless made by sale under execution or under the decree, order or judgment of a Court of competent jurisdiction, shall be valid for any purpose whatever, until entry thereof is duly made in the register of transfers, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime jointly and severally, with the transferor, to the Company and its creditors.

56. No transfer of shares, whereof the whole amount has not been paid in, shall be made without the consent of the directors; and whenever any transfer of shares not fully paid in has been made with such consent to a person, who is not apparently of sufficient means to fully pay up such shares, the directors shall be jointly and severally liable to

the creditors of the Company, in the same manner and to the same extent, as the transferring shareholder, but for such transfer, would have been; but if any director present when any such transfer is allowed does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware thereof, and is able so to do, enter on the minute book of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place, in which the head office or chief place of business of the Company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto; such director may thereby, and not otherwise, exonerate himself from such liability.

57. Whenever the interest in any shares of the capital stock of the Company is transmitted by the death of any shareholder or otherwise, or whenever the ownership of or legal right of possession in any share changes by any lawful means, other than by transfer according to the provisions of this Ordinance, and the directors of the Company entertain reasonable doubts as to the legality of any claim to such shares, the Company may make and file in the Supreme Court of the district in which the head office of the Company is situated, a declaration and petition in writing, addressed to the Judge of the Court, setting forth the facts and the number of shares previously belonging to the person, in whose name such shares stand in the books of the Company, and praying for an order or judgment adjudicating and awarding the said shares to the person or persons legally entitled to the same, by which order or judgment the Company shall be guided and held fully harmless and indemnified and released from every other claim to the said shares or arising in respect thereof.

58. Notice of the intention to present such petition shall be given to the person claiming such shares, or to the advocate of such person duly authorized for the purpose, who shall, upon the filing of such petition, establish his right to the shares referred to in such petition; and the time to plead, and all other proceedings in such cases shall be the same as those observed in analagous cases before the said Supreme Court; provided, always, that the costs and expenses of procuring such order or judgment shall be paid by

the person or persons to whom such shares are declared lawfully to belong; and that such shares shall not be transferred in the books of the Company, until such costs and expenses are paid, saving the recourse of such person against any person contesting his right to such shares.

59. No share shall be transferable, until all previous calls thereon are fully paid in.

60. The directors may decline to register any transfer of shares belonging to any shareholder, who is indebted to the Company.

61. Any transfer of the shares or other interest of a deceased shareholder, made by his personal representative, shall, notwithstanding such personal representative is not himself a shareholder, be of the same validity as if he had been a shareholder at the time of his execution of the instrument of transfer.

LIABILITY OF SHAREHOLDERS.

62. The shareholders of the Company shall not, as such, be responsible for any act, default or liability of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing, relating to or connected with the Company, beyond the amount unpaid on their respective shares in the capital stock thereof.

63. Every shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon; but he shall not be liable to an action therefor by any creditor, until an execution at the suit of such creditor, against the Company, has been returned, unsatisfied in whole or in part; and the amount due on such execution, not exceeding the amount unpaid on his shares, as aforesaid, shall be the amount recoverable, with costs, from such shareholder; and any amount so recoverable, if paid by the shareholder, shall be considered as paid on his shares.

64. No person, holding stock in the Company as an executor, administrator, tutor, curator, guardian, or trustee,

shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly.

65. Every such executor, administrator, curator, guardian or trustee, shall represent the stock held by him at all meetings of the Company, and may vote as a shareholder; and every person who pledges his stock may represent the same at all such meetings, and, notwithstanding such pledge, vote as a shareholder.

LIABILITY OF DIRECTORS AND OFFICERS.

66. If the directors of the Company declare and pay any dividend, when the Company is insolvent, or any dividend, the payment of which renders the Company insolvent, or impairs the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office respectively; but if any director present when such dividend is declared, does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware thereof, and able to do so, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the Company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability.

67. No loan shall be made by the Company to any shareholder; if such loan is made, all directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable for the amount

of such loan, with interest, to the Company, and also to the creditors of the Company for all debts of the Company then existing, or contracted between the time of the making of such loan and that of the repayment thereof.

68. The directors of the Company shall be jointly and severally liable to the clerks, laborers, servants and apprentices thereof, for all debts not exceeding six months wages, due for services performed for the Company, whilst they are such directors respectively; but no director shall be liable to an action therefor unless the Company is sued therefor within one year after the debt becomes due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor unless an execution against the Company in respect of such debt is returned unsatisfied in whole or in part; and the amount unsatisfied on such execution shall be the amount recoverable, with costs, from the directors.

DOMICILE.—SERVICE OF PROCESS, ETC.

69. The Company shall, at all times, have an office in the place where its chief place of business is situate, which shall be the legal domicile of the Company in the Territories, and notice of the situation of such office, and of any change thereof, shall be published in the Official Gazette of the Territories; and the Company may establish such other offices and agencies elsewhere in the said Territories, as it deems expedient.

70. Any summons, notice, order or proceeding, requiring authentication by the Company, may be signed by any director, manager or authorized officer of the Company, and need not be under the seal of the Company.

71. Notices to be served by the Company upon the shareholders may be served either personally or by sending them through the post in registered letters, addressed to the shareholders at their places of abode, as they appear in the books of the Company.

72. A notice or other document served by post by the Company on a shareholder, shall be held to be served at the time, when the registered letter containing it would be

delivered in the ordinary course of post; and to prove the fact and time of service, it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the Post Office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post.

73. A copy of any by-law of the Company, under its seal and purporting to be signed by any officer of the Company, shall be received as against any shareholder of the Company as *prima facie* evidence of such by-law in all Courts in the Territories.

74. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof; and no shareholder shall, by reason of being a shareholder, be incompetent as a witness therein.

75. In any action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the Company, otherwise than by mention of it under its corporate name, as incorporated by virtue of Letters Patent, or by Letters Patent and supplementary Letters Patent, as the case may be, under this Ordinance; and the notice in the Official Gazette of the Territories, of the issue of such Letters Patent or supplementary Letters Patent, shall be *prima facie* proof of all things therein contained; and on production of the Letters Patent or supplementary Letters Patent, or of any exemplification or copy thereof under the seal of the Territories, the fact of such notice shall be presumed; and except in any proceeding for the purpose of rescinding or annulling the same, the Letters Patent or supplementary Letters Patent, or any exemplification or copy thereof under the seal of the Territories, shall be conclusive proof of every matter and thing therein set forth.

GENERAL PROVISIONS.

76. The Company may have an agency or agencies in any city or town outside the Territories.

77. No dividend shall be declared which will impair the capital of the Company.

78. Shareholders who hold one-fourth part in value of the subscribed stock of the Company, may, at any time, call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they make and issue to that effect.

79. Every deed which any person, lawfully empowered in that behalf by the Company as its attorney, signs on behalf of the Company, and seals with his seal, shall be binding on the Company, and shall have the same effect as if it was under the seal of the Company.

80. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or indorsed, and every promissory note and cheque made, drawn or indorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or indorsed, as the case may be, in pursuance of any by-law or special vote or order; and the person so acting as agent, officer or servant of the Company shall not be thereby subjected individually to any liability whatsoever to any third person therefor: Provided always, that nothing in this Ordinance shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance.

81. Proof of any matter which is necessary to be made under this Ordinance may be made by oath or affirmation, or by solemn declaration, before any Justice of the Peace or any Commissioner for taking affidavits, to be used in any of the Courts in any of the Provinces of Canada, or any Notary Public, who are hereby authorized and empowered to administer oaths and receive affidavits and declarations for that purpose.

82. The provisions of this Ordinance, relating to matters preliminary to the issue of the Letters Patent, or supplementary Letters Patent, shall be deemed directory only, and no Letters Patent or supplementary Letters Patent, issued under this Ordinance, shall be held void or voidable, on

account of any irregularity in any notice prescribed by this Ordinance, or on account of the insufficiency or absence of any such notice, or on account of any irregularity in respect of any other matter preliminary to the issue of the Letters Patent or supplementary Letters Patent.

83. The Company shall keep painted, or affixed, its name with the word "limited" after the name on the outside of every office or place, in which the business of the Company is carried on, in a conspicuous position, in letters easily legible, and shall have its name, with the said word after it, engraven in legible characters on its seal, and shall have its name, with the said word after it, mentioned in legible characters in all notices, advertisements and other official publications of the Company, and in all bills of exchange, promissory notes, indorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices and receipts of the Company :

(2.) Every Company which does not keep painted or affixed its name, with the word "limited" after it in manner directed by this Ordinance, shall incur a penalty of twenty dollars for every day during which such name is not so kept painted or affixed ;

(3.) Every director and manager of the Company, who knowingly and wilfully authorizes or permits such default shall be liable to the like penalty ;

(4.) Every director, manager or officer of the Company, and every person on its behalf, who uses, or authorizes the use of any seal purporting to be a seal of the Company, whereon its name, with the word "limited" after it, is not so engraven as aforesaid, or who issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or who signs, or authorizes to be signed on behalf of such Company, any bill of exchange, promissory note, indorsement, cheque, order for money or goods, or who issues or authorizes to be issued, any bill of parcels, invoice or receipt of the Company, wherein its name, with the said word after it, is not mentioned in manner aforesaid, shall incur a penalty of two hundred dollars, and shall also be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the Company.

84. Every prospectus of the Company, and every notice inviting persons to subscribe for shares in the Company, shall specify the dates and the names of the persons to any contract entered into by the Company, or the promoters, directors or trustees thereof, before the issue of such prospectus or notice, whether subject to adoption by the directors of the Company or otherwise; and every prospectus or notice which does not specify the same shall, with respect to any person who takes shares in the Company on the faith of such prospectus or notice, and who has not had notice of such contract, be deemed fraudulent on the part of the promoters, directors and officers of the Company, who knowingly issue such prospectus or notice.

85. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect to any share; and the receipt of the shareholder in whose name the same stands in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the Company: and the Company shall not be bound to see to the application of the money paid upon such receipt.

86. Every director of the Company, and his heirs, executors and administrators, estate and effects, respectively, may with the consent of the Company, given at any general meeting thereof, from time to time, and at all times be indemnified and saved harmless out of the funds of the Company, from and against all costs, charges and expenses whatsoever which he sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he sustains or incurs, in or about, or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

87. The charter of the Company shall be forfeited by non-use during three consecutive years, or if the Company does not go into actual operation within three years after it is granted.

88. The Directors of every Company shall lay before its shareholders a full printed statement of the affairs and financial position of the Company at or before each general meeting of the Company for the election of directors.

89. No steps shall be taken by the Lieutenant-Governor towards the issue of any Letters Patent or supplementary Letters Patent, under this Ordinance, until after all fees therefor are duly paid.

SPECIAL CLAUSES FOR JOINT STOCK WATER AND GAS
COMPANIES.

90. In addition to the general provisions of this Ordinance, the provisions contained in the twenty-seven sections next following, shall apply to Gas and Water Companies, and to them only.

91. Every petition for the incorporation, by Letters Patent, of Joint Stock Companies, for supplying towns incorporated as Municipalities with gas or water, or with both gas and water, shall be accompanied by a duly certified copy of a by-law of the Municipality, in which the operations of the Company are to be carried on, granting authority to the persons desiring to form the Company to lay down pipes for the conveyance of water or gas, or both, under the streets, squares, and other public places of such Municipality.

92. The by-law mentioned in the next preceding section, shall be passed within two months from the date of the petition for incorporation.

93. Every Company may sell and dispose of gas meters, and gas and water fittings of every description for the use of private and public houses, or for any establishment, company or corporation whatsoever, as well as coke, coal, tar, and all and every the products of their works, refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of gas; and every Company may let out to hire gas meters, and gas and water fittings of every kind and description, at such rate and rents as may be agreed upon between the consumers and tenants and such Company.

94. Any such Company may break up, dig and trench so much and so many of the streets, squares, highways, lanes and public places of the Municipality for supplying which with gas or water, or both, the Company has been incorporated, as are necessary for laying the mains and pipes to conduct the gas or water, or both, from the works of the Company to the consumers thereof, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places, while the works are in progress.

95. When any such Company has laid down main pipes for the supply of gas or water or through any of the streets, squares, or public places of any Municipality, no other person or persons, bodies politic or corporate, shall, without the consent of such Company first had and obtained, nor otherwise than upon payment to such Company of such compensation as may be agreed upon, lay down any pipe for the supply of gas or water within six feet of such Company's main pipes, or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit.

96. When there are buildings within the Municipality the different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the Company may carry pipes to any part of any building so situate passing over the property of one or more proprietors or in the possession of one or more tenants to convey the gas or water, or both, to the property of another or in the possession of another, and such pipes shall be carried up and attached to the outside of the building.

97. The Company may also break up and uplift all passages common to neighboring proprietors or tenants, and dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same, doing as little damage as may be in the execution of the powers granted by this Ordinance.

98. Every Company shall make satisfaction to the owners or proprietors of buildings or other property, or to the public, for all damages by them sustained, in or by the execu-

tion of all or any of the said powers, subject to which provisions this Ordinance shall be sufficient to indemnify every such Company and their servants, and those by them employed, for what they or any of them do in pursuance of the powers hereby granted.

99. Every such Company shall construct and locate their Gas Works and Water Works, and all apparatus and appurtenances thereto belonging, or appertaining, or therewith connected, and wheresoever situated, so as not to endanger the public health or safety.

100. Nothing contained in this Ordinance shall authorize any such Company, or any person acting under the authority of the same, to take, use or injure for the purposes of the Company, any house or other building, or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house, or nursery ground for trees, or to convey from the premises of any person any water already appropriated and necessary for his domestic uses, without the consent, in writing, of the owner or owners thereof first had and obtained.

101. Nothing in this Ordinance shall authorize any Company established under it to interfere with or infringe upon any exclusive privilege granted to any other Company.

102. Nothing in this Ordinance contained shall prevent any person from constructing any works for the supply of gas or water to his own premises.

103. Neither the service nor the connecting pipes of the Company, nor any meters, lustres, lamps, pipes, gas fittings, or any other property of any kind whatsoever of the Company, shall be subject to or liable for rent, nor liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, nor be in any way whatsoever liable to any person for the debt of any person to and for whose use or the use of whose house or building the same may be supplied by the Company, notwithstanding the actual or apparent possession thereof by such person.

PROHIBITIONS AND PENALTIES.

104. If any person supplied by the Company with gas or water, or both, neglects to pay the rent, rate or charge due to the Company at any time of the times fixed for the payment thereof, the Company, or any person acting under their authority, on giving forty-eight hours previous notice, may stop the supply of gas or water, or both, from entering the premises of the person in arrear as aforesaid, by cutting off the service pipe or pipes, or by such other means as the Company or its officers see fit, and may recover the rent or charge due up to such time, together with the expense of cutting off the gas or water, or both, as the case may be, in any competent Court, notwithstanding any contract to furnish for a longer time.

105. In all cases where the Company may lawfully cut off and take away the supply of gas or water, or both, from any house, building or premises, the Company, their agents, or their workmen, upon giving forty-eight hours previous notice to the person in charge, or the occupier, may enter into the house, building, or premises, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp fitting or apparatus, the property of and belonging to the Company, and any servant duly authorized by the Company, may, between the hours aforesaid, enter any house, into which gas or water, or both, have been taken, for the purpose of repairing and making good any such house, building or premises, or for the purpose of examining any meter, pipe or apparatus belonging to the Company, or used for their gas or water, or both, and if any person refuses to permit or does not permit the servants and officers of the Company to enter and perform the acts aforesaid, the person so refusing or obstructing, shall incur a penalty to the Company for every such offence of twenty dollars, and a further penalty of four dollars for every day during which such refusal or obstruction continues, to be recovered with costs as hereinafter provided.

106. Where any customer discontinues the use of the gas or other means of lighting or heating, or water furnished by a Company incorporated under the said Ordinance, or

the Company lawfully refuses to continue any longer to supply the same, the officers and servants of the Company may at all reasonable times enter the premises in or upon which such customer was supplied with gas, or other means of lighting or heating, or water, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the Company, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage.

ENFORCEMENT OF PENALTIES.

107. Proceedings for fines, penalties and forfeitures imposed by this Ordinance may be taken by the Company, or by any such person whose property is injured, to and for the use of the Company, or such person, either in the manner hereinbefore directed, or before a Justice or Justices of the Peace in a summary way.

ARBITRATIONS.

108. If it is found necessary or deemed proper to conduct any of the pipes, or to carry any of the works of the Company through the lands of any person lying within, or within ten miles of the Municipality, for supplying which the Company is incorporated, and the consent of such person cannot be obtained for that purpose, the Company may nominate and appoint a disinterested person, and the owner or owners of the land taken or damaged may nominate and appoint another, which two persons so appointed shall nominate and appoint a third person, and the said three persons shall act as arbitrators in such matter of dispute between the Company and the owner or owners of the property.

109. The said arbitrators shall examine all witnesses and administer all necessary oaths or declarations to them, and the said arbitrators, or a majority of them, shall award, determine and adjudge what sum or sums of money respectively shall be paid to the owner or owners of the property so taken or damaged by the Company.

110. The sum or sums of money so awarded shall be paid within three months after the date of the award, and in default of such payment the proprietor may resume the possession of his property, with all the rights appertaining thereto.

111. In the event of the Company or the owner of such property failing to appoint an arbitrator, after eight days' notice from one of the said parties to the other, or of the said two arbitrators failing to appoint a third, the Judge of the Supreme Court usually exercising jurisdiction in the Judicial District within which the said property lies, may appoint a third arbitrator, and the decision of the said three arbitrators, or a majority of them, shall be binding on all parties concerned.

FEES FOR LETTERS PATENT.

112. All Joint Stock Companies or Incorporations incorporated under any Law other than this Ordinance or any Act of the Parliament of Canada, or Insurance Companies licensed by the Dominion Government to do business in Canada, desirous of carrying on the business for which they are incorporated, shall, before they proceed to do business in the Territories, or in the case of Corporations already doing business in the Territories, within six months after the passing of this Ordinance, file in the office of the Lieutenant-Governor, a certified copy of their Charter of Incorporation, duly authenticated as such by the President and Secretary of such Company or Corporation ;

Failing in which, the said Company or Corporation shall be liable to a penalty of Five hundred dollars, to be recovered at the suit of the Lieutenant-Governor in any Civil Court in the Territories, with costs of suit ; and any money so recovered, shall form part of the General Revenue Fund of the Territories.

113. In addition to the cost of all necessary advertising in the Official Gazette of the Territories, the following Tariff of Fees shall be paid on application for Letters Patent of Incorporation and Supplementary Letters Patent under this Ordinance ; and by foreign Corporations, on filing as aforesaid in the office of the Lieutenant-Governor, a certified copy of their Charter of Incorporation, viz :

(1.) When the Capital Stock of the Company is \$400,000 and upwards, the fee to be \$200.00 ;

(2.) When the Capital Stock of the Company is \$200,000 or upwards, and under \$400,000, the fee to be \$150.00 ;

(3.) When the Capital Stock of the Company is \$100,000 and upwards, and under \$200,000, the fee to be \$100.00 ;

- (4.) When the Capital Stock of the Company is \$50,000 and upwards, and under \$100,000, the fee to be \$50.00 ;
- (5.) When the Capital Stock of the Company is \$40,000 and upwards and under \$50,000, the fee to be \$40.00 ;
- (6.) When the Capital Stock of the Company is over \$10,000 and under \$40,000, the fee to be \$30.00 ;
- (7.) And when the Capital Stock of the Company is \$10,000 or under, the fee to be \$20.00 ;
- (8.) On application for Supplementary Letters Patent, the fees to be one half of that charged on the original Letters Patent.

SCHEDULE.

FORM A.

(Vide Section 16.)

Public notice is hereby given, that under "The Companies' Ordinance," Letters Patent have been issued under the Seal of the North-West Territories, bearing date the _____ day of _____ incorporating (*here state names, address and calling of each corporator named in the Letters Patent*), for the purpose of (*here state the undertaking of the Company, as set forth in the Letters Patent*) by the name of (*here state the name of the Company as in the Letters Patent*) with a capital stock of _____ dollars, divided into _____ shares of _____ dollars.

Dated at Regina, this _____ day of _____ 18
 A. B.,
 Lieutenant-Governor.

FORM B.

(Vide Section 16.)

Public notice is hereby given, that under "The Companies' Ordinance," Supplementary Letters Patent have been issued under the Seal of the North-West Territories, bearing date the _____ day of _____, whereby the name of (*here insert the name of the Company*) has been changed into that of (*here insert new name of Company*).

Dated at Regina, this _____ day of _____ 18
 A. B.,
 Lieutenant-Governor.

FORM C.

(Vide Section 21.)

Public notice is hereby given, that under "The Companies' Ordinance," Supplementary Letters Patent have been issued under the Seal of the North-West Territories, bearing date the _____ day of _____, whereby the undertaking of the (*here insert name of Company*) has been extended to include (*here set out the other purpose or objects mentioned in the Supplementary Letters Patent.*)

Dated at Regina, this _____ day of _____ 18

A. B.,
Lieutenant-Governor.

FORM D.

(Vide Section 28.)

Public notice is hereby given, that under "The Companies' Ordinance," supplementary Letters Patent have been issued under the Seal of the North-West Territories, bearing date the _____ day of _____, whereby the total Capital Stock of (*here state the name of the Company*) is increased (*or reduced, as the case may be*) from _____ dollars to _____ dollars.

Dated at Regina, this _____ day of _____ 18

A. B.,
Lieutenant-Governor.

CHAPTER 31.

AN ORDINANCE RESPECTING HOTEL AND BOARDING-HOUSE KEEPERS.

<p>Title, s. 1. Rights and Responsibility of Hotel Keepers, ss. 2, 3, 4, 5.</p>	<p> Must post copy of Ordinance, s. 6.</p>
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The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. This Ordinance may be cited as "The Hotel and Boarding House Keepers' Ordinance."

2. Any hotel, boarding or lodging house keeper, may detain in his hotel, house, or on his premises, and before the same shall have been removed therefrom, the trunks and personal property of any person who is indebted to him for board and lodging, and shall be responsible for the safe keeping of the same ; and in addition to all remedies provided by Law he shall have the right, in case the charges remain unpaid for three months, to sell by public auction the baggage and property of such guest, boarder or lodger, on posting and keeping posted during the period of one week, on the outside of the door of such hotel, boarding or lodging-house, a notice of such intended sale, stating the name of the guest, boarder or lodger, the amount of his indebtedness, a description of the baggage or other property to be sold, the time and place of sale, and the name of the auctioneer, and after such sale, such inn, hotel, boarding or lodging-house keeper may apply the proceeds of such sale in payment of the amount due to him, as aforesaid, and the costs of such advertising and sale ; and he shall pay over the surplus, if any, to the person entitled thereto, on application being made by him therefor ; and in case application therefor be not forthwith made, he shall immediately pay the same to the Lieutenant-Governor, to be kept by him for such owner for one year ; after which time, if such owner has not previously claimed the amount so kept, the same shall form part of the General Revenue Fund of the Territories."

3. No hotel, boarding or lodging house keeper shall have a right to detain the trunks or personal property of any one, or to have a lien thereon, for wines or spirituous or fermented liquors supplied to him or to any one else by his order.

4. No hotel-keeper shall, after the passing of this Ordinance, be liable to make good to any guest of such hotel-keeper any loss for injury to goods or property brought to his hotel, (not being a horse or other live animal or any gear appertaining thereto or any carriage), to a greater amount than two hundred dollars, except in the following cases, that is to say:

(1.) When such goods or property shall have been stolen, lost or injured through the default or neglect of such hotel keeper or any servant in his employ;

(2.) When such goods or property shall have been deposited expressly for safe custody with such hotel keeper, provided always that, in case of such deposit, it shall be lawful for such hotel-keeper, if he think fit, to require as a condition to his liability that such goods or property shall be deposited in a box or other receptacle fastened and sealed by the person depositing the same;

5. If any hotel-keeper shall refuse to receive for safe custody as before mentioned any goods or property of his guest, or if any such guest shall, through any default of the hotel-keeper, be unable to deposit such goods or property as aforesaid, the hotel-keeper shall not be entitled to the benefit of this Ordinance in respect of such goods or property.

6. Every hotel-keeper shall cause to be kept conspicuously posted in the office and public rooms in his hotel a copy of this Ordinance, printed or plainly written, and he shall be entitled to the benefits of this Ordinance in respect of such goods or property only as shall be brought to his hotel, while such copy shall be so posted as aforesaid.

CHAPTER 32.

AN ORDINANCE RESPECTING KEEPERS OF LIVERY, BOARDING AND SALE STABLES.

Title, s. 1.

Rights and Responsibilities of Keepers, ss. 2, 3, 4.

Must post copy of Ordinance, s. 5.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. This Ordinance may be cited as "The Livery and Boarding-Stable Keepers' Ordinance."

2. Any keeper of a livery stable or of a boarding or sale stable may detain in his custody and possession and before the same shall have been removed out of his custody and possession, any animal, vehicle, harness, furnishings or other gear appertaining thereto and personal effects of any person who is indebted to him for stabling, boarding or caring for such animal.

3. Every livery stable keeper and every keeper of a boarding or sale stable shall be obliged to keep in his possession, and be responsible for, any animals or effects detained by him for the full period of such detention, unless they shall sooner be released, and if the owner does not claim and release any such animals and effects so detained, within three months from the commencement of such detention, the person detaining the same may cause them to be sold by public auction, and after paying himself and the costs of the sale, he shall pay over to the owner of such animals and effects the balance, if any, of the price thereof.

4. In case such owner cannot be found, then such balance shall be handed over to the clerk of the district Court of the judicial district within which such stable is situate, to be kept by him for such owner for one year; after which time, if such owner does not appear or claim the

amount so kept, the same shall be paid over to the Lieutenant-Governor and form part of the General Revenue of the Territories.

5. It shall be the duty of any such livery stable keeper, and the keepers of boarding and sale stables, to have a copy of this Ordinance conspicuously posted up in the office and in at least two other conspicuous places in every such stable.

CHAPTER 33.

AN ORDINANCE RESPECTING THE CONSTRUCTION OF CHIMNEYS.

Construction of, ss. 1, 2.
Penalty, s. 3.

When not applicable, s. 4.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. No person shall construct or use a chimney in any portion of the Territories, unless the same be constructed by walls of stone or brick and mortar, concrete or clay, at least four inches thick, and projecting at least three feet above the roof of the building wherein the same is, or is to be used, or where stove pipes pass through a roof, they must pass into roof pipe firmly secured, and the wood must be cut away at least three inches from the pipe, and protected by sheet iron, tin or zinc, or pass through a safe the same as ceiling, as hereinafter mentioned.

2. When stove pipes in any buildings lead through partitions, floors or ceilings, the same shall be encased in solid brick and mortar, concrete or clay, so that at every point there shall be at least four clear inches between such pipe and any wood work, or within metallic cylinders or stove pipe safes, giving at least ($1\frac{3}{4}$) one inch and three-fourths air space, all around on every side.

3. Any person violating the provisions of this Ordinance shall be subject to a fine on summary conviction not exceeding fifty dollars and costs of prosecution.

4. The provisions of this Ordinance shall not apply to farms or buildings ten chains distant from one another, and shall not apply to Municipalities which have provided for the subject matter thereof.

CHAPTER 34.

AN ORDINANCE FOR THE RELIEF OF INDIGENT CHILDREN.

Title, s. 1.	Institution to keep register, s. 11.
School authorities may take charge of Orphans, s. 2	Authorities may place child in charge of private individual, ss. 12, 13.
Powers of Justices, ss. 3, 4, 5, 6, 7.	Inspection of Institution, s. 14.
Duties of School Authorities, ss. 8, 9.	Penalty, s. 15.
Conditions under which child may be restored, s. 10.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. This Ordinance may be cited as "The Indigent Children's Ordinance."

2. The authorities of any school or orphanage in the Territories, maintained as such by any religious body, or by voluntary contributions, may receive from the parents, if both parents be alive, or from the survivor of them, or in the event of the decease of both parents, from the relations or friends in charge thereof, any male child under the age of sixteen years, or any female child under the age of fourteen years for the purpose of supporting or educating such child.

3. Any person in the Territories may bring before two Justices of the Peace, any male child apparently under the age of sixteen years, or any female child apparently under the age of fourteen years, who comes within any of the following descriptions, that is to say :

(1.) Who has no home or settled place of abode, or proper guardianship, or visible means of support ;

(2.) Who is found destitute, either being an orphan or having a surviving parent who is undergoing imprisonment, or who has deserted the said child.

4. The two Justices before whom the child is brought, coming within one of the descriptions mentioned in the

preceding clauses, or either of them, shall, if satisfied, on enquiry, of the fact and that it is expedient to deal with such child under this Ordinance, order him or her, as the case may be, to be sent to any such institution as may be willing to receive such child, in conformity with the provisions of this Ordinance.

5. In determining on the school or orphanage to which such child shall be sent, the Justices shall endeavour to ascertain the religious persuasion to which such child belongs, and shall select a school or orphanage conducted in accordance with the tenets of such religious persuasion, to which the child or its parents or parent belong or belonged, wherever the same shall be possible, and the order shall specify such religious persuasion.

6. If the child shall be utterly ignorant and shall have no knowledge of any religious persuasion or belief, or if it be uncertain to what religious persuasion his or her parents belong or belonged, such child shall be sent to such school or orphanage as shall be willing to receive him or her.

7. The order shall specify the time for which the child is to be detained in such school or orphanage, which time shall be such as to the Justices making such order shall seem proper for the teaching and training of the child, but not in any case extending beyond the time when, if a boy, he attains the age of eighteen years, or, if a girl, the age of twenty years, unless she previously marry.

8. Whenever such child shall be so received, the institution receiving the same shall be bound to give proper nutriment, medical care, clothing and education to such child; and shall be bound so to do until such child shall reach the age of eighteen years, if a boy, or twenty years, if a girl, unless she previously marry, or unless the child shall be discharged from such institution at an earlier age, under the terms of the order mentioned in the preceding section. Provided always, that during the whole term of such teaching and training the rights, power and authority of the parent or parents of such child shall cease, and shall be vested in and exercised by the managers of the institution, having the charge of the child.

9. Before receiving any child under the provisions of the first section of this Ordinance, it shall be the duty of the officers charged with the management of the institution, wherein such child is proposed to be received, to explain to the parents or parent, relations or friends of such child, that the institution is bound to, and will maintain and educate such child, until he or she arrives at the age of eighteen or twenty years, as the case may be, and that if such parents or parent, relations or friends voluntarily place such child in the said institution, they shall be bound to leave such child under the care and guardianship of such institution, under the age of eighteen or twenty years, as the case may be, unless such child shall be ordered to be given up to the parent or parents, friends or relations thereof in manner hereinafter provided.

10. In case any such institution refuses to give up such child at the demand of the parents or parent, relations or friends, such parents or parent or relations or friends may by application to two Justices of the Peace, after due notice of such application being given to the institution having charge of such child, appear before such Justices to support the said application, and if proved that the parents or parent, relations or friends, are fit and proper person or persons to take charge of the child, then the said Justices shall, upon good and sufficient reason being shown, order the child to be restored to the custody and control of such parents or parent, relations or friends.

11. It shall be the duty of every such institution, to keep a register of all the children so received, the date and particulars of their reception, name, age and particulars of their condition, their death or removal from such institution, the nationality or tribe to which they belong, and to transmit to the Lieutenant-Governor yearly in the month of January an abstract of such register.

12. In every case in which by the provisions of this Ordinance, it shall be lawful for the authorities of any school or orphanage, to receive any child as hereinbefore provided, it shall be lawful to place such child in charge of any private individual, who may be willing to receive the same, but in every such case it shall be necessary to obtain an order from two Justices of the Peace, approving the same,

which order shall not be granted until it shall be proved before such Justices that such individual is a fit and proper person to take charge of such child, and is able and willing to do so.

13. All the sections of this Ordinance having reference to a minor in charge of any school, orphanage or institution, shall apply to a minor placed under the guardianship of an individual.

14. A Judge of the Supreme Court or any person appointed by the Lieutenant-Governor, shall have power at all times to visit any such school, institution or orphanage or place where a minor may be held under this Ordinance, and to enquire into the management thereof, and the treatment received by any child detained under this Ordinance.

15. Any person disobeying any order made under the provisions of this Ordinance shall, upon summary conviction thereof, before two Justices of the Peace, forfeit and pay a fine not exceeding one hundred dollars, and in default of payment thereof, and costs forthwith after conviction, be imprisoned for any time not exceeding two months.

CHAPTER 35.

AN ORDINANCE RESPECTING THE HOLDING OF
LANDS IN TRUST FOR RELIGIOUS SOCIETIES
AND CONGREGATIONS.

Religious Societies may acquire Lands in name of Trustees, s. 1.	Powers of Trustees, ss. 4, 5, 6, 7, 9, 10. Supreme Court Judge to sanction Deed, s. 8. Presbyterian Church, s. 11.
Registration of Deed, s. 2.	
Debt, s. 3.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. When any religious society or congregation of Christians in the Territories, desire to take a conveyance of land for the site of a church, chapel, meeting-house, burial ground, residence or glebe for the minister, or for the support of public worship, and the propagation of Christian knowledge; such society or congregation may appoint trustees, to whom and their successors, to be appointed in such manner as may be specified in the deed of conveyance or a resolution passed in the manner provided for in the tenth section of this Ordinance. the land requisite for all or any of the purposes aforesaid, may be conveyed, and such trustees and their successors, in perpetual succession, by the name expressed in the deed or resolution, may take, hold, and possess the land, and maintain and defend all actions or suits, for the protection thereof, or of their property therein; provided always, that no religious society or congregation shall be capable of holding under the provisions of this Ordinance, more than three hundred and twenty acres of land.

2. Such trustee shall, within twelve months after the execution of this deed of conveyance, cause the deed to be registered in the registry office of the Land Registration District in which the land is situated, otherwise the said deed shall be void.

3. When a debt has been, or may hereafter be contracted or the building, repairing, extending or improving a church,

chapel, meeting-house, or residence for the minister, on land held by trustees, under the provisions of this Ordinance, or for the purchase of the land on which the same has been, or is intended to be erected, the trustees, or a majority of them may, from time to time, secure payment of the debt or of any part thereof, with or without interest, by mortgage upon the land, church, chapel, meeting-house, or residence for the minister, or may borrow money to pay the debt or any part thereof, and may secure the re-payment of the loan, with or without interest, by a like mortgage.

4. The trustees may lease for any term not exceeding twenty-one years, land held by them under this Ordinance, or part thereof, at such rent and upon such terms as the trustees or a majority of them may deem reasonable, provided always that the trustees shall not lease any land, which, at the time of the making of the lease, is necessary for the purpose of erecting a church, chapel, meeting-house, or residence for the minister, or for a burial ground for the religious society or congregation for whose use the land is held; and provided further, that the trustees shall not lease the land so held by them or any part thereof, for a term exceeding three years, without the consent of the religious society or congregation for whose use the land is held, which consent shall be signified by resolution passed by the votes of a majority of those persons, who by the constitution of the said religious society or congregation, or by the practice of the church with which it is connected, are entitled to vote in respect of church business, present at a meeting of the religious society, or congregation, duly called for the purpose of considering the proposed lease.

5. In any lease made under the last preceding section, the trustees may covenant or agree for the renewal thereof, at the expiration of any or every term of twenty-one years, for a further term of twenty-one years or any less period, at such rent and on such terms as may then, by the trustees for the time being, be agreed upon with the lessee, his executors, administrators or assigns, or may covenant or agree for the payment to the lessee, his executors, administrators or assigns, of the value of any buildings or other improvements, which may, at the expiration of any term, be on the demised premises: and the mode of ascertaining the amount of such rent, or the value of such improvements may also be provided for in the original, or any subsequent lease.

6. The trustees for the time being, holding land under this Ordinance, which has been leased, under the powers contained in the fourth and fifth sections of this Ordinance, may take all such means and proceedings for the recovery of rent, or arrears of rent, which landlords are by Law entitled to take.

7. When land held by trustees for the use of a religious society or congregation becomes unnecessary to be retained for such use, and it is deemed advantageous to sell the same, the trustees, for the time being, may give public notice of an intended sale, specifying the premises to be sold, the terms of payment, and the time of sale, and after publication of the notice, not less than once in each week for four successive weeks, in a newspaper published in or near the place where the land is situated, sell the land at public auction, according to notice, but the trustees shall not be obliged to complete or carry a sale into effect, if, in their judgment, an adequate price is not offered for the land; and in such a case the trustees may at a subsequent time sell the land, either at public auction or private sale, but a less sum shall not be accepted at private sale than was offered at public sale.

8. Before a deed is executed in pursuance of a public or private sale, the religious society or congregation, for whose use the land is held, shall be notified, and the sanction of a Judge of the Supreme Court usually exercising jurisdiction in the Judicial District, in which the land is situated, obtained for the execution of the deed.

9. Trustees selling or leasing land under the authority of this Ordinance, shall, in the month of January in each year, at a meeting of the religious society, or congregation, duly called according to the constitution thereof, or according to the practice of the church with which it is connected, have ready and open for the inspection of the said society or congregation, and of any and every member thereof, a statement showing all rents which accrued during the preceding year, and all sums of money in their hands for the use and benefit of the said society or congregation, which were in any manner derived from the land under their control or subject to their management, or from the proceeds of the

sale thereof, and also showing the manner in which they may have expended or dealt with the said money or any part thereof.

10. When land is granted or conveyed to trustees for the use of any religious society or congregation, and the grant or deed of conveyance of such land does not specify the manner in which their successors to the trustees therein named are to be appointed, the religious society or congregation for whose use such land is held, may, at a meeting of the said society or congregation, duly called according to the constitution thereof, or according to the practice of the Church with which it is connected, by the votes of a majority of those persons, who, by the constitution of the said society or congregation, or by the practice of the church with which it is connected, are entitled to vote in respect of church business, then present at said meeting, pass a resolution specifying the manner in which the successors of the trustees, for the term then being, are to be appointed, and such resolution endorsed on, or annexed to, the deed or conveyance under which the land is held for the use of the said society or congregation, signed by the chairman and secretary of the meeting at which the resolution is adopted, shall govern and regulate the manner in which the successors of the trustees, named in the original grant or conveyance, shall be appointed, and from and after the passing of such resolution, the provisions of this Ordinance shall apply to the said society or congregation, and to the trustees thereof.

11. In the case of a congregation connected with the Presbyterian Church in Canada, for the use or benefit, of which land is now held, or may hereafter be held, by the Board of Management of the Church and Manse building fund of the Presbyterian Church in Canada for Manitoba and the Northwest, pursuant to the powers contained in the Act of Parliament of Canada, passed in the Forty-sixth year of the reign of Her Majesty, and Chaptered ninety-seven, incorporating the said Board of Management, in the case of any congregation of the said church, which has received from the said Board a loan, under the provisions of the said Act, no resolution passed under the last preceding section shall have any force, or be operative, until the same has been submitted to the Board of Management, and the consent thereto of the said Board of Management has been engrossed in writing under their corporate seal.

CHAPTER 36.

AN ORDINANCE RESPECTING MASTERS AND SERVANTS.

Certain Contract to be in writing, s. 1.	Provisions to apply to contracts made outside Territories, s. 5.
Drunkenness, neglect, etc., penalty, s. 2.	Complainant and Accused may give evidence, s. 6.
Concealing servant, etc, penalty, s. 3	Not to bar Civil Action, s. 7.
Ill-usage of servant, penalty, s 4.	Prosecution to be commenced with- in three months, s. 8.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. Every contract of hire of personal service for any period more than a year shall be in writing, signed by the contracting parties.

2. Any person engaged, bound, or hired, whether as a clerk, journeyman, apprentice, servant, laborer, or otherwise howsoever, guilty of drunkenness, or by absenting himself, by day or night, without leave, from his proper service or employment; or of refusing or neglecting to perform his just duties, or to obey the lawful commands of his master; or of dissipating his employer's property or effects, shall be deemed guilty of a violation of his contract, and, upon being convicted of one or more of the said violations in a summary way before a Justice of the Peace, forfeit and pay such sum of money not exceeding thirty dollars, as to the said Justice seems meet, together with costs of prosecution: and in default of payment thereof forthwith be imprisoned for any period not exceeding one month, unless the fine imposed and costs, together with the costs of commitment and conveying such person convicted to the place of imprisonment, be sooner paid.

3. Any person who harbours or conceals any apprentice or servant who has deserted his master's service, or instigates any such apprentice or servant to desert such service, or keeps such apprentice or servant in his service after being notified or informed of the fact, shall, on conviction

thereof before a Justice of the Peace in a summary way, be liable to the same penalties as are enacted in the next preceding section of this Ordinance.

4. It shall be lawful for any Justice of the Peace on complaint on oath by any employee or other servant of ill usage, non-payment of wages (not exceeding two months' wages, the same having been first demanded), or improper dismissal by his master or employer, to cause such master or employer to be brought before him, and upon proof to his satisfaction of the complaint being well founded, to order such complainant to be discharged from his engagement and to order such master or employer to pay such complainant one month's wages in addition to the amount of wages then actually due him, not exceeding two months' wages as aforesaid, together with the costs of prosecution, the same to be levied by distress and sale of the offender's goods and chattels; and in default of sufficient distress, to be imprisoned for any term not exceeding one month, unless the said moneys and costs be sooner paid.

5. The provisions of this Ordinance shall be held to apply in the Territories to contracts and agreements made at any place outside the same.

6. On the trial of any complaint made under this Ordinance the complainant and accused shall be admitted to give evidence.

7. Nothing in this Ordinance shall in any wise curtail, abridge or defeat any civil or other remedy for the recovery of wages or damages, which employers or masters may have against servants or employees, or which servants or employees may have against their masters or employers.

8. Prosecution for offences under this Ordinance shall be commenced within three months after the offence has been committed, and not after.

CHAPTER 37.

AN ORDINANCE RESPECTING AUCTIONEERS,
HAWKERS AND PEDLERS.

Licenses, s. 1.

Fees, s. 2.

Expiry of License, s. 3.

Penalty, s. 4.

No License to be granted within a
Municipality, s 5.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. No person shall follow the calling or pursue the business of an auctioneer, hawker or pedler within the Territories, without having first obtained a license therefor, under the hand of the Lieutenant-Governor, with the seal of the said Territories.

(2.) In this Ordinance the expression "hawker" means and includes any person, who, being a principal or an agent or employee of any person not a resident within the Territories, sells or offers for sale any goods, wares or merchandise, or carries and exposes samples or patterns of any goods, wares or merchandise, to be afterwards delivered within the Territories, to any person not being a wholesale or retail dealer in such goods, wares or merchandise, but shall not mean or include any person selling meat, fish, fruit, or farm produce by retail.

2. The applicant for every such license shall pay therefor the sum of twenty-five dollars, when the application is made on or before the thirtieth day of June in any year, and the sum of twelve dollars and fifty cents, when such application is made after such date.

3. Every license issued under this Ordinance shall expire on the thirty-first day of December of the year in which it is issued.

4. Any person, violating the provisions of this Ordinance, shall be liable, on summary conviction, to a fine not exceeding one hundred dollars and costs of prosecution.

5. Provided always, that no license shall be granted to any hawker or pedler to transact business within an incorporated Municipality.

CHAPTER 38.

AN ORDINANCE RESPECTING THE LICENSING OF BILLIARD AND OTHER TABLES, AND FOR THE PREVENTION OF GAMBLING.

Licenses, ss, 1, 2.

Issuers to make monthly statement,
s 3.

Penalty, s. 4.

Gaming and wagering prohibited,
penalty, s 5.

Powers of Peace Officers, s. 6.

Ordinance not applicable to Municipalities, s 7.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. No person shall carry on in the Territories any of the callings, hereinafter mentioned, without having first obtained a license for that purpose, which license shall be issued by such person as the Lieutenant-Governor in Council may authorize: and in every case the license shall expire on the thirty-first day of December next following the date thereof and may be assigned.

2. To obtain a license the applicant shall, if he applies on or before the thirtieth day of June, pay to the issuer as follows:

(1.) If the license be for a single billiard or pool table, twenty dollars: and for every such additional table, fifteen dollars;

(2.) For every bagatelle, mississippi, pigeon-hole, or other gaming table or board with balls, twenty dollars;

(3.) For every bowling alley, twenty dollars;

But one-half of the said fees only shall be payable, when the application is made after the thirtieth day of June in any year.

3. Each issuer of licenses shall make monthly returns of all licenses issued by him under this Ordinance to the Lieutenant-Governor, paying over to him, on account of the General Fund of the Territories, all moneys received therefor, retaining thereout, for his services, ten per cent. of the moneys collected.

4. Any person who shall, without having first obtained a license, have set up in any public room or hall, any of the tables or boards, or a bowling alley hereinbefore named, shall be liable, on conviction in a summary way before a Justice of the Peace, to a fine, for every such offence, of not less than one year's license fee, nor exceeding one hundred dollars, with costs of prosecution, and on non-payment thereof, to be imprisoned for any term not exceeding three months.

5. Every description of gaming, and all playing of faro, cards, dice, or other game of chance, with betting or wagers for or stakes of money or other things of value, and all betting and wagering on any such games of chance is strictly forbidden in the Territories, and any person convicted before a Justice of the Peace, in a summary way, of playing at or allowing to be played at on his premises, or assisting or being engaged in any way in any description of gaming as aforesaid, shall be liable to a fine for every such offence, not exceeding one hundred dollars, with costs of prosecution, and on non-payment of such fine and costs forthwith after conviction, be imprisoned for any term not exceeding three months.

6. In order the more effectually to repress the offences specified in this Ordinance, every Peace Officer of the Territories is hereby authorized, by force, if necessary, to enter any suspected place, to arrest therein on view, any person or persons found committing any of the offences aforesaid, and bring him or them before a Justice of the Peace, to be dealt with summarily according to law, and also to seize any tables and other instruments, and money and securities for money used in contravention of this Ordinance (except tables the subject of annual licenses as aforesaid): and the Justice of the Peace shall, upon conviction of an offender under this Ordinance, order the said tables and other instruments to be forfeited and sold, or, in the discretion of the convicting Justice, destroyed, and the money so seized as aforesaid shall be forfeited, and accrue to the General Revenue Fund of the Territories.

7. Nothing in this Chapter shall apply to any portion of the Territories incorporated as a Municipality.

CHAPTER 39.

AN ORDINANCE TO PREVENT THE PROFANATION OF THE LORD'S DAY.

Lord's Day, ss. 1, 2.

Contracts made on, void, s. 3.

Penalty, s. 4.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. No merchant, tradesman, artificer, mechanic, workman, laborer or other person whatsoever, shall on the Lord's Day sell or publicly show forth, or expose or offer for sale or purchase any goods, chattels or other personal property or any real estate whatsoever, or do, or exercise any worldly labor, business or trade of his ordinary calling; travelling or conveying travellers or Her Majesty's mails, selling drugs and medicines and other works of necessity and works of charity only excepted.

2. No person on that day shall play at billiards or pool in any public room, or run races on horseback or in vehicles of any sort, or discharge fire-arms or engage in any game or games in any public place.

3. All sales and purchases, and all contracts and agreements for sale or purchase of any real or personal property whatsoever made by any person or persons on the Lord's Day, shall be utterly null and void.

4. Any person convicted before a Justice of the Peace of violating any of the provisions of this Ordinance, shall, upon such conviction, in a summary way, be liable to a fine not exceeding one hundred dollars and costs of prosecution.

CHAPTER 40.

AN ORDINANCE AUTHORIZING THE APPOINTMENT OF NOTARIES PUBLIC.

Notaries Public, ss. 1, 2.

| Fee, s. 3.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. It shall be lawful for the Lieutenant-Governor to appoint by commission under his hand and the seal of the Territories, one or more Notaries Public for the said Territories, provided that no appointment shall be made of any person or persons who at the time shall not be actually residing within the said Territories.

2. Every such Notary shall have, use and exercise the power of drawing, passing, keeping and issuing all deeds and contracts, charter parties and other mercantile transactions in the said Territories ; and also of attesting all commercial instruments that may be brought before him for public protestation and otherwise of acting as usual in the office of Notary, and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the said calling of Notary Public during the pleasure of the Lieutenant-Governor.

3. For every commission issued under this Ordinance, there shall be payable to the Lieutenant-Governor the sum of ten dollars, to form part of the General Fund of the Territories.

CHAPTER 41.

AN ORDINANCE RESPECTING THE LEGAL PROFESSION.

Only Advocates permitted to practice, s. 1.	Advocates to be officers of the Court, s. 4
Who may become Advocates, s. 2.	Striking off the Roll, s. 5.
Enrollment, s. 3.	Oath, s. 6.
	Fee, s. 7.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. Persons duly enrolled as advocates under the provisions of this Ordinance, and no others, shall be permitted to practice at the Bar in the Supreme or any other Courts of civil jurisdiction in the Territories, and to sue any writ or process, or commence, carry on, solicit or defend any action, or proceeding in the name of any person or in his own name, in any such Courts.

2. Any of the following persons upon production to the Lieutenant-Governor of a certificate from a Judge of the Supreme Court to the effect that he is entitled to be enrolled, and the payment of a fee of Fifty dollars to the General Revenue Fund of the Territories, may be enrolled as an advocate in the said Territories:

(1.) Any person, who has been duly called to the Bar of any of the Courts in Her Majesty's Dominions, or who has been admitted to practice as an attorney, advocate, or solicitor in any of said Courts ;

(2.) Any British subject of the age of 21 years furnishing to a Judge of the Supreme Court satisfactory evidence of a good moral character, and that he has pursued the study and practice of Law for at least three years under articles with a duly enrolled advocate in the Territories, and that the said articles, and any assignment thereof, the execution thereof being verified by affidavit, have been filed with the Registrar of the Supreme Court, within six months after the execution thereof ; and who shall pass an examination to the satisfaction of such Judge and of a duly enrolled advocate of the

Territories, to be named by the Judge, on the general principles of the common law and equity jurisprudence, the British North America Act, and amendments thereto, the Statutes of the Dominion, and the Ordinances of the North-West Territories, and shall subscribe and take before such Judge the oath hereinafter prescribed.

3. Upon receipt of such certificate from a Judge, and of the requisite fee, the Lieutenant-Governor shall cause the name of the person named in such certificate to be enrolled in a book, to be kept for that purpose, and shall issue to such person a certificate in the form following:

CERTIFICATE TO PRACTICE AS AN ADVOCATE IN THE NORTH-WEST TERRITORIES.

No.

This is to certify that _____ having complied with the provisions of "The Ordinance respecting the Legal Profession" was, on the _____ day of _____ A.D. 18 _____ duly enrolled as an advocate of the Courts of civil jurisdiction in the North-West Territories, and as such is entitled to all the rights and privileges granted by said Ordinance.

Given under my hand and the seal of the North-West Territories, at _____ this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

.....

Lieutenant-Governor
of the North-West Territories.

Endorsement.

Registered this _____ day _____ A.D. 18 _____
Liber _____ Folio _____

Secretary.

4. All persons enrolled as aforesaid shall be officers of the Supreme and other Civil Courts of the Territories, and shall be known and designated as advocates of such Courts.

5. The Supreme Court, or the Judges thereof usually exercising jurisdiction in the judicial district within which such advocate is residing or practising, upon the application of any person upon such notice to such advocate, as the Judge may direct, may order that any advocate, so enrolled as aforesaid, be struck off the rolls, or be suspended for such

time, as such Judge may think proper, for non-payment of moneys received by him as such advocate, after judgment shall have been entered against such advocate, and the period of three months shall have elapsed without the payment thereof, or for the conviction of any such advocate of felony or misdemeanor ; and the Lieutenant-Governor, upon receiving from such Judge such order, shall note opposite the name of such advocate a minute thereof and thereafter such advocate shall be debarred from the privileges of this Ordinance during the time limited by such order.

6. The oath to be taken as hereinbefore prescribed shall be as follows :

I, A. B., do solemnly swear that I will well and truly and honestly demean myself as an Advocate in the North-West Territories, according to the best of my knowledge, skill and ability. So help me God.

7. For filing articles of clerkship, and every assignment thereof, there shall be payable to the Registrar of the Supreme Court a fee of fifty cents.

CHAPTER 42.

AN ORDINANCE RESPECTING FEES IN SUMMARY TRIALS.

Fees in summary trials, s. 1. | Schedule.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. The fees mentioned in the Schedule at the end of this Ordinance shall be and constitute the fees, which Justices of the Peace, constables and witnesses shall be entitled to demand and receive in all cases of Summary Convictions and Orders in the said Territories, unless in cases where other fees are expressly prescribed by Law.

SCHEDULE.

JUSTICES OF THE PEACE.

Information or Complaint and Summons or Warrant.....	\$1 00
Every copy of Summons	25
Warrant of Distress	75
Warrant of Commitment	75
Subpoena to Witnesses.....	25
Hearing and determining the case.....	1.00
Conviction or Order	1.00
Recognizance and return.....	75

CONSTABLES.

Service of each Summons or Warrant.....	50
Mileage for service of Summons, for each mile necessarily travelled	10
Mileage for executing Warrant, for each mile necessarily travelled	10
Attendance on Trial, levying on Distress Warrant and returning the same, shall be charged at the rate of, per day.....	2.00

WITNESSES.

For each day's attendance in Court.....	1.00
Mileage, for each mile necessarily travelled.....	10

CHAPTER 43.**AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF CONSTABLES.**

Justices may appoint, s. 1.

| Oath, s. 2.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. Any Justice of the Peace may, in writing, appoint one or more constables, whose powers and duties as such shall extend to the whole of the Territories; such appointment to be in force for the time mentioned in the appointment, but shall at no time be longer in force than until the thirty-first day of December then next following the date of such appointment, or until any process on the said thirty-first day of December in his hands be executed.

2. Every constable so appointed shall, before entering on the duties of his office, take and subscribe, before a Justice of the Peace, the following oath:

“I, _____ having been appointed Constable for the North-West Territories, do solemnly swear that I will truly, faithfully and impartially perform the duties appertaining to the said office, according to the best of my skill and ability. So help me God.”

CHAPTER 44.

AN ORDINANCE TO PROVIDE AND REGULATE
RETURNS BY JUSTICES OF THE PEACE.

Returns, s. 1.
Penalty, s. 2.

| Form of Return, Appendix.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. Every Justice of the Peace, and in cases where two Justices of the Peace sit together, the senior of such Justices shall quarterly, on or before the second Tuesday in each of the months of March, June, September and December in each year, make a return to the Lieutenant-Governor, in the form at the end of this Ordinance, of all proceedings had before him or them, as the case may be, and, with such return, pay over to the Lieutenant-Governor all fines received during the three months ending on the last day of the month preceding such return.

2. Every Justice, failing to comply with the requirements of the next preceding section of this Ordinance, shall be liable to a penalty of one hundred dollars and costs of suit, in addition to the amount of fines received, to be recovered by the Lieutenant-Governor before the Supreme Court of the Territories, as a debt, the same, when recovered, to form part of the General Fund of the Territories.

CHAPTER 45.

AN ORDINANCE EXEMPTING CERTAIN PROPERTY FROM SEIZURE AND SALE UNDER EXECUTION.

Articles exempted, s. 1.		Exceptions, s. 3.
Choice of articles exempted, s. 2.		

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. The following real and personal property are hereby declared free from seizure by virtue of all Writs of Execution issued by any Court in these Territories, namely :

(1.) The necessary and ordinary clothing of the defendant and his family ;

(2.) The furniture and household furnishings belonging to the defendant and his family to the value of five hundred dollars ;

(3.) The necessary food for the defendant's family during six months, which may include grain and flour, or vegetables and meat either prepared for use or on foot ;

(4.) Two cows, two oxen, and one horse, or three horses or mules, six sheep, and two pigs, besides the animals the defendant may have chosen to keep for food purposes, and food for the same for the months of November, December, January, February, March and April, or for such of these months or portions thereof, as may follow the date of seizure, provided such seizure be made between the first day of August and the thirtieth day of April next ensuing ;

(5.) The harness necessary for three animals, one wagon or two carts, one mower or cradle and scythe, one breaking plough, one cross-plough, one set harrows, one horse rake, one sewing machine, and one reaper or binder ;

(6.) The books of a professional man ;

(7.) The tools and necessaries used by the defendant in the practice of his trade or profession ;

(8.) Seed grain sufficient to seed all his land under cultivation, not exceeding eighty acres, at the rate of two bushels

per acre, defendant to have choice of seed, and fourteen bushels of potatoes.

(9.) The homestead of the defendant, provided the same be not more than one hundred and sixty acres ; in case it be more, the surplus may be sold subject to any lien or incumbrance thereon ;

(10.) The house and buildings occupied by the defendant and also the lot or lots on which the same are situate, according to the registered plan of the same, to the extent of fifteen hundred dollars.

2. The defendant shall be entitled to a choice from the greater quantity of the same kind of articles, which are hereby exempted from seizure.

3. Nothing in this Ordinance shall exempt from seizure any article, except for the food, clothing and bedding of the defendant and his family, the price of which forms the subject matter of the judgment upon which execution against the defendant is issued.

CHAPTER 46.**AN ORDINANCE RESPECTING PARTNERSHIP.**

Partnerships must be registered,	New Declaration, s. 11.	
s. 1.		
Modes of registration, ss. 2 to 8, incl.		Registering dissolution, s. 12.
Penalty, s. 9.		Fees, s. 13.
Effect of registration, s. 10.		Forms, Schedule.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

REGISTRATION OF CO-PARTNERSHIPS.

1. All persons associated in partnership for trading, manufacturing or mining purposes in the Territories, shall cause to be delivered to the Registrar of Deeds of the Land Registration District in which they carry on, or intend to carry on business, a declaration in writing, signed by the several members of such partnership; provided, however, that if any of the said members be absent from the place, where they carry on or intend to carry on business, at the time of making such declaration, then such declaration shall be signed by the members present in their own names, and also for their absent co-members, under their special authority to that effect; such special authority to be at the same time filed with the said Registrar and annexed to such declaration.

2. Such declaration shall be in the Form A of this Ordinance, and shall contain the names, surnames, additions and residences of each and every partner, or associate, as aforesaid, and the name, style or firm under which they carry on, or intend to carry on such business, and stating also the time during which the partnership has existed and is to exist, also declaring that the persons therein named are the only members of such co-partnership or association.

3. Such declaration shall be filed within six months next after the formation of any such partnership, and a similar

declaration shall in like manner be filed, when and so often as any change or alteration of partnership takes place in the membership of such partnership, or in the name, style or firm under which they intend to carry on business, or in the place of residence of each member of said firm, and every new declaration shall state the alteration in the partnership.

4. Every person engaged in business for trading, manufacturing, or mining purposes, and who is not associated in partnership with any other person or persons, but who uses, as his business style, some name or designation other than his own name, or who in such business uses his own name with the addition of "and Company", or some other word or phrase indicating a plurality of members in the firm, shall cause to be delivered to the Registrar aforesaid a declaration of the fact in writing signed by such person.

5. The declaration last aforesaid shall contain the name, surname, addition and residence of the person making the same, and the name, style, or firm under which he carries on, or intends to carry on business, and shall also state that no other person is associated with him in partnership, and the same shall be filed within six months of the time when such style is first used.

6. It shall be the duty of the Registrar aforesaid, to keep two Alphabetical Index Books of all declarations of co-partnership, delivered to him in pursuance of the provisions hereof.

7. In one of such books hereinafter called the "Firm Index Book," the said Registrar shall enter in alphabetical order, the style of the respective firms, in respect of which declarations have been delivered to him, and shall place opposite each entry the names of the person or persons composing such firm, and the date of the receipt by him of the declaration, in the manner shown in Form B of this Ordinance.

8. In the second of such books, hereinafter called the "Individual Index Book," the said Registrar shall enter in alphabetical order the names of the respective members of each of such firms, and shall place opposite such entry the

style of the firm of which such person is a member, and the date of the receipt of the declaration in the manner shown in Form C of this Ordinance.

9. Each and every member of any partnership, or other persons requiring to register a declaration under the provisions of this Ordinance as aforesaid, who fails to comply with the requirements aforesaid, shall forfeit the sum of one hundred dollars, to be recovered before any Court of competent jurisdiction, by any person suing as well on his own behalf as on behalf of the Lieutenant-Governor; and half of such penalty shall belong to the General Fund of the Territories, and the other half to the party suing for the same, unless the suit be brought, as it may be, by the Lieutenant-Governor on behalf of the Territories only, in which case the whole of the penalty shall belong to the Territories aforesaid.

10. The allegations made in the declaration aforesaid cannot be controverted by any person who has signed the same, nor can they be controverted as against any party not being a partner, by a person who has not signed the same, but who was really a member of the partnership therein, mentioned at the time such declaration was made.

11. Until a new declaration is made and filed by him, or by his co-partners, or any of them as aforesaid, no such signer shall be deemed to have ceased to be a partner; but nothing herein contained shall exempt from liability any person, who being a partner, fails to declare the same as already provided, and such person may, notwithstanding such omission, be sued jointly with the partners mentioned in the declaration, or they may be sued alone, and if judgment is recovered against them, any other partner or partners may be sued jointly or severally, in an action on the original cause of action, upon which such judgment was rendered, nor shall anything in this Ordinance be construed to affect the rights of any partners with regard to each other, except that no such declaration as aforesaid shall be controverted by any signer thereof.

12. Upon the dissolution of any partnership, any or all of the persons who compose such partnership, may sign a

FORM B.

(Vide Section 7.)

FIRM INDEX BOOK.

STYLE OF FIRM.	NAMES OF PERSONS COM- POSING THE FIRM, AND THEIR RESIDENCES.	DATE OF FIL- ING DECLAR- ATION.
John Smith & Co.	John Smith, Moose Jaw Edward Ives, Regina.	15 Sept., 1889.
James Abbot & Son.	James Abbott, Calgary George Abbott, Calgary.	10 Sept., 1889.
Bernard & Johnson.	Arthur Bernard, Troy Alexander Johnson, Troy.	1 March, 1889.

FORM C.

(Vide Section 8.)

INDIVIDUAL INDEX BOOK.

NAME OF INDIVIDUAL AND RESIDENCE.	STYLE OF FIRM OF WHICH A MEMBER.	DATE OF FILING DE- CLARATION
Abbott James, Calgary	James Abbott & Son.	10 Sept, 1889.
Abbott George, do	do	do
Bernard Arthur, Troy,	Bernard & Johnson.	1 March, 1889
Johnson Alex., Troy.	Bernard & Johnson	1 March, 1889.

FORM D.

(Vide Section 12.)

DECLARATION OF DISSOLUTION OF PARTNERSHIP.

NORTH-WEST TERRITORIES,
Land Registration Dis- } I,
trict of

formerly a member of the firm of carrying on business
as at in the Land Registration District of
under the style of do hereby certify that the said part-
nership was on the day dissolved.

Witness my hand at the day of
one thousand eight hundred and eighty

CHAPTER 47.

AN ORDINANCE RESPECTING MORTGAGES AND SALES OF PERSONAL PROPERTY.

Registration Districts, s. 1.	Evidence, s. 14.
Registration Clerks, s. 2.	Discharge, ss. 15. 16.
Registration, ss. 3, 4, 5, 6, 7.	Assignment, s. 17.
Instruments, s. 8.	Removal of Goods, s. 18.
Registration Officer, s. 9.	Fees, s. 19.
Duties, s. 10.	Affidavits, s. 20.
Renewal, s. 11.	Office hours, s. 21.
Form of Statement, s. 12.	Schedule
Affidavit for, s. 13.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. For the purposes of registration of mortgages and other transfers of personal property in the Territories, the following shall be registration districts:

(a.) The registration district of "Moosomin," comprising that part of Assiniboia eastward of the eleventh range of townships west of the Second Meridian;

(b.) The registration district of "Regina," comprising that part of Assiniboia west of the registration district of Moosomin, and east of the west line of the twenty-third range of townships west of the Third Meridian;

(c.) The registration district of "Medicine Hat," comprising all that portion of Assiniboia west of the registration district of Regina;

(d.) The registration district of "Macleod," comprising all that part of Alberta lying west of the registration district of Medicine Hat, and south of townships seventeen;

(e.) The registration district of "Calgary," comprising all that part of Alberta lying between townships sixteen and forty-three;

(f.) The registration district of "Edmonton," comprising all that portion of Alberta lying north of townships forty-two;

(g.) The registration district of "Battleford," comprising

all that portion of Saskatchewan lying west of the fifth range of townships west of the Third Meridian;

(h.) The registration district of "Prince Albert," comprising all that portion of Saskatchewan lying east of the Battleford registration district.

2. For the registration districts of Moosomin, Regina, Macleod, Calgary and Prince Albert, the clerks of the Supreme Court respectively shall be registration clerks, and for the registration districts of Medicine Hat, Edmonton, and Battleford, such persons as the Lieutenant-Governor may appoint shall be registration clerks, who respectively shall keep their offices at Medicine Hat, Edmonton and Battleford.

3. Every mortgage or conveyance intended to operate as a mortgage of goods and chattels made in the Territories, which is not accompanied by an immediate delivery and an actual and continued change of possession of the things mortgaged, shall, within fifteen days from the execution thereof, be registered as hereinafter provided, together with the affidavit of a witness thereto, of the due execution of such mortgage or conveyance and also with the affidavit of the mortgagee, or one of several mortgagees, or the agent of the mortgagee or mortgagees, if such agent is aware of all the circumstances connected therewith and is properly authorized by power in writing attached to the same, to take such mortgage, such last mentioned affidavit stating that the mortgagor therein named is justly and truly indebted to the mortgagee in the sum mentioned in the mortgage, that it was executed in good faith and for the express purpose of securing the payment of money justly due or accruing due, and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagor or of preventing the creditors of such mortgagor from obtaining payment of any claim against him; and every such mortgage or conveyance shall operate, or take effect upon, from and after the day and time of the execution thereof.

4. In case of an agreement in writing for future advances for the purpose of enabling the borrower to enter into and carry on business with such advances, and in case of a mortgage of goods and chattels for securing the mortgagee re-

payment of such advances, or in case of a mortgage of goods and chattels for securing the mortgagee against the endorsement of any bills or promissory notes or any other liability by him incurred for the mortgagor, not extending for a longer period than one year from the date of the mortgage, and in case the mortgage is executed in good faith, and sets forth fully by recital or otherwise, the terms, nature and effect of the agreement and the amount of liability intended to be created, and in case such mortgage is accompanied by the affidavit of a witness thereto of the due execution thereof, and by the affidavit of the mortgagee or one of several mortgagees, or in case the agreement has been entered into and the mortgage taken by an agent duly authorized by writing attached to make such agreement and take such mortgage, and if the agent is aware of the circumstances connected therewith, then, if accompanied by the affidavit of such agent, such affidavit, whether of the mortgagee or his agent, stating that the mortgage truly sets forth the agreement entered into between the parties thereto, and truly states the extent of the liability intended to be created by such agreement and covered by such mortgage, and that such mortgage is executed in good faith and for the express purpose of securing the mortgagee repayment of his advances or against the payment of the amount of his liability for the mortgagor, as the case may be, and not for the purpose of securing the goods and chattels mentioned therein against the creditors of the mortgagor, nor to prevent such creditors from recovering any claims which they may have against such mortgagor, and in case such mortgage is registered as hereinafter provided, within fifteen days from the execution thereof, the same shall be as valid and binding as mortgages mentioned in the third section of this Ordinance.

5. Every sale, assignment and transfer of goods and chattels not accompanied by an immediate delivery and followed by an actual and continued change of possession of the goods and chattels sold, shall be in writing, and such writing shall be a conveyance under the provisions of this Ordinance, and shall be accompanied by an affidavit of a witness thereto of the due execution thereof, and an affidavit of the bargaineer, or one of several bargainees, or of the agent of the bargaineer or bargainees, duly authorized in writing to take such conveyance (a copy of which authority

shall be attached to the conveyance), that the sale is *bona fide* and for good consideration, as set forth in the said conveyance, and not for the purpose of holding or enabling the bargainee to hold the goods mentioned therein against any creditors of the bargainor; and such conveyance and affidavits shall be registered as hereinafter provided within fifteen days from the execution thereof, otherwise the sale shall be absolutely void as against the creditors of the bargainor and as against subsequent purchasers of mortgagees in good faith.

6. Such registration shall only have effect in the registration district, wherein such registration has been made.

7. In case such mortgage or conveyance and affidavits are not registered as hereinbefore provided, or in case the consideration for which the same is made is not duly expressed therein, the mortgage or conveyance shall be absolutely null and void as against creditors of the mortgagor, and against subsequent purchasers or mortgagees in good faith for valuable consideration.

8. All the instruments mentioned in this Ordinance, whether for the mortgage or sale, assignment or transfer of goods and chattels, shall contain such sufficient and full description thereof, that the same may be readily and easily known and distinguished, except in the case of assignments for the general benefit of creditors, in which case the description shall be sufficient, if it is in the following words: "All my personal property which may be seized and sold under execution," or words to that effect.

9. The proper registration officer for instruments, being mortgages and transfers of personal property, shall be the clerk of the registration district in which the property described in the mortgage or transfer is at the time of the the execution of the instrument; such registration clerks shall file all such instruments presented to them respectively for that purpose, and shall endorse thereon the time of receiving the same in their respective offices, and the same shall be kept there for the inspection of all persons interested therein, or intending or desiring to acquire any interest in ll or any portion of the property covered thereby.

10. Every such clerk shall number each instrument or copy filed in his office, and shall enter in alphabetical order in a book to be provided by him the names of all the parties to such instrument, with the number endorsed thereon opposite to each name; and such entry shall be repeated alphabetically under the name of every party thereto.

11. Every mortgage thereof filed in pursuance of this Ordinance shall cease to be valid as against the creditors of the persons making the same, and against subsequent purchasers or mortgagees in good faith for valuable consideration, after the expiration of one year from the filing thereof, unless, within thirty days next preceding the expiration of the said term of one year, a statement exhibiting the interest of the mortgagee in the property claimed by virtue thereof, and a full statement of the amount still due for principal and interest thereon, and of all payments made on account thereof, is again filed in the office of the registration clerk of the district, where the property is then situate, with an affidavit of the mortgagee or of one of several mortgagees, or of the assignee or one of several assignees, or of the agent of the mortgagee or assignee, or mortgagees or assignees, duly authorized for that purpose, as the case may be, stating that such statements are true, and that the said mortgage has not been kept on foot for any fraudulent purpose.

12. Such statement and affidavit shall be in the following form, or to the like effect:

STATEMENT exhibiting the interest of C. D. in the property mentioned in the chattel mortgage dated the _____ day of _____ A. D., 18____, made between A. B., of _____ of the one part, and C. D., of _____ of the other part, and filed in the office of the registration clerk of _____ district (as the case may be,) on the _____ day of _____ 18____, and of the amount due for principal and interest thereon, and of all payments made on account thereof.

The said C. D. is still the mortgagee of the said property and has not assigned the said mortgage (or the said E. F. is the assignee of the said mortgage by virtue of an assignment thereof from the said C. D. to him, dated the _____ day of _____ 18____), or as the case may be.

No payments have been made on account of the said mortgage, [or the following payments, and no other, have been made on account of the said mortgage:

18 —Jan. 1.—Cash received.....\$]

The amount still due for principal and interest on the said mortgage is the sum of _____ dollars, computed as follows :

[Here give the computation.]

C. D.

NORTH-WEST TERRITORIES. }
To WIT. }

I, _____ of _____ the mortgagee named in the chattel mortgage mentioned in the foregoing [or annexed] statement or [assignee] of _____ the mortgagee named in the chattel mortgage mentioned in the foregoing [or annexed] statement, [as the case may be], make oath and say :

1. That the foregoing [or annexed] statement is true.
2. That the chattel mortgage mentioned in the said statement has not been kept on foot for any fraudulent purpose.

Sworn before me at _____ }
in the North-West Territories, }
this _____ day of _____ 18 _____ }

13. The affidavit required by the eleventh section of this Ordinance may be made by any next of kin, executor or administrator of any deceased mortgagee, or by an assignee having by or through any mortgagee, or any next of kin, executor or administrator of any such assignee; but if the affidavit is made by any assignee, next of kin, executor or administrator of any such assignee, the assignment, or the several assignments through which such assignee claims, shall be filed in the office in which the mortgage is originally filed, at or before the time of such re-filing by such assignee, next of kin, executor or administrator of such assignee.

14. A copy of such original instrument, or of a copy thereof, so filed as aforesaid, including any statement made in pursuance of this Ordinance, certified by the registration clerk in whose office the same has been filed, shall be received in evidence in all courts, but only of the fact that such instrument or copy and statement, were received and filed accord-

ing to the endorsement of the clerk thereon, and of no other fact; and in all cases the original endorsement by the said clerk, made in pursuance of this Ordinance upon any such instrument or copy, shall be received in evidence only of the fact stated in such endorsement.

15. Where any mortgage of goods and chattels is registered under the provisions of this Ordinance, such mortgage may be discharged by the filing in the office, in which the same is registered, of a certificate signed by the mortgagee, his executors or administrators, in the form given in the schedule hereto, or to the like effect.

16. The officer with whom the chattel mortgage is filed, upon receiving such certificate, duly proved by the affidavit of a subscribing witness, shall, at each place where the number of such mortgage has been entered with the name of any of the parties thereto, in the book kept under section 10 of this Ordinance, or wherever otherwise in the said book, the said mortgage has been entered, write the words, "Discharged by certificate number (stating the number of the certificate):" and to the said entry such officer shall affix his name, and he shall also endorse the fact of such discharge upon the instrument discharged, and shall affix his name to such endorsement.

17. In case any registered chattel mortgage has been assigned, such assignment may, upon proof by the affidavit of a subscribing witness, be numbered and entered in the alphabetical chattel mortgage book in the same manner as a chattel mortgage, and the proceedings authorized by the two next preceding sections of this Ordinance may and shall be had upon a certificate of the assignee, proved in manner aforesaid.

18. In the event of the permanent removal of goods and chattels mortgaged as aforesaid, from the registration district in which they were at the time of the execution of the mortgage to another registration district, before the payment and discharge of the mortgage, a certified copy of such mortgage, under the hand of the registration clerk in whose office it was first registered and of the affidavit and documents and instruments relating thereto, filed in such office, shall be filed with the registration clerk of the district to

which such goods and chattels are removed within three weeks from such removal, otherwise the said goods and chattels shall be liable to seizure and sale under execution, and in such case the mortgage shall be null and void as against subsequent purchasers and mortgagees in good faith for valuable consideration; as if never executed.

19. For services under this Ordinance, each clerk aforesaid shall be entitled to receive the following fees:

- (1.) For filing each instrument and affidavit, and for entering the same in a book as aforesaid, fifty cents;
- (2.) For filing assignment of each instrument, and for making all proper endorsements in connection therewith, fifty cents;
- (3.) For filing certificate of discharge of each instrument and for making all proper entries and endorsements connected therewith, fifty cents;
- (4.) For searching for each paper, twenty-five cents;
- (5.) For copies of any document filed under this Ordinance, ten cents for every hundred words;
- (6.) For every certificate, fifty cents.

20. All affidavits and affirmations required by this Ordinance shall be taken and administered by any Commissioner for taking affidavits, Justice of the Peace or Notary Public in or out of the Territories, or Registration Clerk, and the sum of twenty-five cents shall be paid for every oath thus administered.

21. The Registration Clerks under this Ordinance shall keep their respective offices open between the hours of ten in the forenoon and four in the afternoon, on all days except Sundays and holidays, and except on Saturdays, when the same may be closed at one o'clock in the afternoon, and during office hours only shall registrations be made.

SCHEDULE.

(Vide Section 15.)

FORM OF DISCHARGE OF MORTGAGE.

To the Registration Clerk of

District

I, A. B., of do certify that

has satisfied all money due on, or to grow due on, a certain chattel mortgage made by to which mortgage bears date the day of A. D. 18, and was registered (or in the case the mortgage has been renewed under sections eleven and twelve, was renewed) in the office of the Registration Clerk of the District of on the A. D. 18 as number (here mention the day and the date of registration of each assignment thereof, and the names of the parties, or mention that such mortgage has not been assigned, as the fact may be); and that I am the person entitled by law to receive the money; and that such mortgage is therefore discharged.

Witness my hand this day of
 Witness, [stating residence and occupation.]

A. D., 18

CHAPTER 48.

AN ORDINANCE TO ESTABLISH LIENS IN FAVOR OF MECHANICS, MACHINISTS AND OTHERS.

Title, s. 1.	Arbitration, respecting, s. 12.
Intrepretation, s. 2.	Failure to pay amount found due, s. 13.
Who entitled to Lien, ss. 3, 4, 6.	Arbitration respecting sub-contractor's claim, s. 14.
Property upon which Lien to attach, ss. 5, 6.	Property not to be removed, s. 15.
Owner may retain 10 per cent. of price, s. 7.	Registration of claim, ss. 16, 19, 20, 21.
Sub-contractor's claim, s. 8.	Claims for wages, s. 17.
Payment of 90 per cent. of contract price authorized, s. 9.	Registrar's duty, s. 18
Extent of owner's liability, s. 10.	Expiry of Lien, ss. 22, 23, 24.
Claims against lien-holders: May be paid by owner of premises, s. 11.	Death of Lien-holder, s. 25.
	Discharge of Lien, ss. 26, 27.
	Enforcement of Lien, ss. 28, 29, 30.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. This Ordinance may be cited as "The Mechanics' Lien Ordinance."

2. In this Ordinance the words

(1.) "Contractor" means a person contracting with or employed directly by the owner for the doing of work or placing or furnishing of machinery or materials for any of the purposes mentioned in this Ordinance.

(2.) "Sub-contractor" means a person not contracting with or employed directly by the owner for the purposes aforesaid, but contracting with or employed by the contractor or under him by another "sub-contractor."

(3.) "Owner" shall extend to and include a person having any estate or interest in the lands upon or in respect of which the work is done, or materials or machinery are placed or furnished, at whose request and upon whose credit or on whose behalf or consent or for whose direct benefit any such work is done, or materials or machinery placed or furnished, and all persons claiming under him whose rights are

acquired after the work in respect of which the lien is claimed is commenced, or the materials or machinery furnished have been commenced to be furnished.

3. No agreement shall be held to deprive any one otherwise entitled to a lien under this Ordinance, and not a party to the agreement, of the benefit of the lien, but the lien shall attach notwithstanding such agreement.

4. Unless he signs an express agreement to the contrary, every mechanic, machinist, builder, miner, labourer, contractor, or other person doing work upon or furnishing materials to be used in the construction, alteration or repair of any building or erection, or erecting, furnishing or placing machinery of any kind in, upon or in connection with any building, erection or mine shall, by virtue of being so employed or furnishing, have a lien for the price of the work, machinery or materials upon the building, erection or mine, and the lands occupied thereby or enjoyed therewith, limited in amount to the sum justly due to the person entitled to the lien.

5. The lien shall attach upon the estate and interest of the owner, as defined by this Ordinance, in the building, erection or mine, or in respect of which this work is done, or the materials or machinery placed or furnished, and the land occupied thereby or enjoyed therewith.

(2.) In cases where the estate or interest charged by the lien is leasehold, the fee simple may also, with the consent of the owner thereof, be subject to said charge, provided such consent is testified by the signature of such owner upon the claim of lien at the time of the registering thereof, and duly verified.

(3.) In case the land upon or in respect of which any work as aforesaid is executed, or labor performed, or upon which materials or machinery are placed, is incumbered by a prior mortgage or other charge, and the selling value of the land is increased by the construction, alteration or repairs of the building, or by the erection or placing of the materials or machinery, the lien under this Ordinance shall be entitled to rank upon the increased value in priority to the mortgage or other charge.

6. Without prejudice to any lien, which he may have

under the preceding sections, every mechanic, laborer, or other person, who performs labor for wages upon the construction, alteration or repairs of any building or erection, or in erecting or placing machinery of any kind in, upon or in connection with any building, erection or mine, shall to the extent of the interest of the owner have, upon the building, erection or mine, and the land occupied thereby or enjoyed therewith, a lien for such wages, not exceeding the wages of thirty days, or a balance equal to his wages for thirty days.

(2.) The lien for wages given by this section shall attach, when the labor is in respect of a building, erection or mine on property belonging to the wife of the person at whose instance the work is done, upon the estate or interest of the wife in such property as well as upon that of her husband.

7. In all cases, the owner shall, in the absence of a stipulation to the contrary, be entitled to retain, for a period of thirty days after the completion of the contract, ten per centum of the price to be paid to the contractor.

8. In case the lien is claimed by a sub-contractor, the amount which may be claimed in respect thereof shall be limited to the amount payable to the contractor or sub-contractor (as the case may be) for whom the work has been done; or the materials or machinery have been furnished or placed.

9. All payments, up to ninety per centum of the price to be paid for the work, machinery or materials, as defined by Section 4 of this Ordinance, made in good faith by the owner to the contractor, or by the contractor to the sub-contractor, or by one sub-contractor to another sub-contractor, before notice in writing by the person claiming the lien has been given to such owner, contractor or sub-contractor (as the case may be) of the claim of such person, shall operate as a discharge *pro tanto* of the lien created by this Ordinance, but this section shall not apply to any payment made for the purpose of defeating or impairing a claim to a lien existing or arising under this Ordinance.

(2.) A lien shall, in addition to all other rights or remedies given by this Ordinance, also operate as a charge to the extent of ten per centum of the price to be paid by the owner for the work, machinery or materials, as defined by Section 4 of this Ordinance, up to ten days after the com-

pletion of the work, or of the delivery of the materials in respect of which such lien exists, and no longer, unless notice in writing be given as herein provided.

(3.) A lien for wages for thirty days, or for a balance equal to the wages for thirty days, shall to the extent of the said ten per cent. of the price to be paid to the contractor have priority over all other liens under this Ordinance and over any claim by the owner against the contractor for, or in consequence of, the failure of the latter to complete his contract.

10. Save as herein provided, the lien shall not attach so as to make the owner liable to a greater sum than the sum payable by the owner to the contractor.

11. All persons furnishing material to or doing labor for the person having a lien under this Ordinance in respect of the subject of such lien, who notify the owner of the premises sought to be affected thereby, within thirty days after such material is furnished or labor performed, of an unpaid account or demand against such lien holder for such material or labor, shall be entitled, subject to the provisions of Sections 6 and 9 of this Ordinance, to a charge therefor *pro rata* upon any amount payable by such owner under said lien; and if the owner thereupon pays the amount of such charge to the person furnishing material and doing labor as aforesaid, such payment shall be deemed a satisfaction *pro tanto* of such lien.

12. In case of a dispute as to the validity or amount of an unpaid account or demand, of which notice is given to the owner under the preceding section, the same shall be first determined by action in the Supreme Court in that behalf, or by arbitration in manner mentioned in Section 14 of this Ordinance, at the option of the person having the unpaid account or demand against the lien holder; and, pending the proceedings to determine the dispute, so much of the amount of the lien as is in question therein may be withheld from the person claiming the lien.

13. In case the person primarily liable to the person giving such notice, as mentioned in Section 11 of this Ordinance, fails to pay the amount awarded within ten days after the award is made, the owner, contractor or sub-contractor may

pay the same, out of any moneys due by him to the person primarily liable as aforesaid, on account of the work done or materials, or machinery furnished or placed in respect of which the debt arose ; and such payment, if made after an award, or if made without any arbitration having been previously had or dispute existing, then, if the debt in fact existed, and to the extent thereof, shall operate as a discharge *pro tanto* of the moneys so due as aforesaid to the person primarily liable.

14. In case a claim is made by a sub-contractor in respect of a lien on which he is entitled, and a dispute arises as to the amount due or payable in respect thereof, the same shall be settled by arbitration.

(2.) One arbitrator shall be appointed by the person making the claim, one by the person by whom he was employed, and the third arbitrator by the two so chosen.

(3.) The decision of the arbitrators or a majority of them shall be final and conclusive.

(4.) In case either of the parties interested in any such dispute refuses or neglects, within three days after notice in writing requiring him to do so, to appoint an arbitrator, or if the arbitrators appointed fail to agree upon a third, the appointment may be made by the Judge of the judicial district in which the lands, in respect of which the lien is claimed, are situate.

15. During the continuance of a lien, no portion of the property or machinery affected thereby shall be removed to the prejudice of the lien ; and any attempt at such removal may be restrained by application to the Supreme Court or the Judge thereof.

16. A claim of lien applicable to the case may be deposited in the Land Titles Office of the Registration District in which the land is situated, and shall state :

(a.) The name and residence of the claimant, and of the owner of the property to be charged, and of the person for whom and upon whose credit the work is done, or materials or machinery furnished, and the time or period within which the same was, or was to be done or finished ;

(b.) The work done or material or machinery furnished ;

(c.) The sum claimed as due, or to become due ;

(d.) The description of the land to be charged ;

(c.) The date of expiring of the period of credit agreed to by the lien holder for payment for his work, materials or machinery, where credit has been given.

17. A claim for wages may include the claims of any number of mechanics, laborers or other persons aforesaid who may choose to unite them. In such case, each claimant shall verify his claim by his affidavit, but need not repeat the facts set out in the claim, and an affidavit substantially in accordance with Form 4 in the Schedule to this Ordinance shall be sufficient.

18. The Registrar, upon payment of his fee, shall file the claim so that the same may appear as an incumbrance against the land therein described :

(2.) The fee for registration shall be twenty-five cents; if several persons join in one claim, the Registrar shall have a further fee of ten cents for every person after the first;

(3.) The Registrar shall not be bound to copy in any registry book any claim or affidavit, but he shall number each claim and shall insert in the alphabetical and abstract indexes the like particulars as in other cases; he may describe the nature of the statement as "Mechanics Lien."

19. Where a claim is so deposited, the person entitled to the lien shall be deemed a purchaser *pro tanto*.

20. Where the lien is for wages under Sections 6 or 9 of this Ordinance, the claims may be registered :

(a.) At any time within thirty days after the last day's labor, for which the wages are payable, or

(b.) At any time within thirty days after the completion of the construction, alteration or repair of the building or erection, or after the erecting or placing of the machinery, in or towards which, respectively, the labor was performed, and the wages earned, but so that the whole period shall not exceed sixty days from the last day's labor aforesaid.

(2.) Such lien shall not be entitled to the benefit of the provisions of Sections 6 and 9 of this Ordinance, after the said respective periods, unless the same is duly registered before the expiration of the said periods so limited.

(3.) Such lien shall have the same priority for all purposes after as before registration.

21. In other cases the claim of lien may be deposited before or during the progress of the work, or within thirty days from the completion thereof, or from the supplying or placing the machinery.

22. Every lien which has not been duly deposited under the provisions of this Ordinance shall absolutely cease to exist on the expiration of the time hereinbefore limited for the registration thereof, unless in the meantime proceedings are instituted to realize the claim, under the provisions of this Ordinance, and a certificate thereof (which may be granted by the Court or Judge before whom or in which the proceedings are instituted) is duly filed in the registry office of the land registration district, wherein the lands in respect of which the lien is claimed are situated.

23. Every lien which has been duly deposited under the provisions of this Ordinance shall absolutely cease to exist after the expiration of ninety days after the work has been completed, or materials or machinery furnished, or wages earned, or the expiry of the period of credit, where such period is mentioned in the claim of lien filed, unless in the meantime proceedings are instituted to realize the claim under the provisions of this Ordinance, and a certificate thereof (which may be granted by the Court or Judge before whom or in which the proceedings are instituted,) is duly registered in the Land Titles Office of the Registration District, wherein the lands in respect of which the lien is claimed are situate.

24. If there is no period of credit, or if the date of expiry of the period of credit is not stated in the claim so filed, the lien shall cease to exist upon the expiration of ninety days after the work has been completed or materials or machinery furnished, unless in the meantime proceedings shall have been instituted pursuant to Section 23 of this Ordinance.

25. In the event of the death of a lien-holder, his right of lien shall pass to his personal representatives, and the right of a lien holder may be assigned by any instrument in writing.

26. A lien may be discharged by a receipt signed by the claimant or his agent, duly authorized in writing, acknow-

ledging payment, and verified by affidavit and filed. Such receipt shall be numbered and entered by the registrar like other instruments, but need not be copied in any book; the fees shall be the same as for registering a claim or lien.

27. When there is a contract for the execution of the work as hereinbefore mentioned, the registration of all discharges of liens shall be at the cost of the contractor, unless a Court or Judge otherwise orders.

28. In all cases the lien may be realized in the Supreme Court in the Judicial District, in which the land charged is situated, according to the ordinary procedure of that Court.

29. Any number of lien holders may join in one action, and any action, brought by a lien holder, shall be taken to be brought on behalf of all the lien holders of the same class who shall have registered their liens before or within thirty days after the commencement of the action or who shall, within the said thirty days, file in the proper office of the Court, from which the writ issued, a statement entitled in or referring to the said action of their respective claims.

(2.) In the event of the death of the plaintiff, or his refusal or neglect to proceed, any other lien holder of the same class who has registered his lien or filed his claim in the manner and within the time above limited for that purpose may be allowed to prosecute the action on such terms as may be considered just and reasonable.

(3.) In case of a sale of the estate and interest charged with the lien, the Court or Judge may direct the sale to take place at any time after one month from the recovery of judgment, and it shall not be necessary to delay the sale for a longer period, than is requisite to give reasonable notice thereof.

(4.) The said Court or Judge may also direct the sale of any machinery, and authorize its removal.

(5.) When judgment is given in favor of a lien, the Court or Judge may add to the judgment the costs of and incidental to registering the lien, as well as the costs of the action.

(6.) Where there are several liens under this Ordinance against the same property, each class of the lien holders shall, subject to the provisions of Sections 5, 9, and 11 of this Ordinance, rank *pari passu* for their several amounts, and the proceeds at any sale shall, subject as aforesaid, be distributed

amongst them *pro rata*, according to their several classes and rights, and they shall respectively be entitled to execution for any balance due to them respectively after said distribution.

(7.) Upon application the Court or Judge may receive security or payment into Court in lieu of the amount of the claim, and may thereupon vacate the registry of the lien.

(8.) The Court or Judge may annul the said registry upon any other ground.

(9.) In any of the cases mentioned in sub-sections 7 and 8 the Court or Judge may proceed to hear and determine the matter of the said lien, and make such order as seems just, and in case the person claiming to be entitled to such lien has wrongfully refused to sign a discharge thereof, or without just cause claims a larger sum than is found by such Court or Judge to be due, the Court or Judge may order and adjudge him to pay costs to the other party.

30. Where any mechanic, artisan, machinist, builder, miner, contractor or any other person, has furnished or procured materials for use in the construction, alteration or repair of any building, erection or mine, at the request of and for some other person, such materials shall not be subject to execution or other process, to enforce any debt (other than for the purchase thereof) due by the person furnishing or procuring such materials, and whether the same have or have not been in whole or in part worked into or made part of such building or erection.

SCHEDULE.

FORM 1.

CLAIM OF LIEN.

A. B., (*name of claimant*) of (*here state residence of claimant*) (if so, as assignee of, stating name and residence of assignor) under the Mechanics' Lien Ordinance claims a lien upon the estate of (*here state name and residence of owner of the land upon which the lien is claimed*) in the undermentioned land in respect of the following work (or materials) that is to say (*here give a short description of the work done or materials furnished and for which the lien is claimed*), which work was (or is to be) done, or materials furnished for (*here state the name and residence of the person upon whose credit the work is done or materials furnished*) on or before the _____ day of _____
 The amount claimed as due (or to become due) is the sum of \$ _____

The following is the description of the land to be charged : (*here set out a concise description of the land to be charged sufficient for the purpose of registration.*)

When credit has been given insert : The said work was done (or materials were furnished) on credit, and the period of credit agreed to expired (or will expire) on the _____ day of _____ 18 _____

Dated at _____ this _____ day of _____ A. D. 18 _____

(Signature of Claimant)

FORM 2.

CLAIM OF LIEN FOR WAGES

A. B., (*name of claimant*) of (*here state residence of claimant*) (if so, as assignee of, stating name and residence of assignor) under the Mechanics' Lien Ordinance, claims a lien upon the estate of (*here state the name and residence of the owner of land upon which the lien is claimed,*) in the undermentioned land in respect of _____ day's work performed thereon while in the employment of (*here state the name and residence of the person upon whose credit the work was done*) on or before the _____ day of _____

The amount claimed as due is the sum of \$ _____

The following is the description of land to be charged (*here set out a concise description of the lands to be charged, sufficient for the purpose of registration.*)

Dated at _____ this _____ day of _____
 A. D. 18 _____

(Signature of Claimant.)

CHAPTER 49.

AN ORDINANCE RESPECTING PREFERENTIAL ASSIGNMENTS.

Assignments in fraud of creditors void, s. 1.	Assignments for benefit of creditors, s. 2.
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The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. Every gift, conveyance, assignment, or transfer, delivery over, or payment of goods, chattels or effects, or of bonds, bills, notes, securities, or of shares, dividends, premiums, or bonus in any bank, company, or corporation, made by any person at any time when he is in insolvent circumstances, or is unable to pay his debts in full, or knows that he is on the eve of insolvency, with intent to defeat or delay or prejudice his creditors, or to give to any one or more of them a preference over his other creditors, or over any one or more of them, or which has such effect, shall as against them be utterly void.

2. Nothing in this Ordinance shall apply to any deed of assignment made and executed by a debtor for the purpose of paying and satisfying ratably and proportionately, and without preference or priority, all the creditors of such debtor, their just debts or any *bona fide* sale of goods or payment made in the ordinary course of trade or calling to innocent purchasers or parties.

CHAPTER 50.

AN ORDINANCE RESPECTING CHOSSES IN ACTION.

Debts and Choses in Action assignable, s. 1.	} Rights to set off, etc., when preserved, ss. 4, 5.	
Assignee, s. 2.		} Bonds, etc., of Corporations assignable, s. 6.
Pleadings in action, s. 3.		

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:—

1. Every debt and any *chose in action*, arising out of contract, shall be assignable at law, by any form of writing, which shall contain apt words in that behalf, but subject to such conditions and restrictions, in respect to the right of transfer, as may appertain to the original debt, or as may be connected with or be contained in the original contract, and the assignee thereof may bring an action thereon, in his own name, as the party might to whom the debt was originally owing or to whom the right of action originally arose, or he may proceed in respect of the same as though this Ordinance had not been passed.

2. The term "assignee," in the next preceding section, shall include any person now being or hereafter becoming entitled to any first or subsequent assignment or transfer or any derivative title to a debt or *chose in action*, and possessing, at the time of the suit or action being instituted, the whole and entire beneficial interest therein and the right to receive the subject or proceeds thereof, and to give effectual discharge therefor.

3. The plaintiff in any action or suit for the recovery of the subject of any assignment made in conformity with the two next preceding sections, shall in his statement of claim set forth briefly the chain of assignments showing how he claims title, but in all other respects the proceedings may be

the same as if the action were brought in the name of the original creditor, or of the person to whom the cause of action accrued.

4. In case of any assignment of a debt or *chose in action*, arising out of contract, and not assignable by delivery, such assignment shall be subject to any defence or set-off in respect of the whole or any part of such debt or *chose in action* arising out of contract existing at the time of the notice of assignment to the debtor or person sought to be made liable, in the same manner and to the same extent as such defence or set-off would be effectual, in case there had been no assignment thereof, and such defence or set-off shall apply as between the debtor and any assignee of such debt or *chose in action* arising out of contract.

5. In case of any assignment made in conformity with the provisions hereof, and notice thereof given to the debtor or person liable in respect of the subject of such assignment, the assignee shall have, hold and enjoy the same, free of any claims, defences or equities, which may have arisen subsequent to such notice by any act of the assignor or otherwise.

6. The bonds or debentures of corporations made payable to bearer, or any person named therein, or bearer, may be transferred by delivery alone; and such transfer shall vest the property in such bonds or debentures in the transferee or in the holder thereof, and any such holder may bring any action or suit on or in respect of any such bonds or debentures in his own name.

7. The proceedings in the next preceding six Sections shall not be construed to apply to bills of exchange, or promissory notes or instruments which are negotiable, or in respect of which the property therein passes by mere delivery.

CHAPTER 51.

AN ORDINANCE CONCERNING RECEIPT NOTES,
HIRE RECEIPTS AND ORDERS FOR
CHATTELS.

Provisions, s. 1.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. Notwithstanding any condition, proviso, or agreement contained in any receipt note, hire receipt, or order for chattels, given by a bailee of chattels, where the condition of the bailment is such that the possession of the chattel should pass without any ownership therein being acquired by the bailee, the maker thereof shall be liable only for the amount due or to become due by him on such chattel: and such receipt note, hire receipt or order shall be of no effect as against judgments, executions, or attachments issued out of any Court in the Territories, or against any mortgagee or *bona fide* purchaser for a greater amount than that actually due or to become due on the said receipt note, hire receipt or order.

CHAPTER 52.

AN ORDINANCE TO REGULATE THE COSTS OF
DISTRESS FOR RENT AND EXTRA-JUDICIAL
SEIZURE.

Costs of distress for rent, s. 1.	Penalty, s. 3.
Costs of seizure under Chattel Mortgage, s. 2.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. No person whosoever making any distress for rent, nor any person whosoever employed in any manner in making such distress, or doing any act whatsoever in the course of such distress, or for carrying the same into effect, shall have, take or receive, out of the proceeds of the goods and chattels distrained upon and sold, or from the tenant distrained on, or from the landlord or from any other person whomsoever, any other or more costs and charges for and in respect of such distress or any matter or thing done therein, than such as are fixed in the schedule hereunto annexed, and applicable to each proceeding, which shall have been taken in the course of such distress, and no person or persons whosoever shall make any charge whatsoever for any act, matter or thing mentioned in this Ordinance, or in the said Schedule, unless such act, matter or thing shall have been really performed or done.

2. No person whosoever, making any seizure under the authority of any chattel mortgage, bill of sale or any other extra-judicial process whatsoever, nor any person whosoever, employed in any manner in making such seizure or doing any act whatsoever in the course of such seizure, or for carrying the same into effect, shall have, take or receive out of the proceeds of the goods and chattels seized and sold from the person against whom the seizure may be directed, or from any other person whomsoever, any other or more costs and charges for

and in respect of such seizure, or any matter or thing done therein or thereunder than such as are fixed in the Schedule hereunto annexed and applicable to each act, which shall have been done in course of such seizure, and no person or persons whosoever shall make any charge whatsoever for any act or matter or thing mentioned in the said Schedule unless such act, matter or thing shall have been really performed or done.

3. If any person making any distress or seizure referred to in Sections one and two of this Ordinance shall take or receive any other or greater costs than are set down in the said Schedule or make any charge whatsoever for any act or matter or thing mentioned in the said Schedule and not really performed or done, the party aggrieved may cause the party making the said distress or seizure to be summoned before the Supreme Court of the Judicial District, in which the goods and chattels distrained upon or seized or some portion thereof lie, and the said Court may order the party, making the distress or seizure, to pay to the party aggrieved treble the amount of the moneys taken contrary to the provisions of this Ordinance and the costs of suit.

SCHEDULE.

1. Levying distress\$1.00
 - 2 Man in possession, per day 1.50
 - 3 Appraisement, whether by one appraiser or more, two cents on the dollar on the value of goods up to \$500, and one per cent. on the dollar for each additional \$500, or fraction thereof, up to \$2,000, and one half per cent. on all sums over that amount.
 4. All reasonable and necessary disbursements for advertising.
 5. Catalogue, sale, commission and delivery of goods, three per cent. on the net proceeds of the goods up to \$1,000, and 1½ per cent. thereafter.
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CHAPTER 53.

AN ORDINANCE RESPECTING DISTRESS FOR
INTEREST UPON MORTGAGES.

Right of Mortgagee to distrain limited, s. 1.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. The right of mortgagees to distrain for interest due upon mortgages shall be limited to the goods and chattels of the mortgagor only, and as to such goods and chattels, only such as are not exempt from seizure under execution.

CHAPTER 54.

AN ORDINANCE TO DECLARE THE LAW RESPECTING REAL PROPERTY HELD BY TWO OR MORE PERSONS.

Grantees in certain cases to take as tenants in common, s. 1.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. Whenever by any letters patent, conveyance, assurance, will or other assignment, land is granted, conveyed or devised to two or more persons, other than executors or trustees, in fee simple or for any less estate, legal or equitable, such persons shall take as tenants in common and not as joint tenants, unless an intention sufficiently appears on the face of such letters patent, conveyance, assurance, will or other assignment, that they take as joint tenants.

CHAPTER 55.

AN ORDINANCE RESPECTING COMPENSATION TO THE FAMILIES OF PERSONS KILLED BY ACCIDENTS.

Interpretation, s. 1.

Who may maintain action for damages, s. 2.

For whose benefit action may be brought, s. 3.
Limitations, s. 4.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. The following words and expressions shall have in this Ordinance the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter :—

(1.) " Parent " shall include father, mother, grandfather, grand-mother, step-father, step-mother and

(2.) " Child " shall include son, daughter, grandson, grand-daughter, step-son and step-daughter.

2. Whenever the death of a person has been caused by such wrongful act, neglect or default, as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, in each case the person, who would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured.

3. Every such action shall be for the benefit of the wife, husband, parent, child, brother or sister of the person whose death has been so caused, and shall be brought by and in the name of the executor or administrator of the person deceased, and in every such action the Court may give such damages, as it thinks proportioned to the injury resulting from such death, to the parties respectively for whom and for whose benefit such action has been brought.

4. Not more than one action shall lie for and in respect of the same subject matter of complaint, and every such action shall be commenced within twelve months after the death of the deceased person.

CHAPTER 56.**AN ORDINANCE RESPECTING LIMITATION OF
ACTIONS IN CERTAIN CASES.**

Limitation of certain actions, s. 1.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. All actions for recovery of merchants' accounts, bills, notes, and all actions of debt grounded upon any binding or other contract, without speciality, shall be commenced and sued within six years after the cause of such action arose.

CHAPTER 57.

AN ORDINANCE RESPECTING THE OFFICE OF
SHERIFF.

Office hours, s. 1.		Sheriff or his officers not to purchase at sales, s. 17.
Duties, ss. 2, 3.		Penalty, ss. 18, 19.
Books, s. 4, 5, 6.		Procedure when Sheriff or Deputy refuses to act, s. 20.
Effect of death or removal, ss. 7, 8, 9.		In case of death or removal, etc., Deputy to act, s. 21.
Liability of sureties, ss. 10 to 16, incl.		

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. It shall be the duty of every Sheriff to keep his office open between the hours of ten in the forenoon and four in the afternoon on all days, except Sundays and holidays, and except Saturdays, when the same may be closed at one o'clock in the afternoon.

2. Every Sheriff shall make a return, on the first day of the months of January and July in each year, verified on oath before a Judge, to the Lieutenant-Governor, showing the emoluments of his office during the six months next preceding.

3. The Sheriff shall keep in his office, open to the inspection of any person, the following books, namely :

(1.) Process Books—in which shall be entered a memorandum of every process, other than writs of execution, or writs in the nature of writs of execution, received by the Sheriff, the Court out of which the same issued, the date of the receipt, the nature of the process, the names of the parties thereto, the Advocate by whom issued, the date of the return and the nature of the return made thereto, or what was thereunder or therewith done respectively ;

(2.) Execution books, for goods and lands respectively, in which shall be entered a memorandum of every writ of execution, or writ in the nature of a writ of execution, the Court out of which the same issued, the names of the parties

thereto, the Advocate by whom issued, the date of return, and the nature of the return made thereto, or what was done thereunder or therewith; and

(3.) A cash book, in which shall be entered all cash received or paid away by the Sheriff in his official capacity, or in connection with his office, for any service whatever—for fees, poundage, service of process and papers, attendance at Courts, moneys levied under execution, or under writs in the nature of writs of execution, or otherwise, the date of the receipt or payment, the cause, matter or service in which, or on account of which, the same was received or paid away.

(4.) And a seal of office.

4. The said books and seal shall be supplied out of the General Fund of the Territories.

5. All books, accounts, records, papers, writs, warrants, process, moneys and other matters and things in the possession or under the control of any Sheriff, by virtue of, or appertaining to his office as Sheriff, shall be the property of the Government of the Territories, and the same and every of them shall, immediately upon the resignation, removal from office or death of any such Sheriff, be, by the party in whose possession or control they may come or happen to be, handed over to and taken possession of by the successor in office of such Sheriff, or such person as the Lieutenant-Governor may appoint to receive the same.

6. No person except the successor in office of the Sheriff so resigning, being removed or dying, or the person so to be appointed by the Lieutenant-Governor as aforesaid, shall take, have, or hold any such books, accounts, records, papers, writs, warrants, process, moneys, or other matters or things; and any person having or holding any of the matters aforesaid shall forthwith on demand deliver over the same and every of them to the said succeeding Sheriff or to the person so to be appointed as aforesaid; and upon any such person neglecting or refusing so to do, on conviction thereof before a Judge of the Supreme Court, he shall be liable to pay a penalty not exceeding one hundred dollars.

7. The Sheriff, after resigning office, or removal from office, or his heirs, executors or administrators, shall or may,

at any and at all time or times thereafter have the right and be at liberty to have access to, search and examine into any or all accounts, books, papers, warrants and process of whatever kind, and all other matters or things which were formerly in possession of him the said Sheriff before his resignation or removal, and which at the time of making or requiring to make such search or examination are in the possession or control of the succeeding Sheriff, free of all costs, charges and expenses.

8. In case of the death, resignation or removal of the Sheriff, or of any Deputy, where there is no Sheriff, after he has made a sale of lands but before he has made a deed of conveyance of the same to the purchaser, such deed of conveyance shall be made to the purchaser by the Sheriff, or the Deputy Sheriff, who is in office acting as Sheriff, as aforesaid, at the time when the deed of conveyance is made.

9. If the Sheriff goes out of office during the currency of any writ of execution against lands, and before the sale, such writ shall be executed and the sale and conveyance of the lands be made by his successor in office, and not by the old Sheriff

10. The sureties of the Sheriff shall be liable to indemnify the party or parties to any legal proceedings against any omission or default of the Sheriff in not paying over moneys received by him, and against any damage sustained by any such party or parties in consequence of the Sheriff's wilful or neglectful misconduct in his office, and the Sheriff shall be joint defendant in any action to be brought upon the covenant or security given by the Sheriff.

11. Any person sustaining any damage, by reason of any such default or misconduct of any Sheriff, may bring and maintain an action upon the said covenant or security for such default or misconduct, and such action shall not be barred by reason of any prior recovery by the same party upon the covenant, or security of any judgment rendered for the defendant in any prior action upon the same covenant, or security, or by reason of any other action being then depending upon the same, either at the suit of the same plaintiff, or of any other party, for any other distinct cause of action.

... 12. If upon the trial of any action upon any such covenant or security, it is made to appear that the plaintiff is entitled to recover, and that the amount, which such surety has paid or become liable to pay, as hereinafter mentioned, is not equal to the full amount for which he became surety, the Court, after deducting from such full amount the sums which he has so paid or become liable to pay, as aforesaid, shall render judgment against him for any sum not exceeding the balance of the sum for which he became surety.

13. Where any such surety actually and *bona fide*, and of his own proper moneys and effects, has paid or become liable, by virtue of a judgment or judgments recovered against him upon his said covenant or security, to pay an amount equal to the amount specified on the said covenant or security, for which he became surety, such covenant or security shall as to him be deemed to be discharged and satisfied, and no other or further sum shall be recovered against him.

14. It shall be competent for the Supreme Court, or a Judge thereof, upon proof to the satisfaction of the Court, or Judge of such payment or liability, in a summary manner, and at any stage of the cause, by stay of proceedings or otherwise, to prevent the recovery against any such surety of any further sum than the amount specified in his covenant or security, and for which he may have become surety.

15. Upon every writ of execution, under a judgment recovered on such covenant or security, the plaintiff or his attorney shall, by an endorsement on the writ, direct the Coroner or other officer charged with the execution of such writ to levy the amount thereof upon the goods and chattels of the Sheriff in the first place, and in default of goods and chattels of the Sheriff to satisfy the amount, then to levy the same or the residue thereof of the goods and chattels of the other defendant or defendants in such writ, and so in like manner with any writ against lands and tenements upon a judgment on any such covenant or security.

16. Notwithstanding a Sheriff may have forfeited his office and become liable to be removed therefrom, the liability of himself and his sureties shall remain, until a new Sheriff has been appointed and sworn into office.

17. No Sheriff, Deputy Sheriff, Bailiff or Constable, shall directly or indirectly purchase any goods or chattels, lands, or tenements, by him exposed to sale under execution.

18. If any Bailiff or Constable entrusted with the execution of any writ, warrant, process, mesne or final, wilfully misconducts himself in the execution of the same, or wilfully makes any false return to such writ, warrant or process, unless by the consent of the party in whose favor the process issued, he shall answer in damages to any party aggrieved by such misconduct or false return.

19. Every Deputy Sheriff, Bailiff or other Sheriff's Officer or Clerk, entrusted with the custody of any writ or process, or of any book, paper or document belonging to the said Sheriff or his office, shall, upon demand upon him by such Sheriff, restore and return such writ, process, book, paper or document, to the custody of the said Sheriff, and in case of any neglect or refusal to return or restore the same as aforesaid, the party so neglecting or refusing may be required by an order of the Supreme Court, or of any Judge of such Court, to return and restore such writ, process, book, paper or document to such Sheriff, and may be further proceeded against by attachment, as in other cases of contumacy to orders or rules of Court.

20. If any Deputy Sheriff, Bailiff, or Sheriff's Officer shall have in his possession, custody or control, any writ of summons, *feri facias*, or other writ, or any bench warrant or process whatsoever, and shall upon demand made by the Sheriff from whom the same may have been received, or his successor in office, or by any other party entitled to the possession of the same, neglect or refuse to deliver up the same, such Sheriff or his successor in office, or the party entitled to the possession of the same, may proceed by summons and order before any Judge having jurisdiction in the Court out of which such writ or process issued, to compel the production thereof; which order may be enforced in the same manner as like orders for the return of writs against Sheriffs, and with or without costs, or be discharged with costs against the party applying, in the discretion of the Judge aforesaid.

21. In case a Sheriff dies, resigns his office, and his resig-

nation is accepted, or is removed therefrom, the Deputy Sheriff by him appointed shall nevertheless continue the office of Sheriff, and execute the same and all things belonging thereto in the name of the Sheriff so dying, resigning or being removed, until another Sheriff has been appointed and sworn into office; and the said Deputy Sheriff shall be answerable for the execution of the said office in all respects and to all intents and purposes whatsoever, during such interval as the Sheriff so dying, resigning, or having been removed would by law have been, if he had been living or continuing in office, and the security given to the Sheriff so deceased, resigning or being removed, by his said Deputy Sheriff, and his pledges, as well as the security given by the said Sheriff shall remain and be a security to the Queen, Her Heirs and Successors, and to all persons whatsoever, for the due and faithful performance of the duties of his office during such interval by the said Deputy Sheriff.

CHAPTER 58.

AN ORDINANCE RESPECTING THE ADMINISTRATION OF CIVIL JUSTICE.

NOTE.—The memorandum at the end of sections, wherever to be found, is intended to indicate the source from which the provisions therein expressed have been transcribed or adopted:

"E" refers to the English Judicature Rules of 1883.

"R.S.O." refers to the Revised Statutes of Ontario, 1887.

"R.S.M." refers to the Revised Statutes of Manitoba.

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| Title, s. 1. | Inquiry and reference as to damages, ss. 180, 181. |
| Interpretation of terms, s. 2. | Evidence generally, ss. 182 to 184, incl. |
| Jurisdiction, ss. 3 to 7, incl. | Examination of witnesses, ss. 185 to 205, incl. |
| Rules of Law, ss. 8, 9. | Subpœna, ss. 206 to 208, incl. |
| Security of Clerk and Sheriff, ss. 10 to 13, incl. | Perpetuating testimony, ss. 209 to 211, incl. |
| Oath of office, s. 14. | Foreign judgment, s. 212. |
| Vacancy Clerk's Office, how filled, s. 15. | Affidavits and depositions, ss. 213 to 236, incl. |
| Clerk's duties, s. 16. | Motion for judgment, ss. 237 to 244, incl. |
| Procedure, ss. 17 to 31, incl. | Judgment and entry of judgment, ss. 245 to 253, incl. |
| Parties, ss. 32 to 42, incl. | Execution, ss. 254 to 300, incl. |
| Partners, ss. 43, 44. | Discovery in aid of execution, ss. 301 to 304, incl. |
| Persons under disability, s. 45. | Garnishment, ss. 305 to 312, incl. |
| Third party procedure, ss. 46 to 48, incl. | Order for interim preservation, s. 313. |
| Change of parties, ss. 49 to 52, incl. | Sale of perishable goods, s. 314. |
| Joinder of causes for action, s. 53. | Order for preservation or inspection, s. 315. |
| Pleading generally, ss. 54 to 126, incl. | Inspection, s. 316. |
| Setting down for trial and trial, ss. 127 to 130, incl. | Amount of lien—payment into Court, s. 317. |
| Declaration of right may be sought, s. 131. | Appropriation of income, s. 318. |
| Plaintiff may discontinue, s. 132. | Conduct of sale, s. 319. |
| Withdrawing trial, s. 133. | Injunction, ss. 320, 321. |
| Defendant's costs, s. 134. | Receivers, ss. 322 to 326, incl. |
| Subsequent costs, s. 135. | Attachment, ss. 327 to 335, incl. |
| Amendment, ss. 136 to 143, incl. | Replevin, ss. 336 to 340, incl. |
| Discovery and inspection, ss. 144 to 153, incl. | Interpleader, ss. 341 to 356, incl. |
| Admissions, ss. 154 to 159, incl. | Lunatics, ss. 357 to 371, incl. |
| Issues, enquiries, and accounts, ss. 160 to 167, incl. | |
| Special case, ss. 168 to 171, incl. | |
| Proceedings at trial, ss. 172 to 179, incl. | |

Guardianship of infants, ss. 372 to 381, incl.	Sales of real estate, s. 469. ¶
Custody of infants, ss. 382 to 385, incl.	Alias and concurrent writs, s. 470.
Estate of infants, ss. 386 to 394, incl.	Commissioners for taking affidavits, ss. 471, 472.
Probate, ss. 395 to 401, incl.	Process issuers, s. 473.
Motions and other applications, ss. 402 to 410, incl.	Laws of evidence, s. 474.
Mandamus, ss. 411 to 414, incl.	Minors, s. 475.
Proceedings at Chambers, ss. 415 to 431, incl.	Sittings adjourned, s. 476.
Court in Banc, ss. 432 to 449, incl.	Service of pleading, etc., ss. 477, 478.
Costs, ss. 450 to 456, incl.	Procedure in cases not provided, s. 479.
Fees, ss. 457 to 466, incl.	Book and forms, s. 480.
Forms, s. 467.	Record of former Courts, ss. 481, 482.
Actions against public officers, s. 468.	Vacation, ss. 483, 484.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

SHORT TITLE.

1. This Ordinance may be cited as "The Judicature Ordinance."

INTERPRETATION OF TERMS.

2. In the construction of this Ordinance, unless there is anything in the subject or context repugnant thereto, the several words hereinafter mentioned or referred to shall have or include the meaning following :

(1.) "Cause" includes any action, suit, or other original proceeding between a plaintiff and a defendant.

(2.) "Action" includes suit and means a civil proceeding commenced by writ, or in such other manner as may be prescribed by this Ordinance ;

(3.) "Matter" includes every proceeding in the Court not in a cause ;

(4.) "Originating Summons" means a summons by which proceedings are commenced without writ ;

(5.) "Plaintiff," "Petitioner," "Defendant," "Party," "Person," include bodies politic or corporate holding the relations of plaintiff, defendant or party ;

(6.) "Receiver" includes consignee or manager appointed by or under an order of the court ;

(7.) "Sheriff" includes deputy-sheriff, duly-appointed bailiffs, coroner, and other person discharging the duties of sheriff in the particular case, or for the time being;

(8.) "Pleading" includes any petition or summons, and shall also include the statement in writing of the claim or demand of any plaintiff, and of the defence of any defendant thereto, and of the reply of the plaintiff to any counter claim of a defendant;

(9.) "Judgment" includes decree;

(10.) "Order" includes rule.

JURISDICTION.

3. The jurisdiction of the Supreme Court of the North-West Territories shall be exercised, so far as regards procedure and practice, in the manner provided by this Ordinance, and, where no special provision is contained in this Ordinance, it shall be exercised as nearly as may be as in the High Court of Justice in England.

4. Suits shall be entered, and, unless otherwise ordered, tried in the Court holden in the judicial district where the cause of action arose, or in which the defendant, or one of several defendants, resides or carries on business at the time the action is brought.

5. A Judge sitting in Chambers, if he shall announce that he is sitting in Court, shall have, possess, exercise and enjoy all the powers and authorities, rights, privileges, immunities and incidents of the said Court, and any judgment given or decision or determination, or rule, order or decree made by him while so sitting as aforesaid, in respect of any matter lawfully brought before him, shall be subject to the provisions in this Ordinance relating to appeal to the Court in Banc. (R. S. M. p. 436.)

6. In every case in which the Court has authority to order the execution of a deed of conveyance, transfer or assignment of any property, real or personal, the Court may by order vest such real or personal estate in such person or persons, and in such manner, and for such estates, as would be done by any such deed, conveyance, assignment or transfer, if executed; and thereupon the order shall have the same effect as if the legal or other estate or interest in the

property had been actually conveyed, by deed or otherwise, for the same estate or interest, to the person in whom the same is so ordered to be vested, or in the case of a *chose in action*, as if such *chose in action* had been actually assigned to such last mentioned person. (R. S. O., p. 453.)

7. The Supreme Court, presided over by a single Judge, for the transaction of the business of the Court, may sit and act at any time and place in each Judicial District, as the Judge usually exercising the jurisdiction of the Court within such district appoints. (R. S. M., p. 436.)

RULES OF LAW.

8. In every civil cause or matter commenced in the Supreme Court, law and equity shall be administered by such Court according to the following rules: (C., 52.)

(1.) If any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground, against any deed, instrument or contract, or against any right, title or claim whatsoever, asserted by any defendant or respondent in such cause or matter, or to any relief founded upon a legal right, the Court shall give to such plaintiff or petitioner such relief as would be given by the High Court of Justice in England in a suit or proceeding for the same or a like purpose. (O., 52.)

(2.) If any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument or contract, or against any right, title or claim, asserted by any plaintiff or petitioner in such cause or matter, the said Supreme Court and every Judge thereof shall give to every equitable estate, right or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect by way of defence against the claim of such plaintiff or petitioner as the High Court of Justice in England would give if the same or the like matters had been relied on by way of defence in any suit or proceeding instituted in that Court for the same or the like purpose. (O., 52, 6.)

(3.) The said Supreme Court and every Judge thereof shall also have power to grant to any defendant in respect to any equitable estate or right or other matter of equity, and also in respect of any legal estate, right or title claimed or asserted by him, all such relief against any plaintiff or

petitioner, as such defendant shall have properly claimed by his pleading; and also all such relief relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to this Ordinance, or any order of the Court as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose, and every person served with any such notice shall thenceforth be deemed a party to such cause or matter, with the same rights in respect of his defence against such claim as if he had been duly sued in the ordinary way by such defendant. (O., 52, 7.)

(4.) The said Court and every Judge thereof shall recognize and take notice of all equitable estates, titles and rights and all equitable duties and liabilities appearing incidentally in the course of any cause or matter in the same manner in which the High Court of Justice in England would have recognized and taken notice of the same in any suit or proceeding, duly instituted therein. (O., 52, 8.)

(5.) The Supreme Court, in the exercise of its jurisdiction in every cause or matter pending before it shall have power to grant, and shall grant either absolutely or on such reasonable terms and conditions as to it shall seem just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter; so that as far as possible all matters so in controversy between the said parties respectively may be completely and finally determined, and and all multiplicity of legal proceedings concerning any such matters avoided. (O., 52, 12.)

9. The law to be hereafter administered in the Territories as to the matters next hereinafter mentioned, shall be as follows:

(1.) No claim of a *cestui que trust* against his trustee, for any property held on an express trust, or in respect of any breach of such trust, shall be held to be barred by any Statute of Limitations. (O., 53, 1.)

(2.) An estate for life, without any impeachment of waste, shall not confer, or be deemed to have conferred, upon the tenant for life, any legal right to commit waste of the des-

cription known as equitable waste, unless an intention to confer such right shall expressly appear by the instrument creating such estate. (O. 53, 2.)

(3.) There shall not be any merger by operation of law only, of any estate, the beneficial interest in which would not be deemed to be merged or extinguished in equity. (O. 53, 3.)

(4.) A mortgagor, entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of his intention to take possession, or to enter into the receipts of the rents and profits thereof, shall have been given by the mortgagee, may sue for such possession, or sue or distrain for the recovery of such rents or profits, or to prevent or recover damages in respect of any trespass or other wrong relative thereto, in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person, and in that case he may sue or distrain jointly with such other person, (O. 53, 4.)

(5.) In case of an assignment of a debt or other chose in action, if the debtor, trustee, or other person liable in respect of such debt or chose in action shall have had notice that such assignment is disputed by the assignor, or any one claiming under him, or of any other opposing or conflicting claims to such debt or chose in action, he shall be entitled, if he think fit, to call upon the several persons making claim thereto, to interplead concerning the same. (O. 53, 5.)

(6.) Stipulations in contracts as to time or otherwise which would not heretofore have been deemed to be or to have become of the essence of such contracts in a Court of Equity, shall receive in the Territories the same construction and effect as they would in Equity. (O. 53, 6.)

(7.) Part performance of an obligation either before or after a breach thereof, when expressly accepted by the creditor in satisfaction, or rendered in pursuance of an agreement for that purpose, though without any new consideration shall be held to extinguish the obligation. (O. 53, 7.)

(8.) A mandamus or an injunction may be granted or a receiver appointed by an interlocutory order of the Court or Judge in all cases in which it shall appear to the Court or Judge to be just or convenient that such order should be made and any such order may be made either unconditionally or upon such terms and conditions as the Court or Judge shall think just; and if an injunction is asked, either before,

or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted, if the Court or Judge shall think fit, whether the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any color of title; and whether the estates claimed by both or by either of the parties are legal or equitable. (O. 53, 8.)

(9.) In all cases in which the Court has jurisdiction to entertain an application for an injunction against a breach of any covenant, contract or agreement or against the commission or continuance of any wrongful act, or for the specific performance of any covenant, contract or agreement, the Court, if it thinks fit, may award damages to the party injured either in addition to or in substitution for such injunction or specific performance, and such damages may be ascertained in such a manner, as the Court may direct, -- the Court may grant such other relief as it may deem just. (O. 53, 9.)

(10.) An order of the Court under any statutory or other jurisdiction, shall not as against a purchaser, whether with or without notice, be invalidated on the ground of want of jurisdiction or of want of any concurrence, consent, notice or service. (O. 53, 10.)

(11.) Generally, in all matters in which there is any conflict or variance between the Rules of Equity and Common Law with reference to the same matter, the rules of Equity shall prevail. (O. 53, 11.)

SECURITIES AND OATHS OF OFFICE OF CLERKS AND SHERIFFS.

10. Every Clerk and every Sheriff, before entering upon the duties of their respective offices, shall file in the "Land Titles Office" nearest to the office of such Clerk and Sheriff respectively, a copy certified as such by the Secretary of State for Canada, of the security required by and given under section fifty-eight of the North West Territories Act.

11. For receiving such certified copy, and filing the same of record, the Registrar shall be entitled to a fee of one dollar, and for every copy issued and certified by him as aforesaid, one dollar, and for exhibiting the said security to any applicant, twenty-five cents.

12. Such security shall be available to, and may be sued upon by any person suffering damages by the default, breach of duty or misconduct of such Clerk and Sheriff respectively.

13. A copy of such security, purporting to be such, certified by the Registrar, under his seal of office, shall be received in all Courts as *prima facie* evidence of the due execution and contents thereof, without further proof.

14. Every such Clerk and every such Sheriff, either before or at the first sitting of the Court of the Judicial District to which they respectively have been appointed, shall, before the Judge, take the oath of office in the Form in the Appendix to this Ordinance.

15. Whenever a vacancy occurs in the office of Clerk, and until the same be filled by the proper authority, the said books, records, moneys, and other matters and things so declared to be the property of the Government of the Territories, shall be handed over by the person in whose possession or control they may be to such person as the Judge usually exercising jurisdiction in the Judicial District shall appoint to receive the same, and such appointee during such vacancy, is authorized to perform the duties of the Clerk of the Court.

CLERK'S DUTIES.

16. The duties of the Clerk shall be:—

(1.) To attend at his office and keep the same open between the hours of ten in the forenoon and four in the afternoon, on all days except Sundays and holidays, and except on Saturdays and during vacation, when the same shall be closed at one o'clock in the afternoon;

(2.) To receive all complaints and other papers required by suitors to be filed in Court; to issue all writs of summons, warrants, precepts, writs of execution, and other documents rendered necessary or requisite for the effectual disposition of such matters; tax costs, enter judgments, and record all judgments and orders pronounced, given and made; keep an account of all fines, fees, and monies payable or paid into Court; entering all such amounts in proper approved books, in which shall be entered regularly, under separate headings, all the proceedings taken in any suit, all monies received

and paid out, and the persons to whom and by whom the same have been paid, which books shall be accessible at all times to suitors and the public; and to do and perform all such other acts and duties as may be necessary for the due administration of civil justice in the Territories;

(3.) To make a return, on the first day of the months of January and July in each year, verified on oath before the Judge, to the Lieutenant-Governor, showing the emoluments of his office during the six months next preceeding.

(4.) All books, papers, documents, and moneys, in the possession of the Clerk by virtue of or appertaining to his office, shall, upon his resignation, removal, or death, immediately become the property of such person as the Judge usually exercising jurisdiction in the district, shall appoint as Clerk, pending the appointment of a new Clerk of the Court.

PROCEDURE.

17. Every action shall be commenced by a writ of summons in the Form given in the Appendix to this Ordinance, except in cases where a different Form is hereinafter provided, which writ shall be issued by the Clerk, upon receiving from the plaintiff or his advocate a præcipe therefor, in which shall be set forth the names of the parties to the action, and their places of residence, temporary or otherwise, and the residence of the plaintiff's advocate, if such writ be issued by an advocate.

18. At the time of the issue of the writ the plaintiff or his advocate shall leave with the Clerk two copies of the plaintiff's statement of claim, and of the relief or remedy to which he claims to be entitled: one of such copies shall be attached to such writ by the Clerk, and the other shall be filed by him in his office, and a copy of such statement of claim shall be attached to each copy of such writ required for service.

19. Every Writ of Summons, and also (unless otherwise provided) every other Writ shall bear the date of the day on which the same is issued.

(1.) When the Defendant resides in the Judicial District whence the Writ of Summons issued, the Writ shall be returnable in ten days from the service upon the defendant

and when the defendant resides in a Judicial District, other than that in which the writ issued, the writ shall be returnable in twenty days from the service thereof, the day of service to be exclusive in all cases.

(2.) When the Defendant resides outside the Territories, the writ shall be returnable in such number of days from its service upon the Defendant as the Judge may order.

20. The advocate of a plaintiff, suing by an advocate, shall indorse on the writ the address of the plaintiff, and also his own name or firm and place of business, and also if his place of business shall be more than three miles from the Clerk's office, whence the writ issues, another proper place, within such three miles, to be called his "address for service," where statements of defence, notices, summonses, orders, and other documents, proceedings and written communications in the suit may be left for him; and when a plaintiff sues in person he shall indorse on the writ his occupation and place of residence, and if his residence be more than three miles from the Clerk's office as aforesaid, another proper place within such three miles, to be called his "address for service," where statements of defence, notices, summonses, orders and other documents, proceedings and written communications in the suit may be left for him. In case of the omission to supply an address for service as aforesaid, all papers requiring service may be posted in the Clerk's office, and in such case be deemed good service. [E. 19 & 20.]

21. The plaintiff in any action may, at the time of or at any time within twelve months after the issuing of the original writ of summons, issue one or more concurrent writ or writs. Each concurrent writ to show the date of the original writ, and be marked with the word "concurrent" in the margin, and the date of issuing the concurrent writ; provided always that such concurrent writ or writs shall only be in force for the period during which the original writ in such action shall be in force.

22. No original writ of summons shall be in force for more than twelve months from the date thereof, including the day of such date; but if any defendant therein named shall not have been served therewith, the plaintiff may, before the expiration of the twelve months, apply to the Judge for leave to renew the writ, and the

Missing Page

former advocate shall be considered the advocate of the party, until the final conclusion of the cause or matter. [E. 44.]

27. Service of a Writ of Summons may be made by the Sheriff, his deputy or bailiff, or by any literate person other than a plaintiff, but except by order of a Judge, no fees for service shall, in such latter case, be allowed.

28. Service of Summons shall be effected by copy as follows :

(1.) The summons to appear may be served anywhere in the Territories ; and the service shall be personal, except in matters of account when the amount claimed does not exceed fifty dollars, in which case service may be on the defendant, his wife, or servant, or some grown up and reasonable person being an inmate of the defendant's dwelling house or usual place of abode or place of trading ;

(2.) In case any defendant is out of the Territories, but has an agent, managing clerk, or other representative resident and carrying on his business within the same, service of the summons to appear may be made on such agent, managing clerk, or other representative ;

(3.) Every summons issued against a corporation, and all other proceedings in an action against a corporation, may be served on the president or other head officer, or on the cashier, manager, treasurer, or secretary, clerk, agent or other representative, by whatsoever name or title he be known, of such corporation, or of any branch or agency thereof in the Territories ; and every person who within the said Territories transacts or carries on any business of or for any corporation whose chief place of business is without the said Territories, shall, for the purpose of being served with a summons to appear, or any other proceedings as aforesaid in an action against or at the suit of such corporation, be deemed the agent thereof ;

(4.) In any case if it be made to appear to a Judge that the plaintiff is, from any cause, unable to effect prompt personal service, the Judge may make such order for substituted or other service, by advertisement or otherwise, as may be just ;

(5.) Where persons are sued as partners in the name of their firm, the writ shall be served either upon any one or more of the partners, or at the principal place within the

Territories of the business of the partnership, upon any person, having at the time of service the control or management of the partnership business there, and such service shall be deemed good service upon the firm; [E. 53.]

(6.) Where one person carrying on business in the name of a firm, apparently consisting of more than one person, shall be sued in the firm name, the writ may be served at the principal place, within the Territories, of the business so carried on upon any person having at the time of service the control or management of the business there, and such service, if sufficient in other respects, shall be deemed good service on the person so sued. [E. 54.]

(7.) Service of a writ of summons in an action to recover possession of land may, in case of vacant possession, when it cannot be otherwise effected, by leave of the Judge, be made by posting a copy of the writ and statement of claim, upon the door of the dwelling-house or other conspicuous part of the premises; [E. 56.]

(8.) When husband and wife are both defendants to the action, they shall both be served, unless the Judge shall otherwise order;

(9.) When an infant is a defendant to the action, service on his father or guardian, or if none, then upon the person with whom the infant resides or under whose care he is, shall, unless the Judge otherwise orders, be deemed good service on the infant; provided that the Judge may order that service made or to be made on the infant shall be deemed good service;

(10.) When a lunatic, or person of unsound mind, is a defendant to the action, service shall be made as the Judge may order.

29. Service of summons on a defendant out of the Territories, may be allowed by a Judge whenever,—

(1.) The whole subject-matter of the action is land situate within the judicial district in which the action is to be brought (with or without rents and profits); or

(2.) Any act, deed, will, contract or liability affecting land or hereditaments situate within the judicial district, the action is to be commenced in, is sought to be construed, rectified, set aside or enforced in the action; or

(3.) Any relief is sought against any person domiciled or ordinarily resident within the jurisdiction; or

(4.) The action is for the administration of the estate of

any deceased person, who at the time of his death was domiciled within the judicial district, or for the execution (as to property within such district) of the trusts of any written instrument, of which the person to be served is a trustee, which ought to be executed according to the laws of the Territories; or

(5.) The action is for the recovery of any debt contracted within the judicial district, or is founded on any breach or alleged breach within the judicial district, of any contract wherever made, which according to the terms thereof ought to be performed within such judicial district; or

(6.) An injunction is sought as to anything to be done within the jurisdiction, or any nuisance within the jurisdiction is sought to be prevented or removed, whether damages are or are not also sought in respect thereof; or

(7.) Any person out of the jurisdiction is a necessary and proper party to an action properly brought against some other person duly served within the jurisdiction. [E. 94.]

30. Every application for leave to serve such summons on a defendant out of the jurisdiction shall be before writ issue, and supported by affidavit stating that in the belief of the deponent the plaintiff has a good cause of action, and showing in what place or country such defendant is or probably may be found, and the grounds on which the application is made; but no such leave shall be granted unless it shall be made sufficiently to appear to the Judge that the case is a proper one for service out of the Territories aforesaid. [E. 67.]

31. Any order giving leave to effect such service shall limit a time after such service, within which such defendant is to enter an appearance, such time to depend on the place or country where or within which the writ is to be served. [E. 68.]

PARTIES.

32. All persons, in whom the right to any relief claimed is alleged to exist, may be joined as plaintiffs, whether jointly, severally, or in the alternative; and judgment may be given for such one or more of the plaintiffs, as may be found to be entitled to relief, for such relief as he or they may be entitled to without any amendment. But the de-

defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person who shall not be found entitled to relief, unless the Judge in disposing of the costs shall otherwise direct, [E. 123.]

33. Where an action has been commenced in the name of the wrong person as plaintiff, or where it is doubtful whether it has been commenced in the name of the right plaintiff, the Judge may, if satisfied that it has been so commenced through a *bona fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person to be substituted or added as plaintiff upon such terms as may be just. [E. 124.]

34. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally, or in the alternative. And judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities without any amendment. [E. 126.]

35. It shall not be necessary for every defendant to be interested as to all the relief prayed for, or as to every cause of action included in any proceedings against him; but the Judge may make such order as may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in which he may have no interest. [E. 127.]

36. The plaintiff may, at his option, join as parties to the same action all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange and promissory notes. [E. 128.]

37. Where the plaintiff is in doubt as to the person from whom he is entitled to redress, he may, by leave of the Judge, join two or more defendants, to the intent that the question as to which, if any, of the defendants is liable and to what extent, may be determined as between all parties. [E. 129.]

38. Trustees, executors and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives, without join-

ing any of the persons beneficially interested in the trust or estate and shall be considered as representing such persons: but the Judge may, at any stage of the proceedings, order any of such persons to be made parties either in addition to or in lieu of the previously existing parties. [E. 130.]

39. Where there are numerous persons having the same interest in one cause or matter, one or more of such persons may sue or be sued, or may be authorized by the Judge to defend in such cause or matter, on behalf or for the benefit of all persons so interested. [E. 131.]

40. In cases where the statement of claim is for an account or involves the taking of an account, if the defendant either fails to appear, or does not after appearance satisfy the Judge that there is some preliminary question to be tried, the plaintiff may obtain an order directing the taking of proper accounts; and if the plaintiff sues or the defendant is sued in a representative capacity, the statement of claim shall show in what capacity the plaintiff or defendant sues or is sued; and in cases in which the plaintiff in the first instance desires to have an account taken, the statement of claim shall request the same. [E. 121.]

41. No cause or matter shall be defeated by reason of the misjoinder or nonjoinder of parties, and the Judge may in every cause or matter deal with the matter in controversy so far as regards the rights and interests of the parties actually before him. The Judge may, at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear just, order that the names of any parties improperly joined, whether as plaintiffs or defendants be struck out, and that the names of any parties, whether plaintiffs or defendants, who ought to have been joined, or whose presence in the cause may be necessary in order to enable the Judge effectually and completely to adjudicate upon and settle all the questions involved in the cause or matter, be added. Every party whose name is so added as a defendant shall be served with a summons or notice in such manner as the Judge may order, and the proceedings as against such party shall be deemed to have begun only on the service of such summons or notice. [E.133.]

42. Any application to add to or strike out or substitute

a plaintiff or defendant may be made to the Judge at any time before trial, on motion supported by affidavit, or at the trial of the action, in a summary manner. [E. 134.]

PARTNERS.

43. Any two or more persons claiming or being liable as co-partners may sue or be sued in the name of the respective firms, if any, of which such persons were co-partners at the time of the accruing of the cause of action; and on application of any party to an action the Judge may order a statement of the names of the persons who were, at the time of the accruing of the cause of action, co-partners in any such firm, to be furnished in such manner and verified on oath or otherwise, as may be thought proper. Provided that, in the case of a co-partnership which has been dissolved, to the knowledge of the plaintiff, before the commencement of the action, the writ of summons shall be served upon every person sought to be made liable. [E. 136.]

44. Any person carrying on business in the name of a firm apparently consisting of more than one person, may be sued in the name of such firm. [E. 137.]

PERSONS UNDER DISABILITY.

45. Infants, lunatics, and persons of unsound mind, may sue as plaintiffs, by Guardians appointed by the Judge on application made to him for the purpose, and may defend any action in like manner. [E. 138.]

THIRD PARTY PROCEDURE.

46. Where a defendant is, or claims to be, entitled to contribution or indemnity, or any other remedy or relief, over against any other person, or where from any cause it appears to the Judge that a question should be determined, not only as between the plaintiff and defendant, but as between the plaintiff, defendant and any other person, or between any or either of them, the Judge may, on notice being given to such last-mentioned person, make such order as may be proper for having the question so determined, and as to the mode and extent in or to which the third party shall be bound or made liable by the judgment in the action. [E. 170.]

47. Where under the next preceding section, it is made to appear to the Judge at any time before or at the trial, that a question in the action should be determined, not only as between the plaintiff and the defendant but as between the plaintiff and the defendant and any other person, or between any or either of them, the Judge, before or at the time of making the order for having such question determined, may direct such notice to be given by such person, in such manner, at such time and to such person, as may be thought proper; and if made at the trial, the Judge may postpone the trial on such terms as he may think fit. [O. 109.]

48. A plaintiff is not to be unnecessarily delayed in recovering his claim by reason of the questions between defendants in which the plaintiff is not concerned; and the Judge is to give such direction as may be necessary to prevent such delay of the plaintiff, where this can be done, on terms or otherwise, without injustice to the defendants. [O. 112.]

CHANGE OF PARTIES BY DEATH.

49. A cause or matter shall not become abated by reason of the marriage, death or insolvency of any of the parties, if the cause of action survive or continue, and shall not become defective by the assignment, creation or devolution of any estate or title *pendente lite*; and, whether the cause of action survives or not, there shall be no abatement by reason of the death of either party between the verdict or finding of the issues of fact and the judgment; but judgment may in such case be entered, notwithstanding the death. [E. 178.]

50. In case of the marriage, death or assignment, or devolution of the estate by operation of law, of any party to a cause or matter, the Judge may, if it be deemed necessary for the complete settlement of all the questions involved, order that the husband, personal representative, trustee, or other successor in interest, if any, of such party be made a party, in such manner, and on such terms as the Judge shall think just and make such order for the disposal of the cause or matter as may be just. [E. 179.]

51. Where by reason of marriage, death or assignment, or any other events occurring after the commencement of a cause or matter, and causing a change or transmission of interest or liability, or by reason of any person interested coming into existence after the commencement of the cause or matter, it becomes necessary or desirable that any person not already a party should be made a party, or that any person not already a party should be made a party, in another capacity, the Judge may order that the proceedings shall be carried on between the continuing parties, and such new party or parties, in such inanner and on such terms as may be thought proper. [E. 181.]

52. When the plaintiff or defendant in a cause or matter dies, and the cause of action survives, but the person entitled to proceed fails to proceed, on application of the defendant (or the person against whom the cause or matter may be continued), the Judge may order the plaintiff (or the person entitled to proceed) to proceed within a given period, and in default of such proceeding, judgment may be entered for the defendant, or, as the case may be, for the person against whom the cause or matter might have been continued. [E. 195.]

JOINDER OF CAUSES OF ACTION.

53. A plaintiff may unite in the same action several causes of action; but if it appears to the Judge that any such causes of action cannot be conveniently tried or disposed of together, he may order separate trials of any such causes of action to be had or may make such other order as may be necessary or expedient for the separate disposal thereof, or may order any such causes of action to be excluded, and consequential amendments to be made. [E. 188 and 196.]

PLEADING GENERALLY.

54. At any time before the return of the Writ of Summons, or afterwards, and before the plaintiff has taken any further step in the cause, if the defendant, or if there be more than one defendant in the action, a defendant desires to contest the plaintiff's claim and defend the action, he shall, by himself or his advocate, enter an appearance in the

office of the Clerk whence the writ of summons issued, and within six days thereafter or such further time as may by order of the Judge be allowed for the purpose, file in the Clerk's office a plain statement in writing showing the ground upon which the plaintiff's claim is contested either wholly or in part and serve on the plaintiff or his advocate or at the address supplied by the plaintiff when obtaining a writ of summons, a copy of such statement of defence.

55. Upon or with every appearance, when entered, a memorandum, in writing, shall be endorsed or attached, giving the defendant's address or the address of his advocate, if he defends by advocate; and, if the defendant or his advocate resides over three miles from the Clerk's office, naming an address within three miles of the Clerk's office, where documents in the suit requiring service upon him may be left, such place to be known and designated as his "address for service." [E. 80.]

56. If such address be not supplied, papers requiring service upon a defendant appearing may be posted up in the Clerk's office, and such posting shall be deemed "good service." But if an address be supplied and such address be illusory or fictitious, the Judge, on the application of the plaintiff, may by order, direct the manner in which such papers shall be served. [E. 82.]

57. A defendant before appearing shall be at liberty to apply to the Judge on notice to the plaintiff or his advocate or at his "address for service" lodged with the Clerk to set aside the service of the writ upon him, or to discharge the order for substitutional service. [E. 100.]

58. Any person not named as a defendant in a writ of summons in an action for the recovery of the possession of land, may, by leave of the Judge, appear and defend, on filing an affidavit, showing that he is in possession of the land either by himself or by his tenant. [E. 95.]

59. Any person appearing to defend an action for the recovery of the possession of land as landlord, in respect of property whereof he is in possession only by his tenant, shall state in his appearance that he appears as landlord. [E. 96.]

60. Where a person not named as defendant in any writ of summons for the recovery of the possession of land, has obtained leave of the Judge to appear and defend, he shall comply with the provisions of this Ordinance in respect of defendants appearing and defending, and in all subsequent proceedings be named as a party defendant. [E. 97.]

61. Any person appearing to a writ of summons for the recovery of the possession of land, shall be at liberty to limit his defence to a part only of the property mentioned in the writ, describing that part with reasonable certainty in his appearance, and an appearance where the defence is not limited, as above mentioned, shall be deemed an appearance to defend for the whole. [E. 98.]

62. Where in an action there are more than one defendant, and one or more of such defendants have appeared while one or other of the defendants have not, the Judge, on application of the plaintiff, may either order the striking out any one or more of the defendants who has or have appeared on payment of costs; or otherwise as may be considered just, and allowing the plaintiff to proceed with his action against the defendant or defendants who has or have not appeared, or may order the action to stand as against the non-appearing defendant or defendants while or until the issues raised between the plaintiff and defendant or defendants who has or have appeared be determined; or the Judge may order that the plaintiff be allowed to enter final judgment against the defendants who have not appeared, with or without proof of his claim, as may be considered proper, and to issue execution on such judgment without prejudice to the right of the plaintiff to proceed with the action against those defendants who have appeared. [E. 104 in part.]

63. When any defendant fails to appear to a writ of summons, and the plaintiff is desirous of proceeding upon default of appearance, he shall, before taking such proceeding upon default, file the original writ with an affidavit of service or of compliance with any order for substitutional service, as the case may be. [E. 102.]

64. Where the plaintiff's claim is for a debt or liquidated demand and the defendant fails, or all the defendants, if

more than one, fail to appear thereto, the plaintiff may after the time limited for appearance has elapsed, enter final judgment for any sum not exceeding the sum claimed in the action, together with legal interest and costs of suit. [E. 103.]

65. Where the plaintiff's claim is for detention of goods and pecuniary damages, or either of them, and the defendant fails, or all the defendants if more than one, fail to appear, on application of the plaintiff, the Judge may order that the value or amount of damages, or either of them, shall be ascertained in any way he may direct, and judgment entered thereupon with costs of suit. [E. 105.]

66. When the plaintiff's claim is, as in the last preceding section mentioned, and there are several defendants, of whom one or more appear to the writ, and another or others of them fail to appear, on application of the plaintiff, the Judge may direct that the value of the goods and the damages, or either of them, as the case may be, may be assessed, as against the defendant or defendants failing to appear, at the same time as that of the trial of the action or issue therein against the other defendant or defendants. [E. 106 in part.]

67. Where in an action there are several defendants, of whom one or more have been served, and another or others of them have not, the Court or Judge may order the striking out of the defendant or defendants not served, and allow the plaintiff to proceed with his action against the defendant or defendants served on payment of costs or otherwise as may be considered just.

68. A plaintiff shall deliver his reply, if any, within eight days after the defence or the last of the defences shall have been delivered, unless the time shall be extended by the Court or a Judge. [E. 276.]

69. No pleading subsequent to reply, other than a joinder of issue, shall be pleaded without leave of the Court or a Judge, and then shall be pleaded only upon such terms as the Court or Judge shall think fit. [E. 277.]

70. Subject to the last preceding section, every pleading

subsequent to reply shall be delivered within eight days after the delivery of the previous pleading, unless the time shall be extended by the Court or a Judge. [E. 287.]

71. If the plaintiff does not deliver a reply or any party does not deliver any subsequent pleading within the period allowed for that purpose, the pleadings shall be deemed to be closed at the expiration of that period, and all the material statements of fact in the pleading last delivered shall be deemed to have been denied and put in issue. [E. 306.]

72. As soon as any party has joined issue upon the preceding pleading of the opposite party simply without adding any further or other pleading thereto, or has made default, as mentioned in the preceding section, the pleadings between such parties shall be deemed to be closed. [E. 280.]

73. When the plaintiff's claim is for detention of goods and pecuniary damages, or either of them, and also for a liquidated demand, and any defendant fails to appear to the writ, the plaintiff may enter final judgment for the debt or liquidated demand, interest and costs against the defendant or defendants failing to appear, and proceed as mentioned in such of the preceding sections as may be applicable. [E. 107.]

74. In case no appearance shall be entered in an action for the recovery of land, within the time limited for appearance, or if an appearance be entered but the defence be limited to part only, the plaintiff shall be at liberty to enter a judgment that the person whose title is asserted in the writ shall recover possession of the land, or of the part thereof to which the defence does not apply, with or without costs, as the Judge may order. [E. 108.]

75. When the plaintiff's statement of claim is for mesne profits, arrears of rent, or damages for breach of contract, and also for the recovery of land, he may enter judgment as in the last preceding section mentioned, for the land; and may proceed as in the other preceding sections mentioned, as to such other claim. [E. 109.]

76. Any order made by the Judge under the two last

preceding sections, and any judgment entered pursuant to such order may be set aside or varied by the Judge or the Court upon such terms as may be just. [E. 110.]

77. Where the action is in respect of a mortgage, lien or charge and the plaintiff claims foreclosure or sale or redemption, or where the action is for the administration of an estate or partition, the plaintiff, if the defendant does not appear, shall be entitled to such a judgment upon such evidence as the Judge may order. [N. S. 11 & 12.]

78. Any judgment entered upon default of appearance may be set aside or varied by the Court or Judge, upon such terms as may be just.

79. Where the action is brought to recover a debt or a liquidated demand, and the defendant or one or more of the defendants, if there are several defendants, has or have appeared, the plaintiff, or one of the plaintiffs, if more than one, on affidavit of himself or by any other person who can swear positively to the facts, verifying the cause of action and the amount claimed (if any) and stating that, in his belief, there is no defence to the action, apply to the Judge to strike out the appearance so entered and for leave to enter final judgment for the amount of the claim or the amount so verified as due the plaintiff and costs; and the Judge may thereupon, unless the defendant by affidavit or otherwise shall satisfy him that he has a good defence to the action on the merits or disclose such facts as may be deemed sufficient to entitle him to defend, make an order striking out the appearance and defence so entered and filed, and directing the entry of judgment accordingly. [E. 115 in part.]

80. The application by the plaintiff under the last preceding section shall be by summons returnable on a day named therein. A copy of the summons and copies of affidavits and exhibits referred to therein shall be served at least four clear days before the summons is returnable.

81. The defendant may show cause against such application by affidavits of himself or some one who can swear positively to the facts, or by offering to bring into court the amount claimed in the action. If by affidavit, such affidavit shall state whether the defence alleged goes to the whole or

to part only, and if so, what part of the plaintiff's claim, and the Judge may, if he thinks fit, order the defendant or whoever makes the affidavit on his behalf, or in the case of a corporation any officer thereof, to attend and be examined on oath and to produce any letters, books or documents, or copies of or extracts therefrom. [E. 117.]

82. If it appears that the defence set up by the defendant applies only to a part of the plaintiff's claim, or that any part of the plaintiff's claim is admitted, the plaintiff may have judgment forthwith for such part of his claim as the defence does not apply to or is admitted, subject to such terms (if any) as to suspending execution or otherwise, as the Judge may order, and the defendant may be allowed to defend as to the residue of the plaintiff's claim. [E. 118.]

83. If it appears to the Judge that any defendant has a good defence or ought to be permitted to defend the action, and that any other defendant has not such defence and ought not to be permitted to defend, the former may be permitted to defend and the plaintiff shall be entitled to have final judgment against the latter, and have execution thereon without prejudice to his right to proceed with his action against the former. [E. 119.]

84. Leave to defend may be given unconditionally or subject to such terms as to giving security or time and mode of trial or otherwise as the Judge may think fit. [E. 120.]

85. Every statement of claim or defence shall contain and contain only, a statement in a summary form of the material facts on which the party relies for his claim or defence, as the case may be, but not the evidence by which they are to be proved, and shall, when necessary, be divided into paragraphs, numbered consecutively. Dates, sums and numbers shall be expressed in figures, and not in words. [E. 200.]

86. A defendant in an action may set off, or set up, by way of counter-claim, against the claims of the plaintiff, any right or claim, whether such set-off or counter-claim sound in damages or not, and such set-off or counter-claim shall have the same effect as a cross-action, so as to enable the Judge to pronounce a final judgment in the same action,

both on the original and cross-claim. But the Judge may, on application of the plaintiff before trial, if in his opinion such set-off or counter-claim cannot be conveniently disposed of in the pending action, or ought not to be allowed, refuse permission to the defendant to avail himself thereof; and, in any case in which the defendant sets up a counter-claim, the action of the plaintiff is stayed, discontinued, or dismissed, the counter-claim may nevertheless be proceeded with. [E. 199 and 249.]

87. Where a counter-claim is pleaded, a reply thereto shall be subject to the rules applicable to statements of defence. [E. 279.]

88. A further and better statement of the nature of the claim or defence, or written proceeding requiring particulars, may in all cases be ordered, upon such terms as may be just; but the order therefor shall not, *per se*, operate as a stay of proceedings or give any extension of time. [E. 203 and 204.]

89. Nothing in this Ordinance shall affect the right of any defendant to plead not guilty by statute; but if the defendant so plead, he shall not plead any other defence to the same cause of action without the leave of the Judge, and every plea of not guilty by statute shall have the same effect as a plea of not guilty by statute has heretofore had. [E. 208.]

90. Every allegation of fact in any pleading, not being a petition or summons, if not denied specifically or by necessary implication, or stated to be not admitted in the pleading of the opposing party, shall be taken to be admitted, except as against an infant, lunatic, or person of unsound mind, not so found judicially. [E. 209.]

91. Any condition precedent, the performance or occurrence of which is intended to be contested, shall be distinctly specified in his pleading by the plaintiff or defendant (as the case may be); and subject thereto an averment of the performance or occurrence of all conditions precedent necessary for the case of the plaintiff or defendant shall be implied in his pleading. [E. 210.]

92. The defendant or plaintiff (as the case may be) must raise by his pleading all matters which show the action or counter-claim not to be maintainable, or that the transaction is either void or voidable in point of law, and all such grounds of defence or reply, (as the case may be) as if not raised would be likely to take the opposite party by surprise, or would raise issues of fact not arising out of the preceding pleadings. [E. 211.]

93. No pleading, not being a petition or summons, shall, except by way of amendment, raise any new ground of claim, or contain any allegation of fact inconsistent with the previous pleadings of the party pleading the same. [E. 212.]

94. It shall not be sufficient for a defendant in his statement of defence to deny generally the grounds alleged by the plaintiff's statement of claim, or for the plaintiff in his reply to deny generally the grounds alleged in a defence by way of counter-claim, but each party must deal specifically with each allegation of fact of which he does not admit the truth, except damages. [E. 213.]

95. When a party in a pleading denies an allegation of fact in the previous pleading of the opposite party, he must not do so evasively, but answer the point of substance. Thus if it is alleged that he received a certain sum of money, it shall not be sufficient to deny that he received that particular amount, but he must deny that he received that sum or any part thereof, or else set out how much he received. And if an allegation be made with divers circumstances, it shall not be sufficient to deny it along with those circumstances. [E. 215.]

96. When a contract, promise, or agreement is alleged in any pleading, a bare denial of the same by the opposite party shall be construed only as a denial of fact of the express contract, promise, or agreement alleged or of the matters of fact from which the same may be implied by law, and not as a denial of the legality or sufficiency in law of such contract, promise, or agreement, whether with reference to the statute of frauds or otherwise. [E. 216.]

97. Whenever the contents of any documents are material, it shall be sufficient in any pleading to state the effect

thereof as briefly as possible, without setting out the whole or any part thereof, unless the precise words of the documents of any part thereof are material. [E. 217.]

98. Whenever it is material to allege malice, fraudulent intention, knowledge, or other condition of the mind of any person, it shall be sufficient to allege the same as a fact without setting out the circumstances from which the same is to be inferred. [E. 218.]

99. Whenever it is material to allege notice to any person of any fact, matter, or thing, it shall be sufficient to allege such notice as a fact, unless the form or the precise terms of such notice, or the circumstances from which such notice is to be inferred, be material. [E. 219.]

100. Whenever any contract, or any relation between any persons is to be implied from a series of letters or conversations, or otherwise from a number of circumstances, it shall be sufficient to allege such contract or relation as a fact and to refer generally to such letters, conversations, or circumstances, without setting them out in detail; and if in such case the person so pleading desires to rely in the alternative upon more contracts or relations than one as to be implied from such circumstances, he may state the same in alternative. [E. 220.]

101. Neither party need, in any pleading, allege any matter of fact which the law presumes in his favor, or as to which the burden of proof lies upon the other side, unless the same has first been specifically denied. [E. 221.]

102. No technical objection shall be raised to any pleading on the ground of any alleged want of form. [E. 222.]

103. The Judge may at any stage of the proceedings order to be struck out or amended any matter in any statement or pleading which may be unnecessary or scandalous or which may tend to prejudice, embarrass or delay the fair trial of the action with or without costs to be fixed by him and paid by the party so offending. [E. 223.]

104. In cases of any action founded upon a bill of exchange or other negotiable instrument, the Judge may order

that the loss of such instrument shall not be set up; provided such indemnity as he approves of is given against the claims of any other person upon such negotiable instrument. [N. S. 191.]

105. When a cause may have been set down for trial, such notice shall be given as the order of setting down directs.

106. Every statement, or pleading, may be either printed or written, or partly written and partly printed. [E. 205.]

- PAYMENTS INTO, AND OUT OF COURT, AND TENDER.

107. Where any action is brought to recover a debt or damages, any defendant may, before or at the time of delivering his defence, or at any later time by leave of the Judge, pay into court a sum of money by way of satisfaction, which shall be taken to admit the claim or cause of action in respect of which the payment is made. [E. 255.]

108. Payment into court shall be signified in the defence, and the claim or cause of action in satisfaction of which such payment is made shall be specified therein. [E. 256.]

109. With a defence setting up a tender before action, the sum of money alleged to have been tendered must be brought into court. [E. 257.]

110. When payment into court is made before the delivery of the defence; or when the liability of the defendant, in respect of the claim or cause of action in satisfaction of which the payment into court is made, is not denied in the defence; or when such payment is made with a defence setting up a tender of the sum paid the money paid into court shall be paid out to the plaintiff on his request, or to his advocate, on the plaintiff's written authority, unless the Judge shall otherwise order. [E. 259.]

111. When the liability of the defendant, in respect of the claim or cause of action in satisfaction of which the payment into court has been made, is denied in the defence, the following rules shall apply:

(1.) The plaintiff may accept, in satisfaction of the claim

or cause of action in respect of which the payment into Court has been made, the sums so paid in; in which case he shall be entitled to have the money paid out to him as hereinafter provided, notwithstanding the defendant's denial of liability, whereupon all further proceedings, in respect of such claim or cause of action, except as to costs, shall be stayed; or the plaintiff may refuse to accept the money in satisfaction, and reply accordingly; in which case the money shall remain in Court, subject to the provisions hereinafter mentioned;

(2.) If the plaintiff accepts the money so paid in, he shall be entitled to have the money paid out to himself on request or to his advocate, on the plaintiff's written authority, unless the Judge shall otherwise order;

(3.) If the plaintiff does not accept, in satisfaction of the claim or cause of action in respect of which the payment into Court has been made, the sum so paid in, but proceeds with the action in respect of such claim or cause of action, or any part thereof, the money shall remain in Court and be subject to the order of the Court or a Judge, and shall not be paid out of Court except in pursuance of an order. If the plaintiff proceeds with the action in respect of such claim or cause of action, or any part thereof, and recovers less than the amount paid into Court, the amount paid shall be applied, so far as is necessary, in satisfaction of the plaintiff's claim, and the balance, if any, shall, under such order, be repaid to the defendant. If the defendant succeeds in respect of such claim or cause of action, the whole amount shall, under such order, be repaid to him. [E. 260.]

112. The plaintiff, when payment into Court is made before delivery of defence, may accept in satisfaction of the claim or cause of action in respect of which such payment has been made, the sum so paid in, in which case he shall give notice to the defendant of such acceptance, and shall be at liberty, in case the entire claim or cause of action is thereby satisfied, to tax his costs, after the expiration of four days from the service of such notice, unless the Judge shall otherwise order; and in case of non-payment of such costs, to have judgments and executions for his costs so taxed in the ordinary way. [E. 261.]

113. Where money is paid into Court in two or more actions which are consolidated, and the plaintiff proceeds to

trial in one, and fails, the money paid in, and the costs in all the actions, shall be dealt with in the same manner as in the action tried. [E. 262.]

114. A plaintiff may, in answer to a counter-claim, pay money into Court in satisfaction thereof, subject to the like conditions as to costs and otherwise as upon payment into Court by a defendant. [E. 263.]

115. Money paid into Court under an order of a Judge, shall not be paid out of Court except in pursuance of a Judge's order; provided that, where before the delivery of defence money has been paid into Court by the defendant pursuant to a Judge's order; he may, unless the Judge shall otherwise order, by his pleading appropriate the whole or any part of such money, and any additional payment, if necessary, to the whole or any specified portion of the plaintiff's claim; and the money so appropriated shall thereupon be deemed to be money paid into court, pursuant to the preceding sections relating to money paid into Court and subject in all respects thereto. [E. 265.]

116. In any cause or matter in which a sum of money has been awarded to or recovered by an infant, or person of unsound mind, the Court or Judge may at or after the trial order that the whole or any part of such sum shall be paid into court to the credit of the cause or matter; and any sum so paid into court, and any dividends or interest thereon, shall be subject to such orders as may from time to time be made by the Court or Judge concerning the same, and may either be invested, or be paid out of Court, or transferred to such persons, to be held and applied upon and for such trusts and in such manner as the Court or Judge shall direct. [E. 269.]

117. Money paid into Court or securities purchased under the provisions of the last preceding section, and the dividends or interest thereon, shall be sold, transferred, or paid out to the party entitled thereto, pursuant to the order of the Court or Judge. [E. 270.]

118. Cash under the control of, or subject to the order of the Court, may be invested in Dominion securities. [E. 271.]

119. Notice of every application for the purpose of conversion of any securities, shall be served upon such persons, if any, as the Court or Judge shall direct. [E. 272.]

MATTERS ARISING PENDING THE ACTION.

120. Any ground of defence which has arisen after action brought, but before the defendant has delivered his statement of defence, and before the time limited for his doing so has expired, may be raised by the defendant in his statement of defence, either alone or together with other grounds of defence. And if, after a statement of defence has been delivered, any ground of defence arises to any set-off or counter-claim alleged therein by the defendant, it may be raised by the plaintiff in his reply, either alone or together with any other ground of reply. [E. 282.]

121. Where any ground of defence arises after the defendant has delivered his statement of defence, or after the time limited for his doing so has expired, the defendant may, and where any ground of defence to any set-off or counter-claim arises after reply or after the time limited for delivering a reply has expired, the plaintiff may, within eight days after such ground of defence has arisen, or at any subsequent time by leave of the Court or Judge, deliver a further defence or further reply as the case may be, setting forth the same. [E. 283.]

122. Whenever any defendant, in his statement of defence or in any further statement of defence, as mentioned in the last preceding section, alleges any ground of defence which has arisen after the commencement of the action, the plaintiff may deliver a confession of such defence and may thereupon, unless otherwise ordered by the Judge, have judgment for his costs up to the time such defence was pleaded. [E. 284.]

123. Any party shall be entitled to raise by his pleading any point of law, and any point so raised shall be disposed of by the Judge who tries the cause, at or after the trial, provided that by consent of the parties, or by order of the Judge, on the application of either party, the same may be set down for hearing and disposed of at any time before the trial. [E. 286.]

124. If, in the opinion of the Court or Judge, the decision of such point of law substantially disposes of the whole action, or of any distinct cause of action, ground of defence, set-off, counter-claim, or reply therein, the Court or Judge may thereupon dismiss the action, or make such order therein as may be just. [E. 287.]

125. The Court or Judge may order any pleading to be struck out, on the ground that it discloses no reasonable cause of action or answer, and in any such case, or in case of the action or defence being shown by the pleadings to be frivolous or vexatious, the Court or Judge may order the action to be stayed or dismissed, and judgment to be entered accordingly, as may be just. [E. 288.]

126. After the close of the pleadings the plaintiff may, at any time, on notice to the defendant, apply to the Judge for and obtain an order setting down the cause for trial at such time and place as the Judge shall direct. But if such application be not made within three months after the close of the pleadings, the defendant on notice may apply for and obtain an order to the like effect, or that the plaintiff's action be dismissed out of Court with costs to the defendant; but the Judge may, instead of dismissing the action at once, order such dismissal to take effect from a future date, unless the plaintiff meanwhile proceeds with his action.

127. On the application to set a cause down for trial, if the action be for slander, libel, false imprisonment, malicious prosecution, seduction, 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 a 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 recovery of real property, and either party signify his desire to have the issues of fact therein tried by a Judge with a jury, or the Judge so directs, the same shall be tried by a jury.

128. The order for setting down a cause for trial by jury shall state by whom the necessary fees to be paid out shall be furnished, and the party so named shall deposit with the Clerk such sum as said Clerk considers sufficient for the

payment of jurors' fees and of the expenses of summoning a sufficient number of persons to form the jury, and the Clerk shall, after the trial, pay the said jury and summoning fees, and, if any balance of the money so deposited with him remains unused after paying such fees, return such balance to the party who deposited the same.

129. In case of disputed accounts, the Judge 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 same truly, and to reduce it to writing and on the return of the evidence, the Judge may give judgment upon the evidence taken by the Clerk or other person as aforesaid, or may order a new trial, when justice seems to require the same.

130. The jury for the trial of issues of fact in civil causes shall consist of six persons whose verdict shall be unanimous.

131. No action or proceeding shall be open to objection, on the ground that a merely declaratory judgment or order is sought thereby, and the Court or Judge may make binding declarations of right whether any consequential relief is or could be claimed or not. [E. 289.]

132. The plaintiff may at any time before receipt of the defendant's defence, or after the receipt thereof, before taking any other proceeding in the action (save any interlocutory application), by notice in writing wholly discontinue his action against all or any of the defendants, or withdraw any part or parts of his alleged cause of complaint, and thereupon he shall pay such defendant's costs of the action, or if the action be not wholly discontinued, the costs occasioned by the matter so withdrawn. Such costs shall be taxed, and such discontinuance or withdrawal, as the case may be, shall not be a defence to any subsequent action. Save as herein otherwise provided, it shall not be competent for the plaintiff to withdraw the record or discontinue the action without leave of the Court or Judge, but the Court or Judge may, before or at or after the hearing or trial upon such terms, as to costs and as to any other action, and otherwise as may be just, order the action to be

discontinued, or any part of the alleged cause of complaint to be struck out. The Court or Judge may, in like manner, and with the like discretion, as to terms, upon the application of a defendant, order the whole or any part of his alleged grounds of defence or counter-claim to be withdrawn or struck out, but it shall not be competent to a defendant to withdraw his defence, or any part thereof, without such leave. [E. 290.]

133. When a cause has been entered for trial, it may be withdrawn by either plaintiff or defendant, upon producing to the Clerk of the Court a consent in writing, signed by the parties. [E. 291.]

134. Any defendant may have judgment for the costs of the action, if it is wholly discontinued against him, or for the costs occasioned by the matter withdrawn, if the action be not wholly discontinued, in case such respective costs are not paid within two days after taxation. [E. 292.]

135. If any subsequent action shall be brought before payment of the costs of a discontinued action, for the same, or substantially the same cause of action, the Court or Judge may, if deemed proper, order a stay of such subsequent action, until such costs shall have been paid [E. 293.]

AMENDMENT.

136. The Court or Judge may, at any stage of the proceedings, allow either party to alter or amend his statement of claim or pleadings, in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions of controversy between the parties. [E. 309.]

137. In all cases, application for leave to amend may be made by either party to the Court or Judge, or to the Judge at the trial of the action, and such amendment may be allowed upon such terms as to costs or otherwise as may be just. [E. 314.]

138. If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby

limited, then within fourteen days from the date of the order, such order to amend shall, on the expiration of such limited time as aforesaid, or of such fourteen days, as the case may be, become *ipso facto* void, unless the time is extended by the Judge. [E. 315.]

139. Any statement of pleading may be amended by written alterations in the copy which has been delivered, and by additions on paper to be interleaved therewith if necessary. [E. 316.]

140. Whenever any statement or pleading is amended, the same, when amended, shall be marked with the date of the order, if any, under which the same is so amended, and of the day on which such amendment is made, in manner following, viz.: "Amended day of , pursuant to order of , dated the day of ." [E. 317.]

141. Whenever any statement or pleading is amended, such amended document shall be delivered to the opposite party within the time allowed for amending the same. Any amendment or new pleading rendered necessary by such amendment, shall be made or filed and delivered within the same time as is allowed for any original pleading of the same description. [E. 318.]

142. Clerical mistakes in judgments or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Court or Judge on motion or summons. [E. 319.]

143. The costs of and occasioned by any amendment shall be borne by the party making the same, unless the Court or Judge shall otherwise order. [E. 321.]

DISCOVERY AND INSPECTION.

144. Any party may, without filing any affidavit, apply to the Judge, *ex parte*, for an order directing any other party to any cause or matter to make discovery by affidavit of the documents which are or have been in his possession or power, relating to any matter in question therein. On the hearing of such application the Court or Judge may either refuse or adjourn the same, if satisfied that such dis-

covery is not necessary, or not necessary at that stage of the cause or matter, or make such order, either generally, or limited to certain classes of documents, as may, in their or his discretion, be thought fit. [E. 354.]

145. The affidavit to be made by a party against whom such order as is mentioned in the last preceding section has been made, shall specify, which, if any, of the documents therein mentioned he objects to produce. [E. 355.]

146. It shall be lawful for the Court or Judge, at any time during the pendency of any cause or matter, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such cause or matter, as the Judge or Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just. [E. 356.]

147. Every party to a cause or matter shall be entitled, at any time, by notice in writing, to give notice to any other party, in whose pleadings or affidavits reference is made to any document, to produce such document for the inspection of the party giving such notice, or of his advocate, and to permit him or them to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence in his behalf in such cause or matter, unless he shall satisfy the Court or Judge that such document relates only to his own title, he being a defendant to the cause or matter, or that he had some other cause or excuse which the Court or Judge shall deem sufficient for not complying with such notice; in which case the Court or Judge may allow the same to be put in evidence on such terms as to costs and otherwise as the Court or Judge shall think fit. [E. 357.]

148. The party to whom such notice is given shall, within two days from the receipt of such notice, if all the documents therein referred to have been set forth by him in such affidavit as is mentioned in Section 145 of this Ordinance, or if any of the documents referred to in such notice have not been set forth by him in any such affidavit, then within four days from the receipt of such notice deliver to the party giving the same a notice stating a time

within three days from the delivery thereof, at which the documents or such of them as he does not object to produce, may be inspected at the office of his advocate, or in the case of banker's books or other books of account, or books in constant use for the purpose of any trade or business, at their usual place of custody, and stating which (if any) of the documents he objects to produce and on what ground. [E. 359.]

149. If the party served with notice under the last preceding Section of this Ordinance omits to give such notice of a time for inspection, or objects to give inspection; or offers inspection elsewhere than at the office of his advocate, the Judge may, on application of the party desiring it, make an order for inspection in such place and in such manner as he may think fit; and except in the case of documents referred to in the pleadings or affidavits of the party against whom the application is made, or disclosed in his affidavit of documents, such application shall be founded upon an affidavit showing of what documents inspection is sought, that the party applying is entitled to inspect them, and that they are in the possession or power of the other party. [E. 360.]

150. If the party from whom discovery of any kind or inspection is sought objects to the same, or any part thereof, the Judge may, if satisfied that the right to the discovery or inspection sought depends on the determination of any issue or question in dispute in the cause or matter, or that for any other reason it is desirable that any issue or question in dispute in the cause or matter should be determined before deciding upon the right to the discovery by inspection, order that such issue or question be determined first, and reserve the question as to the discovery or inspection. [E. 362.]

151. If any party fails to comply with any order to answer interrogatories, or for discovery, or inspection of documents, he shall be liable to attachment for contempt of court. He shall also, if a plaintiff, be liable to have his action dismissed for want of prosecution, and if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not defended, and the party interrogating may apply to that effect, and an order may be made accordingly. [E. 363.]

152. Service of an order for discovery or inspection made against any party or his advocate shall be sufficient service to found an application for an attachment for disobedience to order. But the party against whom the application for an attachment is made may show in answer to the application that he has had no notice or knowledge of the order. [E. 364.]

153. An advocate upon whom an order against any party for discovery or inspection is served under the last preceding section, who neglects without reasonable excuse to give notice thereof to his client shall be liable to attachment. [E. 365.]

ADMISSIONS.

154. Any party to a cause or matter may give notice, by his pleading, or otherwise in writing, that he admits the truth of the whole or any part of the case of any other party. (E. 371.)

155. Either party may call upon the other party to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, after such notice, the costs of proving any such document shall be paid by the party so neglecting or refusing, whatever the result of the cause or matter may be, unless at the trial or hearing the Judge is satisfied that the refusal to admit was reasonable; and no costs of proving any document shall be allowed, unless such notice be given, except where the omission to give the notice is, in the opinion of the Judge, a saving of expense. (E. 372.)

156. Any party may, by notice in writing, at any time, not later than twelve days before the day fixed for trial, call on any other party to admit, for the purposes of the cause, matter, or issue only, any specific fact or facts mentioned in such notice. And in case of refusal or neglect to admit the same within six days after service of such notice, or within such further time as may be allowed by a Judge, the costs of proving such fact or facts shall be paid by the party so neglecting or refusing, whatever the result of the cause, matter, or issue may be, unless at the trial or hearing the Judge is satisfied that the refusal to admit was reason-

able; provided that any admission made in pursuance of such notice is to be deemed to be made only for the purposes of the particular cause, matter, or issue, and not as an admission to be used against the party on any other occasion, or in favor of any person other than the party giving the notice; provided also that the Judge may at any time allow any party to amend or withdraw any admission so made, on such terms as may be just. [E. 374.]

157. Any party may, at any stage of a cause or matter, where admissions of fact have been made, either on the pleadings or otherwise, apply to a Judge for such judgment or order as, upon such admissions, he may be entitled to, without waiting for the determination of any other question between the parties, and the Judge may, upon such application, make such order or give such judgment as the Judge may think just. [E. 376.]

158. An affidavit of the advocate or his clerk, of the due signature of any admissions made in pursuance of any notice to admit documents or facts, shall be sufficient evidence of such admissions, if evidence thereof be required. [E. 377.]

159. If a notice to admit, or produce, comprises documents which are not necessary, the costs occasioned thereby shall be borne by the party giving such notice. [E. 379.]

ISSUES, ENQUIRIES AND ACCOUNTS.

160. Where in any cause or matter it appears to the Court or Judge that the issues of fact in dispute are not sufficiently defined, the parties may be directed to prepare issues, and such issues shall, if the parties differ, be settled by the Court or Judge. [E. 381.]

161. The Judge may, either by the judgment or order directing an account to be taken, or by any subsequent order, give special direction with regard to the mode in which the account is to be taken or vouched, and in particular may direct that in taking the account, the books of account, in which the accounts in question have been kept, shall be taken as *prima facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to take such objections thereto as they may be advised. [E. 382.]

162. Where any account is directed to be taken, the accounting party, unless the Judge shall otherwise direct, shall make out his account and verify the same by affidavit. The items on each side shall be numbered consecutively, and the account shall be referred to by the affidavit as an exhibit, and be filed in Court. [E. 383.]

163. Any party seeking to charge any accounting party beyond what he has by his account admitted to have received, shall give notice thereof to the accounting party, stating, so far as he is able, the amount sought to be charged, and the particulars thereof, in a short and succinct manner [E. 384.]

164. Every judgment or order for a particular account of the personal estate of a testator or intestate shall contain a direction for an enquiry what parts (if any) of such personal estate are outstanding or undisposed of, unless the Court or Judge shall otherwise direct. [E. 385.]

165. Where by any judgment or order, whether made in Court or by the Judge, any accounts are directed to be taken or inquiries to be made, each such direction shall be numbered, so that as far as may be, each distinct account and enquiry may be designated by a number, with such variations as the circumstances of the case may require. [F. 386.]

166. In taking any account, directed by any judgment or order, all just allowances shall be made without any direction for that purpose. [E. 387.]

167. If it shall appear to the Judge that there is any undue delay in the prosecution of any accounts or enquiries, or in any other proceedings under any judgment or order, the Judge may require the party having the conduct of the proceedings under any judgment or order, or any other party, to explain the delay, and may thereupon make such order, with regard to expediting the proceedings, or the conduct thereof, or the stay thereof, and as to the costs of the proceedings, as the circumstances of the case may require; and, for the purposes aforesaid, any party may be directed to summon the persons whose attendance is required, and to conduct any proceedings and carry out any directions which

may be given; and any costs of such party, so directed shall be paid by such parties, or out of such funds as the Judge may direct. [E. 388.]

SPECIAL CASE.

168. The parties to any cause or matter, at any stage of the cause or matter, or without any previous proceedings having been instituted, may concur in stating the questions of law arising therein in the form of a special case for the opinion of the Court. Every such special case shall be divided into paragraphs, numbered consecutively, and shall concisely state such facts and documents as may be necessary to enable the Court to decide the questions raised thereby. Upon the argument of such case the Court, and the parties, shall be at liberty to refer to the whole contents of such documents, and the Court shall be at liberty to draw from the facts and documents, stated in any special case, any inference, whether of fact or Law, which might have been drawn therefrom if proved at a trial. [E. 389 & N. S. 332.]

169. If it appear to the Court or Judge that there is in any cause or matter a question of Law, which it would be convenient to have decided before any evidence is given, or any question or issue of fact is tried, or before any reference is made to a Referee, the Court or Judge may make an order accordingly, and may direct such question of Law to be raised for the opinion of the Court, either by special case, or in any such other manner as the Court or Judge may deem expedient, and all such further proceedings as the decision of such question of Law may render unnecessary may thereupon be stayed. (E. 390.)

170. No special case in any cause or matter to which a married woman (not being a party thereto in respect of her separate property or of any separate right of action by or against her), infant, or person of unsound mind, not so found by judicial decision, is a party, shall be set down for argument without leave of the Court or Judge, the application for which must be supported by sufficient evidence that the statements contained in such special case, so far as the same affect the interest of such married woman, infant, or person of unsound mind, are true. [E. 392.]

171. The parties to a special case may, if they think fit, enter into an agreement in writing that, on the judgment of the Court being given in the affirmative or negative of the questions of Law raised by the special case, a sum of money, fixed by the parties or to be ascertained by the Court, or in such manner as the Court may direct, shall be paid by one of the parties to the other of them, either with or without costs of the cause or matter; and the judgment of the Court may be entered for the sum so agreed or ascertained, with or without costs, as the case may be, and execution may issue upon such judgment in the ordinary way, unless otherwise agreed, or unless stayed in appeal. [E. 394.]

PROCEEDINGS AT TRIAL.

172. If, when a trial is called on, the plaintiff appears, and the defendant does not appear, the plaintiff may prove his claim, so far as the burden of proof lies upon him. [E. 455.]

173. If, when a trial is called on, the defendant appears, and the plaintiff does not appear, the defendant, if he has no counter-claim, shall be entitled to judgment dismissing the action, but if he has a counter-claim, then he may prove such counter-claim, so far as the burden of proof lies upon him. [E. 456.]

174. Any verdict or judgment obtained where one party does not appear at the trial may be set aside by the Court or Judge upon such terms as may seem fit, upon an application made within fifteen days after the trial. [E. 457.]

175. The Judge may, if he thinks it expedient for the interests of justice, postpone or adjourn a trial for such time, and to such place, and upon such terms, if any, as he shall think fit; but no trial shall be postponed upon the ground of the absence of a material witness, unless the affidavit upon which the application is made distinctly states that the deponent believes and is advised that the party in whose behalf the application is made has a just cause of action or defence upon the merits, and that the application is not made solely for delay. [E, 458, & N. S. 469.]

176. Where, through accident or mistake, or other cause,

any party omits, or fails to prove some fact material to his case, the Judge may proceed with the trial, subject to such fact being afterwards proved, at such time and subject to such terms and conditions as to costs and otherwise as the Judge shall direct, and if the case is being tried by a jury, the Judge may direct the jury to find a verdict as if such fact had been proved, and the verdict shall take effect on such fact being afterwards proved as directed; and if not so proved, judgment shall be entered for the opposite party, unless the Court or Judge otherwise directs. This rule shall not apply to actions for libel or slander. [N. S. 368.]

177. Upon a trial with a jury, the addresses to the jury shall be regulated as follows; the party who begins, or his counsel, shall be allowed at the close of his case, if his opponent does not announce any intention to adduce evidence, to address the jury a second time, for the purpose of summing up the evidence, and the opposite party, or his counsel, shall be allowed to open his case, and also to sum up the evidence, if any, and the right to reply shall be the same as in England. [E. 460.]

178. The Judge may in all cases disallow any questions put in cross-examination of any party or other witness which may appear to him to be vexatious, and not relevant to any matter proper to be enquired into in the cause or matter. (E. 462.)

179. The Judge may, at or after the trial, direct that judgment be entered for any or either party, or adjourn the case for further consideration, or leave any party to move for judgment. No judgment shall be entered after a trial without the order of the Court or Judge. (E. 463.)

INQUIRY AND REFERENCE AS TO DAMAGES.

180. In every action or proceeding in which it shall appear to the Court or Judge that the amount of damages sought to be recovered is substantially a matter of calculation, the Court or Judge may direct that the amount for which final judgment is to be entered shall be ascertained by an officer of the Court or other person, and the attendance of witnesses and the production of documents before such officer or other person, may be compelled by subpoena,

and such officer or other person may adjourn the inquiry from time to time, and shall endorse upon the order for referring the amount of damages to him the amount found by him, and shall deliver the order with such indorsement to the Clerk of the Court, and such and the like proceedings may thereupon be had as to taxation of costs, entering judgment and otherwise as in ordinary cases. [E. 481.]

181. Where damages are to be assessed in respect of any continuing cause of action, they shall be assessed down to the time of the assessment. [E. 482.]

EVIDENCE GENERALLY.

182. In the absence of any agreement in writing between the parties, or their advocates and subject to the provisions of this Ordinance, the witnesses at the trial of any action, or at any assessment of damages shall be examined *viva voce* and in open court, but the Court or Judge may at any time for sufficient reason order that any particular fact or facts may be proved by affidavits, or that the affidavit of any witness may be read at the hearing or trial, on such conditions as the Court or Judge may think reasonable, or that any witness whose attendance in Court ought for some sufficient cause to be dispensed with, be examined by interrogatories or otherwise before a Commissioner or Examiner; provided that, where it appears to the Court or Judge that the other party, *bona fide*, desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit. (E. 483.)

183. An order to read evidence taken in another cause or matter shall not be necessary, but such evidence may, saving all just exceptions, be read by leave of the Court or Judge. (E. 485.)

184. Copies of all writs, records, pleadings, and documents filed in Court, when certified by the Clerk, shall be admissible in evidence in all causes and matters, and between all persons or parties, to the same extent as the original would be admissible. (E. 486.)

EXAMINATIONS OF WITNESSES.

185. The Court or Judge may, in any cause or matter, when it shall appear necessary for the purposes of justice, make any order for the examination upon oath, *viva voce*, or by interrogatories in writing, before the Court or Judge or any officer of the Court, or any other person, and at any place of any witness or person, and may empower any party to any such cause or matter to give such deposition in evidence therein on such terms, if any, as the Court or Judge may direct. (E. 487.)

186. The Court or Judge may in any cause or matter, at any stage of the proceedings, order the attendance of any person for the purpose of producing any writings or other documents named in the order which the Court or Judge may think fit to be produced; provided that no person shall be compelled to produce under any such order any writing or other document which he could not be compelled to produce at the hearing or trial. (E. 489.)

187. Any person wilfully disobeying any order requiring his attendance for the purpose of being examined or of producing any document, shall be deemed guilty of contempt of Court, and may be dealt with accordingly. (E. 490.)

188. Any person required to attend for the purpose of being examined or of producing any document, shall be entitled to the like conduct-money and payment for expenses and loss of time as upon attendance at a trial in Court (E. 491.)

189. Where any witness or person is ordered to be examined before any officer of the Court, or before any person appointed for the purpose, the person taking the examination shall be furnished by the party on whose application the order was made, with a copy of the proceedings in the cause, or with a copy of the documents necessary to inform the person taking the examination of the questions at issue between the parties. (E. 492.)

190. The examination shall take place in the presence of the parties, their counsel, advocate, or agent, and the witnesses shall be subject to cross-examination and re-examination. (E. 493.)

191. The depositions taken before an officer of the Court, or before any other person appointed to take the examination, shall be taken down in writing by or in the presence of the examiner, not ordinarily by question and answer, but so as to represent as nearly as may be the statement of the witness, and when completed shall be read over to the witness and signed by him in the presence of the parties, or such of them as may think fit to attend. If the witness shall refuse to sign the depositions the examiner shall sign the same. The examiner may put down any particular question or answer if there should appear any special reason for doing so, and may put any question to the witness as to the meaning of any answer, or as to any matter arising in the course of the examination. Any questions which may be objected to shall be taken down by the examiner in the depositions, and he shall state his opinion thereon to the advocates, or parties, and shall refer to such statement in the depositions, but he shall not have the power to decide upon the materiality or relevancy of any question. [E. 494.]

192. If any person duly summoned by subpoena to attend for examination shall refuse to attend, or if, having attended, he shall refuse to be sworn or to answer any lawful question, a certificate of such refusal, signed by the examiner, shall be filed in Court, and thereupon the party requiring the attendance of the witness may apply to the Court or Judge *ex parte*, or on notice, for an order directing the witness to attend, or to be sworn, or to answer any question as the case may be. [E. 495.]

193. If it shall be made to appear to the Judge that a witness has been duly served with a subpoena, and his fees for travel and attendance paid or tendered to him, and that such witness refuses or neglects to attend to give evidence as required by his subpoena, and that his evidence is necessary and material, it shall be lawful for the Judge in addition to any powers which he may possess for the punishment of such witness, to issue a warrant under his hand and seal, directed to any sheriff or other officer or officers for the immediate arrest of such witness, to be brought before the Court, or person authorized to hear the evidence for the purpose of giving evidence in the cause. [N.S. 389.]

194. If any witness shall object to any question which

may be put to him before an examiner, the question so put, and the objection of the witness thereto, shall be taken down by the examiner, and transmitted by him to the Court, to be there filed, and the validity of the objection shall be decided by the Court or Judge. [E. 496.]

195. In any case under the three last preceding sections of this Ordinance, the Court or Judge shall have power to order the witness to pay any costs occasioned by his refusal or objection. [E. 497.]

196. When the examination of any witness before any examiner shall have been concluded, the original depositions, authenticated by the signature of the examiner, shall be returned by him to the Clerk of the Court, to whom the same is returnable, and by him shall be filed. [E. 498.]

197. The person taking the examination of a witness under the provision of this Ordinance may, and if need be, shall make a special report to the Court, touching such examination and the conduct or absence of any witness or other person thereon, and the Court or Judge may direct such proceedings and make such order as upon the report they or he may think just. [E. 499.]

198. Except whereby this Ordinance is otherwise provided or may be directed by the Court or Judge, no deposition shall be given in evidence at the hearing or trial of the cause or matter without the consent of the party against whom the same may be offered, unless the Court or Judge is satisfied that the deponent is dead, or beyond the jurisdiction of the Court, or unable from sickness or other infirmity to attend the hearing or trial, in any of which cases the depositions, certified under the hand of the person taking the examination, shall be admissable in evidence saving all just exceptions without proof of the signature to such certificate [E. 500.]

199. Any officer of the Court, or other person directed to take the examination of any witness or person, may administer oaths. [E. 501.]

200. Any party in any cause or matter may by *subpœna ad testificandum*, or *duces tecum* require the attendance of

any witness before an officer of the Court, or other person appointed to take the examination, for the purpose of using his evidence upon any proceeding in the cause or matter, in like manner as such witness would be bound to attend and be examined at the hearing or trial; and any party or witness having made an affidavit to be used, or which shall be used, on any proceeding in the cause or matter shall be bound on being served with such subpoena to attend before such officer or person for cross-examination. [E. 502.]

201. Evidence taken subsequently to the hearing or trial of any cause or matter, shall be taken as nearly as may be, in the same manner as evidence taken at or with a view to a trial. [E. 503.]

202. The practice with reference to the examination cross-examination, and re-examination of witnesses at a trial, shall extend and be applicable to evidence taken in any cause or matter at any stage. [E. 504.]

203. The practice of the Court with respect to evidence at a trial, when applied to evidence to be taken before an officer of the Court or other person, in any cause or matter after the hearing or trial, shall be subject to any special directions which may be given in any case. [E. 505.]

204. No affidavit or deposition filed or made before issue joined in any cause or matter shall, without special leave of the Court or Judge, be received at the hearing or trial thereof, unless within one month after the cause is at issue, or within such longer time as may be allowed by special leave of the Court or a Judge, notice in writing shall have been given by the party intending to use the same to the opposite party of his intention in that behalf. [E. 506.]

205. All evidence taken at the hearing or trial of any cause or matter may be used in any subsequent proceedings in the same cause or matter. [E. 507.]

SUBPCENA.

206. When a subpoena is required for the attendance of a witness for the purpose of proceedings in Chambers, such subpoena shall issue from the Clerk's office upon a note from the Judge. [E. 510.]

matter in which it is sworn ; but in every case in which there are more than one plaintiff or defendant, it shall be sufficient to state the full name of the first plaintiff or defendant respectively, and that there are other plaintiffs or defendants, as the case may be ; and the costs occasioned by any unnecessary prolixity in any such title shall be disallowed. (E. 522.)

215. Affidavits shall be confined to such facts as the witness is able of his own knowledge to prove, except on interlocutory motions, on which statements as to his belief, with the grounds thereof, may be admitted. The costs of every affidavit which shall unnecessarily set forth matters of hearsay, or argumentative matter, or copies of or extracts from documents shall be paid by the party filing the same. (E. 523.)

216. Affidavits sworn in the North-West Territories shall be sworn before a Judge, Clerk of the Court, or Deputy Clerk, Notary Public, Justice of the Peace, or Commissioner empowered to administer oaths. (E. 524.)

217. Every person administering oaths shall express the time when and the place where he shall take any affidavit or recognizance ; otherwise the same shall not be held authentic nor be admitted to be filed without the leave of the Court or Judge. (E. 525.)

218. All examinations, affidavits, declarations, affirmations, and attestations in causes or matters depending in the Supreme Court, may be sworn and taken out of the North-West Territories in any part of the Dominion of Canada or in Great Britain or Ireland, or the Channel Islands, or in any Colony, Island, or Plantation, or place under the Dominion of Her Majesty in foreign parts, before any Judge, Court, Notary Public, or person lawfully authorized to administer oaths in such Country, Colony, Island, Plantation, or place respectively, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign part out of Her Majesty's Dominions, or before a Commissioner appointed for the purpose of taking affidavits outside of the North-West Territories to be used within said Territories, or a Commissioner duly appointed by the Judge for such purpose, and the Judges and other Officers of the Supreme Court shall take judicial notice of the seal or signature, as the case may be,

of any such Court, Judge, Notary Public, Person, Consul or Vice-Consul, attached, appended, or subscribed to any such examinations, affidavits, affirmations, attestations and declarations. (E. 526.)

219. Every affidavit shall be drawn up in the first person and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct portion of the subject. No costs shall be allowed for any affidavit or part of an affidavit substantially departing from this rule. (E. 527.)

220. Every affidavit shall state the description and true place of abode of the deponent, and shall be signed by him. (E. 528.)

221. In every affidavit made by two or more deponents the names of the several persons making the affidavit shall be inserted in the jurat, except that if the affidavit of all the deponents is taken at one time by the same officer, it shall be sufficient to state that it was sworn by both (or all) of the "above-named" deponents. (E. 529.)

222. Every affidavit or other proof used in a cause, matter or proceeding shall be filed. (E. 530.)

223. The Court or Judge may order to be struck out from any affidavit any matter which is scandalous, and may order the costs of any application to strike out such matter to be paid by the offending party. (E. 531.)

224. No affidavit, having in the jurat or body thereof any interlineation, alteration, or erasure, shall, without leave of the Court or Judge, be read or made use of in any matter depending in Court, unless the interlineation or alteration (other than by erasure) is authenticated by the initials of the officer taking the affidavit, nor in the case of an erasure, unless the words or figures appearing at the time of taking the affidavit to be written on the erasure are written and signed or initialed in the margin of the affidavit by the officer taking it. (E. 532.)

225. Where an affidavit is sworn by any person who appears to the officer taking the affidavit to be illiterate or

blind, the officer shall certify in the jurat that the affidavit was read in his presence to the deponent, that the deponent seemed perfectly to understand it, and that the deponent made his signature or mark in the presence of the officer. No such affidavit shall be used in evidence in the absence of this certificate, unless the Court or Judge is otherwise satisfied that the affidavit was read over to and appeared to be perfectly understood by the deponent. (E. 533.)

226. The Court or Judge may receive any affidavit sworn for the purpose of being used in any cause or matter, notwithstanding any defect by misdescription of parties, or otherwise, in the title or jurat, or any other irregularity in the form thereof, and may direct a memorandum to be made on the document that it has been so received. (E. 534.)

227. A copy of an affidavit may in all cases be used, the original affidavit having been previously filed, and the copy duly authenticated with the certificate of the Clerk, with seal of the Court. (E. 535.)

228. No affidavit shall be sufficient if sworn before the advocate acting for the party, on whose behalf the affidavit is to be used, or before any agent of such advocate or before the party himself. (E. 536.)

229. Any affidavit, which would be insufficient if sworn before the advocate himself, shall be insufficient if sworn before his clerk or partner. (E. 537.)

230. Where a special time is limited for filing affidavits, no affidavit filed after that time shall be used, unless by leave of the Court or Judge. On motions founded on affidavits either party may, by leave of the Court or Judge, make affidavits in answer to the affidavits of the opposite party, as to new matter arising out of such affidavits. (E. 538 and N. S. 446.)

231. Except by leave of the Court or Judge, no order made *ex parte* in Court, founded on any affidavit, shall be of any force, unless the affidavit, on which the application was made, was actually made before the order was applied for and produced, or filed, at the time of making the motion. (E. 539.)

232. The party intending to use any affidavit in support of any application, made by him in Chambers, shall give notice to the other parties concerned, of his intention in that behalf. (E. 540.)

233. All affidavits, which have been previously made and read in Court upon any proceedings in a cause or matter, may be used before a Judge in Chambers. (E. 541.)

234. Every alteration in an account verified by affidavit shall be marked with the initials of the commissioner or officer before whom the affidavit is sworn, and such alterations shall not be made by erasure. (E. 542.)

235. Accounts, extracts, and other documents, referred to by affidavit, shall not be annexed to the affidavit, or referred to in the affidavit, as annexed, but shall be referred as exhibits. (E. 543.)

236. Every certificate on an exhibit referred to in an affidavit, signed by the commissioner, or officer, before whom the affidavit is sworn, shall be marked with the short title of the cause or matter. (E. 544.)

MOTION FOR JUDGMENT.

237. Where, at, or after a trial with a jury, the Judge has directed that any judgment be entered, any party may apply to set aside such judgment, and enter any other judgment, on the ground that the judgment directed to be entered is wrong, by reason that the finding of the jury upon the questions submitted to them has not been properly entered. (E. 561.)

238. Where, at, or after a trial by a Judge, either with or without a jury, the Judge has directed that any judgment be entered, any party may apply to set aside such judgment and to enter any other judgment, upon the ground that, upon the finding as entered, the judgment so directed is wrong. (E. 562.)

239. When issues have been ordered to be tried, or issues or questions of fact to be determined in any manner, the plaintiff may set down a motion for judgment as soon as

such issues or questions have been determined. If he does not set down such a motion, and give notice thereof to the other parties within ten days after his right so to do has arisen, then after the expiration of such ten days any defendant may set down a motion for judgment, and give notice thereof to the other parties. (E. 565.)

240. When issues have been ordered to be tried, or issues or questions of fact to be determined in any manner, and some only of such issues or questions of fact have been tried or determined, any party who considers that the result of such trial or determination renders the trial or determination of the others of them unnecessary, or renders it desirable that the trial or determination thereof should be postponed, may apply to the Court or Judge for leave to set down a motion for judgment, without waiting for such trial or determination. And the Court or Judge may, if satisfied of the expediency thereof, give such leave, upon such terms, if any as shall appear just, and may give any directions which may appear desirable as to postponing the trial of the other issues of fact. (E. 566.)

241. No motion for judgment shall, except by leave of the Court or Judge, be set down after the expiration of one year from the time when the party seeking to set down the same first became entitled so to do. [E. 567.]

242. Upon a motion for judgment, or upon an application for a new trial, the Court may draw all inferences of fact not inconsistent with the finding of the jury, and if satisfied that it has before it all the materials necessary for finally determining the question in dispute, or any of them, or for awarding any relief sought, give judgment accordingly, or may, if it shall be of opinion that it has not sufficient materials before it to enable it to give judgment, direct the motion to stand over for further consideration, and direct such issues or questions to be tried or determined, and such accounts and inquiries to be taken and made, as it may think fit. [E. 568.]

243. When it is made to appear to the Court or Judge on the hearing of any application, which may be pending before the Court or Judge, that it will be conducive to the ends of justice to permit it, the Court or Judge may direct

any applications to be turned into a motion for judgment, or hearing of the cause or matter; and thereupon the Court, or Judge may make such order as to the time and manner of giving the evidence in the cause or matter, and with respect to the further prosecution thereof as the circumstances of the case may require; and upon the hearing it shall be discretionary with the Court or Judge to either pronounce a judgment or make such order as the Court or Judge deems expedient. [N.S. 477.]

244. Where, at any time after the writ of summons has been issued, it is made to appear to the Court or Judge on an *ex parte* application that it will be conducive to the ends of justice to permit a notice of motion for a judgment to be forthwith served, the Court or Judge may order the same accordingly, and when such permission is granted, the Court or Judge is to give directions, as to the service of the notice of motion and filing of the affidavits, as may be expedient. Upon the hearing of such motion the Court or Judge, instead of either granting or refusing the application, may give such directions for the examination of either parties or witnesses, or for the making of further enquiries, or with respect to the further prosecution of the suit, as the circumstances of the case may require, and upon such terms as to costs as the Court or Judge think right. [N.S. 478.]

JUDGMENT AND ENTRY OF JUDGMENT.

245. When any judgment is pronounced by the Court or Judge, the entry of judgment shall be dated as of the day on which such judgment is pronounced, unless the Court or Judge shall otherwise order, and the judgment shall take effect from that date; provided that by special leave of the Court or Judge, a judgment may be ante-dated or post-dated. (E. 571.)

246. Any Judge may deliver the judgment of the Court, when authorized to do so by the Judges in *Banc*, who heard the matter on which judgment is to be pronounced, or may deliver the judgment of any other Judge, when authorized so to do by such other Judge, notwithstanding the absence of the Judges or Judge aforesaid. (N.S. 482.)

247. In all cases not within the last preceding Section

the entry of judgment shall be dated as of the day on which the requisite documents are left with the proper officer for the purpose of such entry, and the judgment shall take effect from that date. (E. 572.)

248. Every judgment or order made in any cause or matter requiring any person to do an act thereby ordered shall state the time, or the time after service of the judgment or order, within which the act is to be done, and upon the copy of the judgment or order, which shall be served upon the person required to obey the same, there shall be endorsed a memorandum in the words or to the effect following, viz :

“If you, the within named A. B., neglect to obey this judgment (or order) by the time therein limited, you will be liable to process of execution for the purpose of compelling you to obey the same judgment (or order).” (E. 573.)

249. Where, under this Ordinance, or otherwise, it is provided that any judgment may be entered upon the filing of any affidavit or production of any document, the Clerk shall examine the affidavit or document produced, and if the same be regular and contain all that is by Law required, he shall enter judgment accordingly. (E. 574.)

250. When by this Ordinance or otherwise, any judgment may be entered pursuant to any order or certificate, or return to any writ, the production of such order, certificate or return, shall be sufficient authority to the Officer to enter judgment accordingly. (E. 575.)

251. In any cause or matter where the defendant has appeared by advocate, no order for entering judgment shall be made by consent, unless the consent of the defendant is given by his advocate or agent. (E. 577.)

252. When the defendant has not appeared, or has appeared in person, no such order shall be made unless the defendant attends before a Judge and gives his consent in person, or unless his written consent is attested by an advocate acting on his behalf. (E. 578.)

253. Satisfaction of a judgment shall be signed by the plaintiff, and his personal representatives, or by an advocate

pecially authorized for that purpose in writing, unless the Judge, on special circumstances set forth by affidavit, dispense with such authorization. (N. S. 489.)

EXECUTION.

254. When any person is by any order directed to pay any money, or to deliver up or transfer any property, real or personal, to another, it shall not be necessary to make any demand thereof, but the person so directed shall be bound to obey such order, upon being duly served with a copy of the same without demand. (E. 579.)

255. Where any person, who has obtained any judgment or order upon condition, does not perform or comply with such condition, he shall be considered to have waived or abandoned such judgment or order, so far as the same is beneficial to himself, and any other person interested in the matter may, on breach or non-performance of the condition, take either such proceedings as the judgment or order may in such case warrant, or such proceedings, as might have been taken, if no such judgment or order had been made, unless the Court or Judge shall otherwise direct. (E. 580.)

256. Every person, to whom any money or costs shall be payable under a judgment or order, shall be entitled after fifteen days from the date of judgment or order to sue out one or more writs *fiery facias* to enforce payment thereof. The Court or Judge at the time of giving judgment, or the Court or a Judge afterwards, may give leave to issue execution before, or may stay execution until any time after the expiration of the period hereinbefore prescribed, and a separate execution may issue for costs.

257. A judgment for the recovery of or for the delivery or the possession of land may be enforced by writ of possession. (E. 583.)

258. A judgment for the recovery of any property, other than land or money, may be enforced by writ for delivery of the property. (E. 584.)

259. A judgment requiring any person to do any act other than the payment of money, or to abstain from doing anything, may be enforced by writ of committal. (E. 585.)

260. Where a judgment or order is to the effect that any party is entitled to any relief subject to or upon the fulfilment of any condition or contingency, the party so entitled may, upon the fulfilment of the condition or contingency, and demand made upon the party against whom he is entitled to relief, apply to the Judge for leave to issue execution against such party. And the Judge may, if satisfied that the right to relief has arisen according to the terms of the judgment or order, order that execution issue accordingly, or may direct that any issue or question necessary for the determination of the rights of the parties be tried in any of the ways in which questions arising in any action may be tried. (E. 587.)

261. Where a judgment or order is against a firm, execution may issue:—

(1.) Against any property of the partnership;

(2.) Against any person, who has appeared in his own name or who has admitted on the pleadings that he is or who has been adjudged to be a partner;

(3.) Against any person, who has been served as a partner, with the writ of summons, and has failed to appear.

If the party who has obtained judgment, or an order, claims to be entitled to issue execution against any other person as being a member of the firm, he may apply to a Judge for leave so to do; and the Judge may give such leave, if the liability be not disputed, or if such liability be disputed, may order that the liability of such person be tried and determined in any manner in which any issue or question in action may be tried and determined. (E. 588.)

262. No writ of execution shall be issued without the party issuing it, or his advocate, filing a *precipe* for that purpose; the *precipe* shall contain the title of the action the reference to the record, the date of the judgment, and of the order, if any, directing the execution to be issued, the names of the parties against whom, or of the firm against whose goods the execution is to be issued; and shall be signed by or on behalf of the advocate of the party issuing it, or by the party issuing it, if he does so in person. (E. 590.)

263. When entitled thereto, the party, in whose favor such judgment has been entered, may have one or more

writs of execution, directed to the Sheriff of any one of the judicial districts of the North-West Territories, for levying within the judicial district named in such writ the amount due on such judgment, and legal interest thereon, and costs subsequent to such judgment, by distress and sale of the goods and chattels and personal property, liable to seizure and sale for debt, of the party against whom the said judgment has been so entered.

264. Every writ of execution shall bear date the day of its issue, and shall remain in force for one year from its date (and no longer if unexecuted unless renewed), but such writ may, at any time before its expiration, and so from time to time during the continuance of the renewed writ, be renewed by the party issuing it for one year from the date of such renewal by being marked in the margin with a memorandum to the effect following: "*Renewed for one year from the day of A.D. 18*," (signed by the Clerk); and the production of a writ of execution marked as renewed in manner aforesaid shall be sufficient evidence of its having been so renewed; and a writ of execution so renewed shall have effect, and be entitled to priority, according to the time of the original delivery thereof.

265. Every writ of execution for the recovery of money shall be indorsed with a direction to the Sheriff, or other officer or person to whom the writ is directed, to levy the money really due and payable, and sought to be recovered under the judgment or order, stating the amount, and also to levy legal interest thereon, if sought to be recovered, together with sheriff's fees, poundage and other expenses of execution. (E. 594.)

266. As between the original parties to a judgment or order, execution may issue at any time within six years from the recovery of the judgment or the date of the order. (E. 600.)

267. In the following cases, viz. :

(1.) Where six years have elapsed since the judgment or date of the order, or any change has taken place by death, or otherwise, in the parties entitled or liable to execution ;

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the disobedient party for contempt, may direct that the act required to be done may be done so far as practicable by the party by whom the judgment or order has been obtained, or some other person appointed by the Court or Judge, at the cost of the disobedient party, and upon the act being done, the expenses incurred may be ascertained in such manner as the Court or Judge may direct, and execution may issue for the amount so ascertained, and costs. (E. 608.)

272. Any judgment or order against a corporation wilfully disobeyed may, by leave of the Court or Judge, be enforced by execution against the corporate property or by attachment of the persons of the directors or other officers thereof. (E. 609.)

273. Writs of execution shall follow the form in the Appendix to this Ordinance, adapted to the circumstances of each case.

274. No writ of execution shall bind the goods of the party against whom the same is issued, but from the time the said writ shall be delivered to the Sheriff to be executed, and the Sheriff shall upon the receipt of the writ endorse thereon the time when the same was received by him.

275. No writ of execution or other process, under which personal property is directed to be seized, shall bind the personal property or prejudice the title thereto acquired by any person *bona fide* and for a valuable consideration before the actual seizure under such writ or process; provided such person had not at the time he acquired such title, notice that such writ or any other writ, by virtue of which the personal property of such owner might be seized or attached, had been delivered to and remained unexecuted in the hands of the Sheriff.

276. No sale of personal property seized under any writ of execution or process shall be made without such sale being advertised for at least ten days by public notice thereof, describing the property to be sold, copies of which notice shall be posted in the offices of the Clerk and Sheriff, and at least five public places in the locality, where the same is to

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next preceding section shall discharge the Sheriff to the extent of the amount due on and secured thereby on the said writ.

281. The Sheriff shall pay over to the execution creditor or his advocate all moneys so recovered or a sufficient sum to discharge the amount directed by the writ to be levied less his fees and expenses.

282. No sale of growing crops, whether grain or roots, shall take place until after the same have been harvested and threshed, or taken and removed from the ground, when, after all charges for harvesting, threshing, taking and removing, have been paid and all exceptions been claimed and reserved, the balance may be subject to be sold.

283. Any person who becomes entitled to issue a writ of execution against goods may, at or after the time of issuing the same, issue a writ of execution against the lands of the person liable, into any Judicial District provided that not less than fifty dollars remain due and unpaid on the judgment, and deliver the same to the Sheriff of the district named in the writ and charged with the execution of the writ of execution against goods at or after the time of delivery to him of the writ against goods, and either before or after any return thereof; but such officer shall not sell the said lands within less than twelve months from the day on which the writ against the lands is delivered to him, nor until three months' notice of such sale has been posted in a conspicuous place in the Sheriff's and Clerk's office, respectively, and published two months in the newspaper nearest the lands to be sold.

284. No sale shall be had under any execution against lands until after a return of *nulla bona* in whole or in part, with respect to an execution against goods in the same suit or matter by the same officer.

285. No Sheriff shall make any return of *nulla bona*, either in whole or in part, to any writ against goods, until the whole of the goods of the execution debtor in the district, named in the writ, liable to seizure which he can find have been exhausted.

286. If the amount authorized to be made and levied under the writ against goods is made and levied thereunder, the person issuing the writ against lands shall not be entitled to the expenses thereof or of any seizure or advertisement thereunder, and the return to be made by the officer charged with the execution of the writ against lands to such writ, shall be to the effect that the amount has been so made and levied as aforesaid.

287. A written order, signed by the advocate by whom any writ of execution or other process as aforesaid shall have been issued, or by the party at whose instance the same issued, shall justify the Sheriff paying out money realized under execution; but the order of the advocate shall not suffice for that purpose, where the party for whom the advocate professes to act has given to the Sheriff written notice to the contrary.

288. Where under any writ of execution while in force personal property has been seized, the Sheriff may proceed to sell the same although the writ of execution has expired.

289. Where it is sought to enforce a judgment made for the recovery of any property other than land or money, the Court or Judge may, upon the application of the plaintiff or person entitled thereto, order that execution shall issue for the delivery of the property without giving the defendant or other party the option of retaining the property and paying the assessed value, if any; or at the option of the plaintiff or person entitled thereto that the Sheriff levy and make the assessed value, with or without costs in either instance, as may be just, and for such purpose separate writs may be issued for the costs. (E. 647.)

290. A judgment or order that a party do recover possession of any land, or that any person therein named do deliver up possession of any lands to some other person, the person prosecuting such judgment or order may without any order for such purpose after fifteen days from the entry of the judgment, or service of a copy of the order, enforce the same by a writ of possession. (E. 644 and 645.)

291. Upon any judgment or order for the recovery or

delivery of possession of any land and costs, there may be either one writ or separate writs of execution for the recovery of possession and for the costs at the election of the successful party. (E. 646.)

292. Upon any execution against the lands or goods, the Sheriff may, in addition to the sum recovered by the judgment, levy the poundage fees, expenses of the execution, and interest upon the amount so recovered from the time of entering the judgment.

293. In case a part only is made by the Sheriff on, or by force of any execution again goods and chattels, the Sheriff shall be entitled, besides his fees and expenses of execution, to poundage only upon the amount so made by him, whatever be the sum endorsed upon the writ, and in case the personal estate of the defendant is seized or advertised on or under an execution, but not sold by reason of satisfaction having been otherwise obtained, or from some other cause, and no money is actually made by the Sheriff on or by force of such execution, the Sheriff shall be entitled to the fees and expenses of execution and poundage only on the value of the property seized not exceeding the amount endorsed on the writ, or such less sum as a Judge of the Court, out of which the writ issued, may deem reasonable under the circumstances of the case.

294. In case of writs of execution upon the same judgment to several Judicial Districts, wherein the personal estate of the judgment debtor or debtors has been seized or advertised but not sold, by reason of satisfaction having been obtained under or by virtue of a writ in some other Judicial District, and no money has been actually made on such execution, the Sheriff shall not be entitled to poundage, but to mileage and fees only for the services actually rendered and performed by him, and the Court or any Judge thereof may allow him a reasonable charge for such services, in case no special fee therefor is assigned in any table of costs.

295. In case any person liable on any execution is dissatisfied as to the amount of poundage fees and expenses of execution that any Sheriff claims under the tariff of fees and allowances in force, he may, before or after payment

thereof, apply to the Judge of the Supreme Court, and if upon a statement of the whole facts, the Judge, after notice to the Sheriff, is of opinion that such amount is unreasonable, notwithstanding that it is according to the tariff, or this Ordinance, the same shall be reduced or ordered to be refunded upon such terms as to costs, or otherwise, as the Judge may think fit to impose.

296. Upon the settlement of an execution, either in whole or in part by payment, levy or otherwise, the Sheriff or officer claiming any fees, poundage, incidental expenses or remuneration, which have not been taxed, shall, upon being required by either plaintiff or defendant, or the advocate of either party, and on payment of tender of the expenses of such taxation, and the further sum of twenty-five cents for the copy of this bill detail (which he shall be bound to render) have his fees, poundage, incidental expenses or remuneration, as the case may be, taxed by the Clerk of the Supreme Court of the Judicial District wherein such Sheriff keeps his office.

297. No Sheriff shall collect any fees, costs, poundage or incidental expenses, after having been required to have the same taxed, without taxation; and upon tender of the amount taxed, no fees, costs, poundage or incidental expenses in respect of proceedings subsequently taken shall be allowed to any Sheriff.

298. It shall be the duty of every Taxing Officer above referred to, to tax the bills of costs presented to him for taxation, as herein required, upon payment or tender of his fees, and to give, when requested, a certificate of such taxation and the amount thereof.

299. It shall be the duty of every Taxing Officer aforesaid, upon proof of notice of the time and place of such taxation having been served upon the Sheriff, Deputy-Sheriff, or other officer charged with the execution of the writ, to examine the bills presented to him for taxation, as herein required, whether such taxation is opposed or not, and to be satisfied that the items charged in such bills are correct and legal, and to strike out all charges for services which, in his opinion, were not necessary to be performed.

300. Either party dissatisfied with the taxation may appeal to a Judge of the Supreme Court, in which the proceedings are taken, for a revision of such taxation.

DISCOVERY IN AID OF EXECUTIONS.

301. When a judgment or order is for the recovery or payment of money, the party entitled to enforce it may apply to a Judge for an order that the debtor, liable under such judgment or order, or, in the case of a corporation, that any officer thereof, be orally examined, as to whether any and what debts are owing to the debtor, and whether the debtor has any and what property or means of satisfying the judgment or order, before the Judge or whom he may appoint; and the Judge may make an order for the attendance and examination of such debtor, or of any other person, and for the production of any books or documents. (E. 610.)

302. In case of any judgment or order, other than for the recovery of payment of money, if any difficulty arises in or about the execution or enforcement thereof, any party interested may apply to a Judge, and the Judge may make such order thereon, for the attendance and examination of any party or otherwise, as may be just. (E. 611.)

303. Any person liable to be examined under either of the last two preceding Sections of this Ordinance, shall be entitled to the like conduct-money, and payment for expenses and loss of time, as upon attendance at a trial in Court, and may be compelled to attend and testify, and to produce books and documents, in the same manner, and subject to the same rules of examination, and the same consequences of neglecting to attend, or refusing to disclose the matters in respect of which he may be examined, as in the case of a witness on a trial.

304. The costs of any application under the last three preceding Sections of this Ordinance, or either of them, and of any proceedings arising from, or incidental thereto, shall be in the discretion of the Judge. (E. 612.)

GARNISHMENT.

305. Upon the affidavit of any person who has obtained

a judgment or order for the recovery or payment of money or his advocate, stating that judgment has been recovered, or the order made, and that it is still unsatisfied, and to what amount; or before judgment, in cases where the plaintiff's claim is for a debt or liquidated demand, on a like affidavit, showing the nature and amount of such claim; in either case, such affidavit, further stating that any other person (naming him) is indebted to such debtor, and is within the jurisdiction of the Court, and filing such affidavit with the Clerk, the Clerk shall issue a summons in the form to the Appendix, calling upon the said person (thereinafter called the garnishee) to appear within ten days after service of such summons, and state whether or not he admits any indebtedness due or accruing due as alleged, and to what amount, and show cause, if any, why he should not pay into Court the amount of the said indebtedness or sufficient to satisfy the plaintiff's claim and costs, provided that no order be made against the garnishee, until after judgment has been given for the plaintiff in the original action, and provided that no debt due or accruing to a mechanic, laborer, servant, clerk or employé in respect of his wages or salary shall be liable to seizure or attachment under this Ordinance to the extent of one month's wages, not exceeding fifty dollars.

306. Service of such summons upon the garnishee shall bind such debts in his hands, and in case of a Corporation being garnishee, that has a branch or agency thereof within the jurisdiction, or in case of a non-resident carrying on business within the jurisdiction, having an agent, managing clerk or other representative resident and carrying on business therein, service of the summons upon such agent, managing clerk or other representative shall bind the debts.

307. If the garnishee does not pay into Court the amount due from him to the debtor, and does not dispute the debt due or claimed to be due from him to such debtor, or if he does not appear upon the summons, then the Judge may, after judgment has been entered against the primary debtor, order that judgment be entered up against the garnishee, and that execution issue, and it may issue accordingly, to levy the amount due from such garnishee, or so much thereof as may be sufficient to satisfy the judgment or order. (E. 624.)

308. If the garnishee disputes his liability, the Judge, instead of making an order that judgment be entered and execution issue, may order that any issue or question necessary for determining his liability be tried or determined in any manner in which any issue or question in an action may be tried or determined. (E. 625.)

309. Whenever, in proceedings to obtain an attachment of debts, it is suggested by the garnishee that the debt sought to be attached belongs to some third person, or that any third person has a lien or charge upon it, the Judge may order such third person to appear, and state the nature and particulars of his claim upon such debt. (E. 626.)

310. After hearing the allegations of any third person under such order as in the next preceding Section mentioned, and of any other person whom by the same or any subsequent order the Judge may order to appear, or in case of such third person not appearing when ordered, the Judge may order execution to issue to levy the amount due from such garnishee, or any issue or question to be tried or determined in manner aforesaid and may bar the claim of such third person or make such other order as such Judge shall think fit, upon such terms, in all cases with respect to the lien or charge (if any) of such third person, and to costs as the Judge shall think just and reasonable. (E. 627.)

311. Payment made by or execution levied upon the garnishee under any such proceeding as aforesaid, shall be a valid discharge to him as against the debtor, to the amount paid or levied, although such proceedings may be set aside, or the judgment or order reversed, or the plaintiff fails in his action. (E. 628.)

312. The garnishee shall not be liable for the costs of the proceeding, unless and in so far only as occasioned by setting up a defence which he knew, or ought to have known, was untenable; and subject to this provision the costs of all parties shall be in the discretion of the Judge.

INTERLOCUTORY ORDERS AS TO MANDAMUS, INJUNCTIONS OR
INTERIM PRESERVATION OF PROPERTY.

313. When by any contract a *prima facie* case of liability

is established, and there is alleged as matter of defence a right to be relieved wholly or partially from such liability, the Court or Judge may make an order for the preservation or interim custody of the subject matter of the litigation, or may order that the amount in dispute be brought into Court or otherwise secured. Application for an order under this Section may be made on notice by any party, at any time after his right thereto appears from the pleadings; or, if there be no pleadings, is made to appear by affidavit, or otherwise, to the satisfaction of the Court or Judge. (E. 657 and 663.)

314. It shall be lawful for a Judge, on the application of any party, to make any order for the sale by any person or persons named in such order, and in such manner and on such terms as the Judge may think desirable, of any goods, wares, or merchandize which may be of a perishable nature or likely to injure from keeping, or which for any other just or sufficient reason it may be desirable to have sold at once. (E. 658.)

315. It shall be lawful for a Judge, upon the application of any party to a cause or matter, and upon such terms as may be just, to make any order for the detention, preservation or inspection of any property or thing being the subject of such cause or matter, or as to which any question may arise therein, and for all or any of the purposes aforesaid, to authorize any person to enter upon or into any land or building in the possession of any party to such cause or matter, and for all or any of the purposes aforesaid, to authorize any samples to be taken, or any observation to be made or experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence. (E. 659.)

316. It shall be lawful for the Judge, by whom any cause or matter may be heard or tried, with or without a jury or before whom any cause or matter may be brought, to inspect any property or thing concerning which any question may arise therein, and in jury cases the Judge may make all such orders upon the Sheriff, or other person as may be necessary to procure the attendance of the jury at such time and place and in such manner as he may think fit. (E. 660 and 661.)

317. Where an action is brought to recover, or a defendant in his defence seeks, by way of counter-claim, to recover specific property other than land, and the party from whom such recovery is sought does not dispute the title of the party seeking to recover the same, but claims to recover the property by virtue of a lien, or otherwise, as security for any sum, the Judge may, at any time after such last mentioned claim appears from the pleadings, or, if there be no pleadings, by affidavit or otherwise to the satisfaction of such Judge, order that the party, claiming to recover the property, be at liberty to pay into Court, to abide the event of the action, the amount of money in respect of which the lien or security is claimed and such further sum, if any, for interest and costs as such Judge may direct, and that upon such payment into Court being made, the property claimed be given up to the party claiming it. (E. 664.)

318. Where any real or personal estate forms the subject of any proceedings in the Court and the Judge is satisfied that the same will be more than sufficient to answer all the claims thereon which ought to be provided for in such proceedings, the Judge may at any time after the commencement of the proceedings, allow to the parties interested therein, or any one or more of them, the whole or part of the annual income of the real estate, or a part of the personal estate, or the whole or a part of the income thereof, up to such times as the Judge shall direct. (E. 665.)

319. Whenever in an action for the administration of the estate of a deceased person, or execution of the trusts of a written instrument, a sale is ordered of any property vested in any executor, administrator, or trustee, the conduct of such sale shall be given to such executor, administrator, or trustee, unless the Judge shall otherwise direct. (E. 666.)

320. An injunction shall be by a judgment or order, and any such judgment or order shall have the effect which a writ of injunction has in England. (E. 667.)

321. In any cause or matter in which an injunction has been, or might have been claimed, the plaintiff may, before or after judgment, apply for an injunction to restrain the defendant or respondent from the repetition or continuance

of the wrongful act or breach of contract complained of, or from the commission of an injury or breach of contract of a like kind relating to the same property or right or arising out of the same contract; and the Judge may grant injunction, either upon or without terms, as may be just. (E. 668.)

RECEIVERS.

322. Where an order is made directing a receiver to be appointed, unless otherwise ordered, the person to be appointed shall first give security, to be allowed by a Judge, duly to account for what he shall receive as such receiver, and to pay the same as the Court or Judge shall direct; and the person so to be appointed shall, unless otherwise ordered, be allowed a proper salary or allowance. (E. 672.)

323. When a receiver is appointed with a direction that he shall pass accounts, the Judge shall fix the days upon which he shall annually, or at longer or shorter periods, file, and pass such accounts, and also the days upon which he shall pay the balances appearing due on the accounts so filed, or such part thereof as shall be certified as proper to be paid by him, and with respect to any such receiver as shall neglect to file and pass his accounts, and pay the balances thereof at the times so to be fixed for that purpose as aforesaid, the Judge, before whom any such receiver is to account, may, from time to time, when his subsequent accounts are produced to be examined and passed, disallow the salary therein claimed by such receiver, and may also, if he shall think fit, charge him with interest upon the balances so neglected to be paid by him during the time the same shall appear to have remained in the hands of any such receiver. (E. 674.)

324. In case any receiver failing to file any account or affidavit, or to pass such account, or to make any payment or otherwise, the receiver, or the parties, or any of them may be required to attend before the Judge to show cause why such amount or affidavit has not been filed, or such account passed, or such payment made, or any other proper proceeding taken, and thereupon such directions as shall be proper may be given by the Judge including the discharge of any receiver and appointment of another, and payment of costs. (E. 677.)

325. When a receivership has been completed, the book containing the accounts shall be deposited in the Clerk's office.

326. The accounts of liquidators and of guardians shall be passed and verified in the same manner as receiver's accounts.

ATTACHMENT BEFORE JUDGMENT.

327. At or after the commencement of any suit wherein the claim is for the recovery of an indebtedness from the defendant to the plaintiff exceeding fifty dollars, upon affidavit made by the plaintiff, or one of several plaintiffs if more than one, his or their agent having a personal knowledge of the matter, stating clearly and succinctly from what cause such indebtedness arose and the amount thereof, and that he has good reason to believe (giving such reasons therefor) that the defendant

(a.) Has absconded from the Territories, leaving personal property in any judicial district thereof liable to seizure under execution for debt ;

(b.) or has attempted to remove such personal property out of the said Territories, or to sell or dispose of the same, with intent to defraud his creditors generally, or the plaintiff in particular ;

(c.) or keeps concealed to avoid service of process ; and in either case, that the deponent verily believes that without the benefit of the attachment the plaintiff will lose his debt or sustain damage.

And upon the further affidavit of one other credible person that he is well acquainted with the defendant and has good reason to believe (giving such reasons) that the defendant has absconded, or has attempted to remove his personal property out of the said Territories, or to sell or dispose of the same, or keeps concealed, with intent as aforesaid, as the case may be ; and upon filing the said affidavits, the Clerk shall issue in the cause a writ of attachment in the form given in the Appendix hereto, directed to the Sheriff, commanding him to attach, seize, take and safely keep all the personal property and effects of such debtor liable to seizure under execution for debt, and to return such writ to the Court ; provided that in any cases where the debtor has absconded from the Territories, leaving no wife or family behind, no property of such debtor shall be exempt from seizure.

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curred by the seizure and sale thereof, in case judgment is not obtained by the plaintiff against the defendant, then the Sheriff, with the approval of a Judge, shall proceed to sell all or any of such enumerated articles at public auction to the highest bidder, giving not less than ten days' notice of such sale, unless any of the articles are of such a nature as not to allow of that delay, in which case the officer shall sell such articles last mentioned forthwith, and shall hold the proceeds of such sale for the same purposes as he would have held any property seized under the attachment.

334. When several persons sue out writs of attachment against a defendant in attachment, the proceeds of the property and effects attached shall, subject to any priorities authorized by Law, be rateably distributed among such of the attaching plaintiffs in such writs, and such other persons as shall in due course obtain judgment against the defendant in the said Court, and sue out executions thereon in proportion to the sums actually due upon such judgments, and the Judge may on application delay such distribution to give reasonable time for the obtaining of judgments, as also to fix a date for such distribution.

335. Any person who has commenced a suit in any Court, the process wherein was served before the plaintiff who sues out a writ of attachment against the same defendant has served his writ, may, notwithstanding the suing out of a writ of attachment, proceed to judgment and execution in his suit in the usual manner; and if he obtains execution before the plaintiff in any such writ of attachment, he shall have the full advantage of his priority of execution, in the same manner as if the property and effects of such absconding debtor still remained in his own hands and possession; but if the Judge so orders, such execution shall be subject to the prior satisfaction of all costs of suing out and executing the attachment.

REPLEVIN.

336. In any action brought for the recovery of any personal property, and claiming, whether alone or with any other claim, that such property was unlawfully taken, or is unlawfully detained, the plaintiff may at any time after the issue of the writ of summons, obtain a writ of replevin for

the delivery of the property to him. on his complying with the following Sections ; such writ shall be in the form in the Appendix to this Ordinance, with such variations as circumstances may require ; but nothing herein contained shall authorize the replevying any property seized by the Sheriff or any other officer charged with the execution of any process issued out of the Court.

337. Writs of replevin shall be issued by the Clerk of the Court, upon the plaintiff, or his duly authorized agent, filing an affidavit, naming the Judicial District in which the property is, and

(1.) Embodying a description of the property sought to be replevied, and the value thereof, to the best of the deponent's belief ; and that the person claiming is the owner or is entitled to the possession of the said property ;

(2.) Further stating, if replevin be sought in the case of property distrained for rent, or *damage feasant*, that the property was taken under color of distress for rent or *damage feasant*, as the case may be ;

(3.) Or in the case of property wrongfully taken out of the possession of the claimant, or fraudulently got out of his possession, stating, in addition to the particulars required by sub-section one of this Section, the time and the wrongful and fraudulent manner in which the same was taken or gotten out of his possession, and such facts and circumstances as show that the claimant is entitled to the possession of the property.

338. Before the Sheriff replevies, he shall take a bond in double the value of the property to be replevied, as stated in the writ. The bond shall be assignable to the defendant by the Sheriff endorsing his name thereon, and such endorsement shall enable the plaintiff to bring action thereon in his own name against the parties who have executed it. The bond may be in the form in the Appendix to this Ordinance, with such variations, as circumstances may require.

339. A copy of such writ shall be served on the defendant personally, or, if he cannot be found, left at his usual or last place of abode with his wife or some other grown-up person, being a member of his family or household, or if no

person resident, then posted in a conspicuous place on the premises, or having no known residence, posted up in the office of the Clerk who issued the writ; but such service or posting shall not be made until the Sheriff has replevied the property described in the writ, or such part thereof as can be found; and in case the said Sheriff or other officer has good reason to suspect that the property to be replevied, or any part thereof, is secured, contained, or concealed in any dwelling-house, building or enclosure of the defendant, or of any other person keeping or holding the same, and the said Sheriff or officer demands from the owner, occupier or other person in charge of the premises aforesaid, deliverance of the said property, and the same shall not be delivered upon such demand, he may, and if necessary he shall (but only between sunrise and sunset) break open such premises and enter and search the same for the purpose of replevying the property demanded, and if found therein replevy the same.

340. The Sheriff shall return the writ to the Clerk of the Court, whence it issued, with a statement of his doings thereon, and shall annex to the return of the writ:

(1.) The names, places of residence, and additions of the sureties in, and the date of the bond taken from the plaintiff, and the names of the witnesses thereto;

(2.) The number, quality and quantity of the articles of property replevied, and, in case he has replevied only a portion of the property mentioned in the writ, and cannot replevy the residue, he shall state in his return the articles which he cannot replevy, and the reason why not.

INTERPLEADER.

341. Relief by way of interpleader may be granted,—

(1.) Where the person seeking relief (in this Ordinance, called the applicant), is under any liability for any debt money, goods or chattels, for or in respect of which he is or expects to be sued by two or more parties (in this Ordinance called the claimants) making adverse claims thereto;

(2.) Where the applicant is a Sheriff charged with the execution or process by or under the authority of the Court, and claim is made to any money, goods or chattels taken or intended to be taken in execution or attached under any process, or to the proceeds or value of any such goods or chat-

tels by any person other than the person against whom the process issued. (E. 850.)

342. The applicant must satisfy the Court or Judge by affidavit or otherwise :

(1.) That the applicant claims no interest in the subject-matter or dispute, other than for charges or costs ; and

(2.) That the applicant does not collude with any of the claimants ; and

(3.) That the applicant is willing to pay or transfer the subject-matter into Court or to dispose of it as the Court or Judge may direct. (E. 851.)

343. The applicant shall not be disentitled to relief by reason only that the titles of the claimants have not a common origin, but are adverse to and independent of one another. (E. 852.)

344. When the applicant is a defendant, application for relief may be made at any time after service of the writ of summons. (E. 853.)

345. The applicant may take out a summons calling on the claimants to appear and state the nature and particulars of their claims, and either to maintain or relinquish them. (E. 854.)

346. If the application is made by a defendant in an action, the Court or Judge may stay all further proceedings in the action. (E. 855.)

347. If the claimants appear in pursuance of the summons, the Court or Judge may order either that any claimant be made a defendant in any action already commenced in respect of the subject-matter in dispute in lieu of or in addition to the applicant, or that an issue between the claimants be stated and tried, and, in the latter case, may direct which of the claimants is to be plaintiff and which defendant, as) also the time and place for the trial of such issue. (E. 856.)

348. The Judge may, if it seems desirable so to do, dispose of the merits of their claims, and decide the same in a

summary manner and on such terms as may be just. (E. 857.)

349. When the question is a question of Law, and the facts are not in dispute, the Judge may either decide the question without directing the trial of an issue, or order that a special case be stated for the opinion of the Court. If a special case is stated, the provisions herein relating to special cases shall, as far as applicable, apply thereto. (E. 858.)

350. If a claimant, having been duly served with a summons calling on him to appear and maintain, or relinquish his claim, does not appear in pursuance of the summons, or, having appeared, neglects or refuses to comply with any order made after his appearance, the Court or Judge may make an order declaring him, and all persons claiming under him, for ever barred against the applicant, and persons claiming under him, but the order shall not affect the rights of the claimants as between themselves. (E. 859.)

351. In any interpleader proceeding, the decision of the Court or Judge shall be final and conclusive against the claimants, and all persons claiming under them, unless appeal lies. (E. 860 in part.)

352. When goods and chattels have been seized in execution or under attachment, by a Sheriff, and any claimant alleges that he is entitled under a bill of sale or otherwise, to the same, by way of security for debt, the Judge may order the sale of the whole or part thereof, and direct the application of the proceeds of the sale in such manner and upon such terms as may be just. (E. 861.)

353. The provisions of this Ordinance in respect to discovery and inspection shall, with the necessary modifications, apply in interpleader proceedings, and the Judge before whom the proceedings are had may finally dispose of the whole matter of the interpleader proceedings, including all costs not otherwise provided for. (E. 862 in part.)

354. In case the Sheriff has more than one writ, at the suit or instance of different parties, against the same property, it shall not be necessary for the Sheriff to make separate applications on such writs or in each case; but he

may make one application, and make all the parties, who are execution-creditors, parties to the said application; and the Court or Judge before whom the application is made may make such order therein, as if a separate application had been made upon and in respect of each writ. (R.S.M. 601.)

355. Pending the adjudication of any such claim, the Sheriff may, upon sufficient security being given to him by bond or otherwise, for the forthcoming and delivery to him of the property so taken, or the value thereof when demanded, permit the claimant to retain possession of the same until there shall be final adjudication in respect of the same; but in every such case it shall be competent for the said Sheriff or other officer, at any time he shall see fit, to resume the actual and absolute possession and custody of the said property, notwithstanding such bond or security. Horses, cattle, sheep, or any perishable goods, the subject of interpleader, may, at the request of either party and upon his furnishing sufficient security, or by order of the Judge, be sold by the seizing officer at public auction to the highest bidder, giving not less than ten days notice of such sale unless any of the articles are of such a nature as not to admit of that delay, in which case they may be sold forthwith.

356. The Court or a Judge may, in and for the purposes of any interpleader proceedings, make all such orders as to costs and all other matters as may be just and reasonable. (E. 864.)

LUNATICS.

357. The word "lunatic," in the subsequent Sections of this Ordinance shall include an idiot or other person of unsound mind.

358. In the case of lunatics and their property and estates, the jurisdiction of the Court shall, subject to the following provisions, include that which in England is conferred upon the Lord High Chancellor by a Commission from the Crown, under the Sign Manual.

359. Proceedings in lunacy shall be by petition to the Judge, filed with the Clerk of the Court for that purpose,

verified on oath, setting forth the grounds on which the application is made and the relation, connection of the petitioner to or with the alleged lunatic and his property and estate, as also a description and value of the same separating real and personal estate. (R. S. M., cap. 58.)

360. Upon presentation of such petition, the Judge shall appoint a time and place at which he will hear the same, at which time and place (all necessary parties having been duly notified) the Judge shall enquire into the facts and hear such evidence under oath as may be adduced, and thereupon determine whether or not the person who is the subject of the enquiry is, at the time of such enquiry, of unsound mind, has property and is incapable of managing such property. (R. S. M. cap. 58.)

361. A copy of such petition and notice of the intended application shall be served on the alleged lunatic, unless such service be dispensed with by the Judge.

362. The Judge may order the issue of a Commission to take evidence to be used on any such hearing, as in any ordinary suit in Court, and all depositions taken thereunder shall be received in evidence at the hearing, saving all just exceptions. (R. S. M. cap. 58.)

363. In case the Judge shall determine such person to be a lunatic and that he has property, the Judge shall forthwith order the appointment, under the seal of the Court, of one or more persons as guardian or guardians to his estate. (R. S. M. cap. 58.)

364. On every such enquiry the alleged lunatic, if he be within the jurisdiction of the Court, shall be produced and examined by the Judge, unless such examination be dispensed with. (R. S. M. cap. 58.)

365. The Judge may order the costs, charges and expenses of and incidental to proceedings in matters of lunacy to be paid either by the party presenting the petition or the party opposing the same (if opposition is made), or out of the estate, or partly one way and partly the other. (R.S.M. cap. 58.)

366. In every case, unless otherwise specially provided by order of the Judge, the following provisions shall be complied with:

(1.) The guardian of the estate shall, before receiving his appointment, furnish his own bond, together with those of two or more persons approved of by the Judge, as sureties in double the approximate value of the personal estate and of the annual value of the real estate, for duly accounting for the same, once in each year, or oftener if required by the Judge or Court, such bond to be in a form, approved of by the Judge, to the Clerk of the Court and his successors in office, or legal assigns, which bond shall be filed in Court;

(2.) The guardian of the estate shall, within six months after appointment, file in Court a true inventory, of the whole real and personal property and estate of the lunatic, stating the income and profits thereof and setting forth the debts, credits and effects of the lunatic, so far as the same have come to the knowledge of the guardian;

(3.) If any property belonging to the estate be discovered after the filing of the inventory, the guardian shall file a true account of the same from time to time, as the same is discovered;

(4.) Every inventory shall be verified by the oath of the guardian, taken before the Judge or Clerk of the Court. (R. S. M. cap. 58.)

367. Whenever the personal estate of a lunatic is not sufficient for the discharge of his debts,

(1.) The guardian of the estate may apply by petition to the Judge for authority to mortgage or sell so much of the real estate as may be necessary for the payment of such debts;

(2.) Such petition shall set forth the particulars and amount of such estate, real and personal, of the lunatic, the application made of any personal estate, and an account of the debts and demands against the estate;

(3.) The Judge shall make or cause to be made enquiries into the truth of the representations made in the petition, and hear all parties interested in the real estate;

(4.) If the Judge is satisfied, as to the result of such enquiries, that the personal estate is not sufficient for the payment of the debts and that the same has been applied to that purpose as far as the circumstances of the case render proper, the Judge may order the real estate or a sufficient por-

tion of it to be mortgaged or sold by the guardian, and the moneys thus raised shall be employed for the payment of the debts of the estate, and, if insufficient, shall be distributed in the same way as intestates' estates are distributed by Law, the guardian having first provided a bond, with sureties, similar in terms to that required by sub-section 1 of Section 366 of this Ordinance, for duly accounting for the proceeds so raised. (R. S. M. cap. 58.)

368. When the personal estate and the rents, profits and income of the real estate of the lunatic are insufficient for his maintenance or that of his family, or for the proper education of his children, or when for any other cause it shall appear desirable so to do, on application made by the guardian or by any member of the family of the insane person, the Judge may, after enquiry as hereinbefore provided in the case of debts, order the mortgaging or sale of the whole or part of the real estate of the lunatic by the guardian, the guardian having first provided a bond, with sureties, as required by the preceding section. (R. S. M. cap. 58.)

369. The Judge may order such fees to the Clerk of the Court and costs of and relating to any petition, order, direction and conveyance, including remuneration to the guardian, as he may consider reasonable, to be paid and raised from the lands, rents or personal estate of the lunatic in respect of whom the same may be respectively incurred, made or caused. (R. S. M. cap. 58.)

370. On sufficient grounds shown, the Judge may remove a guardian and appoint another in his stead. (R. S. M. cap. 58.)

371. In the proceedings aforesaid, the petitions and papers may be entitled as follows :

In the Supreme Court,

District.

In the matter of

(R. S. M. cap. 58.)

GUARDIANSHIP OF INFANTS.

372. The Court may appoint guardians of infants (such infants not having a father living or any legal guardian authorized by Law to take the care of their persons and the charge of their estates), and letters of appointment may be obtained as in the case of letters of administration; a record of every appointment or removal shall be made, and the like record thereof kept with the papers upon which the appointment and removal is made, in like manner, as near as may be, as in the case of probate and administration. (R. S. M. cap. 39.)

373. The Court or Judge may, upon hearing the petition of the mother of an infant whose father is dead, appoint the mother or some other person to take the guardianship of the person of the infant, notwithstanding any testamentary provisions to the contrary, or any appointment of another person as guardian by the father, if it shall appear just and proper; and may also make an order for the maintenance of the infant, by the payment, out of any estate to which the infant is or shall be entitled, of such sum or sums of money, from time to time, as, according to the value of the estate, such Court or Judge thinks just and reasonable. (R. S. M. cap. 39.)

374. The Court or Judge may give effect to the testamentary appointment, by the mother, of guardians of infant children, either as respects the person or estate, or one or both, notwithstanding the previous appointment of guardians by testament of the father of such infants, upon petitions presented and facts proved, if it shall seem advisable and in the interest of the infants to do so: and may make an order for the maintenance of the infants, as in the last preceding Section mentioned. (R. S. M. cap. 39.)

375. Testamentary guardians and trustees may be removed for proper cause, the same as other guardians and trustees. (R. S. M. cap. 39.)

376. In all matters and applications touching or relating to the appointment of guardians, control or removal of guardians of any infants, and the security to be given by such guardians or otherwise, the Court or Judge shall have

full power and authority to summon and order the attendance of witnesses, and to order the examination of the same before the Court or Judge, and to order the production of deeds, writings and documents, and generally to enforce all orders, decrees and judgments, in such manner as shall seem expedient, according to the practice and procedure of the Court in that behalf, and in such manner as the Court or Judge shall direct. (R. S. M. cap. 39.)

377. Upon the written application of any infant or the friend or friends of any infant, and upon notice thereof to the mother of such infant, if living in the Territories, the Court or Judge may, upon a proper case made out for that purpose, appoint some suitable and discreet person or persons to be guardian or guardians of such infant. (R. S. M. cap. 39.)

378. There shall be taken from the guardian or guardians appointed by the Court, a bond in the name of the infant or infants, in such penal sum, and with or without sureties, as the Court or Judge shall direct or approve, having regard to the circumstances of each case; and such bond shall be conditional that the said guardian or guardians shall and will faithfully perform the said trust, and that he or they, his or their executors or administrators, shall and will, when the said ward becomes of the full age of twenty-one years, or whenever thereunto required by the Court or any Judge, render to his or their said ward, or his or their executors or administrators, a true and just account of all goods moneys, interests, rents, profits of property of such ward, which have come, or which might but for his or their default have come into the hands of such guardian or guardians, and shall and will thereupon, without any delay, deliver and pay over to the said ward, or to his or her executors or administrators, the property or the sum or balance of money which may be in the hands of the said guardian or guardians, belonging to such ward, deducting therefrom and retaining a reasonable sum for the expenses and charges of the said guardian or guardians; and such bond shall be filed and recorded in the books in the office of the Clerk of the Court. (R. S. M. cap. 39.)

379. The guardian or guardians of any infant so appointed shall, during the continuance of his or their guardian-

ship, have authority to act for and in behalf of his or their ward; and shall have the charge and management of the estate, both real and personal, of the said ward; the care of the person and education of such ward; and in case the infant be under the age of fourteen years, may, with the approbation of two of Her Majesty's Justices of the Peace and the consent of such ward, or in case the infant be not under the age of fourteen years, then with the consent of the ward only, may place or bind him or her an apprentice to any lawful trade, profession or employment; such apprenticeship in the case of males not extending beyond the age of twenty-one years, and in the case of females, not beyond the age of eighteen years, or the marriage of the ward within that age. (R. S. M. cap. 39.)

380. The Court or Judge may, on proper cause being shown for that purpose, discharge any such ward from the apprenticeship in the last preceding section mentioned, and order the articles or instrument of apprenticeship to be delivered up to be cancelled, or make such other order in respect of the master or apprentice, or either of them, as shall, under the circumstances, appear to be proper and just; and may also, upon reasonable complaint made and sustained, remove any guardian or guardians from his or their guardianship; and, if it shall appear necessary, appoint another guardian or guardians in his or their stead. (R. S. M. cap. 39.)

381. The practice and procedure in respect of guardianship, and all questions relating thereto, shall conform, as nearly as the circumstances will admit, to the practice and procedure in England; provided always, that the Court or Judge may in any case where the circumstances warrant it, to save expenses, vary the same. (R. S. M. cap. 39.)

CUSTODY OF INFANTS.

382. The Court or Judge, upon application by the mother of any infant being in the sole custody or the control of the father thereof, or of any other person by his authority, or of any other person without his authority, or of any guardian after the death of the father, may make an order for the access of the mother to such infant, at such times and subject to such regulations as the Court or Judge thinks con-

venient and just ; and if such infant be within the age of twelve years, may make an order for the delivery of such infant into the custody and control of the mother, and there to remain for such time and under such conditions as the Court or Judge shall prescribe ; and in disposing of any such application the Court or Judge may also make an order for the maintenance and education of such infant by payment by the father thereof, or by payment, out of any estate to which such infant may be entitled, of such sum or sums of money, from time to time, as, according to the pecuniary circumstances of such father, or the value of such estate, the Court or Judge thinks just and reasonable. As a rule, the father shall have the custody and control of his infant children ; but it shall be lawful for the Court, or any Judge, on a proper case made for that purpose, to order any infant child or children to be delivered into the sole custody and control of the mother, on such conditions and subject to such regulations as the circumstances and facts of the case shall render proper, reasonable and just, wherever such child or children may be or under whatever authority and control they may have been placed, any law, usage or custom to the contrary notwithstanding. (R. S. M. cap. 39.)

383. On the investigation of the facts on any application mentioned in the preceding section, the Court or Judge may enforce the attendance of any person before Court or Judge, and take evidence under oath touching the matter of the application, by rule or order made for that purpose ; and on failure of the person to attend for the purpose aforesaid, after notice of the rule or order in that behalf, to order that such person shall be committed for contempt of Court ; or may decide such application on affidavits received and filed or to be received and filed, or on the evidence taken *viva voce* and the said affidavits. (R. S. M. cap. 39.)

384. All orders and rules made by a Judge or by the Court, under any of the preceding sections of this Ordinance may, in addition to all other remedies, be enforced by attachment or process for contempt by the Judge or by the Court, according as the same shall be made by a Judge or the Court. (R. S. M. cap. 39.)

385. No order, directing that the mother shall have the custody of or access to an infant, shall be made in virtue of

the preceding Sections of this Ordinance in favor of a mother against whom adultery has been established, or to whom the custody and control of an infant could not be safely confided on account of improper conduct or habits of life. (R. S. M. cap. 39.)

ESTATE AND PROPERTY OF INFANTS.

386. When an infant is seized or possessed of, or entitled to any real estate in fee simple or for a term of years, or otherwise howsoever in the Territories, and the Court or a Judge is of opinion that a sale, lease or other disposition of the same or of any part thereof, is expedient necessary or proper, in the interest of the infant or for the maintenance or education of the infant or that by reason of any part of the property being exposed to waste and delapidation, or to depreciation from any other cause, satisfactory to the Court or Judge his interest requires or will be substantially promoted by such sale, lease or other disposition, the Court or Judge may order the sale, letting for a term of years, or other disposition of such real estate or any part thereof, to be made under the direction of the Court or Judge, or by the guardian of the infant, or by any person appointed for the purpose, in such manner and with such restrictions as may seem expedient; and may order the infant to convey or demise, or otherwise dispose of the estate as the Court or Judge thinks proper. (R. S. M. cap. 39.)

387. The application shall be made in the name of the infant by his next friend, or by his guardian; but shall not be made without the consent of the infant if he is of the age of seven years or upwards. (R. S. M. cap. 39.)

388. When the Court or Judge deems it convenient that a conveyance should be executed by some person in the place of the infant, the Court or Judge may direct some other person in the place of the infant to convey the estate. (R. S. M. cap. 39.)

389. Every such conveyance, whether executed by the infant or some person appointed to execute the same in his place, shall be as effectual as if the infant had executed the same, and had been of the age of twenty-one years at the time. (R. S. M. cap. 39.)

390. The moneys arising from any such sale, lease or other disposition shall be laid out, applied and disposed of in such manner as the Court or Judge directs. (R. S. M. cap. 39.)

391. On any sale, lease, or other disposition so made, the moneys so raised, or the securities taken or the surplus thereof shall be of the same nature and character as the estate sold or disposed of, and the heirs, next of kin, or other representatives of the infant, shall have the like interest in any surplus which may remain of the proceeds at the decease of the infant as they would in the estate sold or disposed of, if no sale or other disposition had been made thereof. (R. S. M. cap. 39.)

392. If any real estate of an infant is subject to any incumbrance, and the person entitled to such incumbrance, consents in writing to accept in lieu of such incumbrance, any gross sum of money which the Court or Judge thinks reasonable, or the permanent investment of a reasonable sum of money in such manner that the interest thereof be made payable to the person entitled to such incumbrance during her or his life, the Court or Judge may direct the payment of such sum, or the investment of such other sum of money, out of the proceeds or other disposition of the real estate of the infant; provided always, that it shall be competent for the Court or Judge in any case where the estate of the infant is subject to any lien or incumbrance of uncertain duration, to compute the reasonable value of the same, and to order the sale or other disposition of the estate of the infant freed or discharged from such incumbrance, and direct the payment of the value of such incumbrance out of the proceeds of the sale or other disposition of the real estate of the infant. (R. S. M. cap. 39.)

393. In any proceeding for the selling, letting or other disposition of the estate of an infant, it shall not be necessary that the infant shall appear in *propria persona* before the Court or Judge, unless so ordered; but the ground of the proceeding must be made out to the satisfaction of the Court or Judge, before the application is granted. (R. S. M. cap. 39.)

394. In case of any sale or other disposition of any real

estate of an infant under the provisions of this Ordinance, the interest and estate sold, or otherwise disposed of, may be conveyed to the purchaser by the vesting order of the Court, which shall be to all intents and purposes as effectual to pass the interest and estate so sold or disposed of, as a conveyance duly executed as provided in this Ordinance. (R. S. M. cap. 39.)

PROBATE.

395. The grant of probate of wills or letters of administration shall be made by the Court in the Judicial District in which the testator or intestate was residing at the time of his death, or in case of death outside the Territories, the district within which the testator or intestate had, at his death, any property; and shall have effect over the estate of the deceased in all parts of the said Territories.

396. In the absence of any application to prove a will, or for letters of administration within twenty days after the decease of any person leaving personal estate, letters of administration may be granted to any person possessing the necessary qualifications to execute the trust, and considered suitable by the Judge.

397. Every person to whom letters of administration or guardianship are committed shall give a bond or bonds to the Judge granting the same, with one or more sureties as may be required by the said Judge, in such form and in such penalty as he may direct, or in cases where the estate to be administered is of small value, such bond or bonds may be dispensed with.

398. Any person interested in the estate may, by leave of the Court or Judge, institute proceedings in his own name on the bond or bonds without an assignment thereof to him.

399. Where any probate or letters of administration, or other legal document purporting to be of the same nature, granted by a Court of competent jurisdiction in the United Kingdom, or in any Province or Territory of the Dominion, or in any other British Province, is produced to, and a copy

thereof deposited with the Registrar of the Supreme Court of the Territories, and the prescribed fees are paid as on a grant of probate or administration, the probate or letters of administration or other document aforesaid, shall, under the direction of the Judge, be sealed with the seal of the Supreme Court of the Territories, and shall thereupon be of the like force and effect in as respects personal estate only, as if the same had been originally granted by the said Supreme Court, and shall be subject to any order of the last mentioned Court, or on appeal therefrom, as if the probate or letters of administration had been granted thereby.

(2.) The letters of administration shall not be sealed with the seal of the Supreme Court until security has been given in a sum of sufficient amount to cover the assets within the jurisdiction of such Court as in the case of granting original letters of administration.

400. Before probate of a will or letters of administration, of the personal estate and effects of a deceased person have been granted, any person may institute proceedings to restrain any one committing waste by dealing or intermeddling with the estate. When such proceedings have been taken in good faith for the preservation of the property, the party instituting such proceedings shall be entitled to costs of the action, unless the Court or Judge shall otherwise order.

401. Where no probate of the will of a deceased person or letters of administration to his estate have been granted, and representation of such estate is required in any action or proceeding in Court, the Judge may appoint some person administrator *ad litem*, according as the case may require, to the estate, and the person so appointed shall give such security, if not dispensed with, as the Judge may require, and have *pendente lite*, as the case may be, the rights, authorities, and responsibility of an administrator, as in other cases.

MOTIONS AND OTHER APPLICATIONS.

402. Except on motions or applications for orders to show cause only, no motion shall be made without previous notice to the parties affected thereby. But the Court or

Judge, if satisfied that delay caused by proceeding in the ordinary way would or might entail irreparable or serious mischief, may make any order *ex parte* upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Court or Judge may think just; and any party affected by such order may move to set it aside or to vary it. (E. 698.)

403. Every notice of motion or application shall state in general terms the grounds of the application; and where any such motion is founded on evidence by affidavit, a copy of any affidavit intended to be used shall be served with the notice of motion. (E. 699.)

404. Unless the Court or a Judge gives special leave to the contrary, there must be at least two clear days between the service of a notice of motion and the day named in the notice for hearing the motion. (E. 700.)

405. If, on the hearing of a motion or other application, the Court or Judge shall be of opinion that any person to whom notice has not been given ought to have or to have had such notice, the Court or Judge may either dismiss the motion or application, or adjourn the hearing thereof, in order that such notice may be given, upon such terms, if any, as the Court or Judge may think fit to impose. (E. 701.)

406. The hearing of any motion or application may, from time to time, be adjourned, upon such terms, if any, as the Court or Judge shall think fit. (E. 702.)

407. The plaintiff shall, without any special leave, be at liberty to serve any notice of motion, or other notice, or any petition or summons upon any defendant, who, having been duly served with a writ of summons to appear, has not appeared within the time limited for that purpose. (E. 703.)

408. The plaintiff may, by leave of the Court or Judge to be obtained *ex parte*, serve any notice of motion upon any defendant, along with the writ of summons, or at any time after service of the writ or summons, and before the time limited for the appearance of such defendant. (E. 704.)

409. No order shall issue for the return of any writ, or order, or to bring in the body of a person ordered to be attached, arrested or committed; but a notice from the person issuing the writ, or obtaining the order for attachment, arrest, replevin, or committal, (if not represented by an advocate), or by his advocate, calling upon the Sheriff to return such writ, or order, or to bring in the body within ten days, if not complied with, shall entitle such person to apply for an order for the committal of such Sheriff. (E. 766.)

410. Every order shall be dated the day of the month and year, on which the same was made, unless the Court or a Judge shall otherwise direct, and shall take effect accordingly. (E. 708.)

MANDAMUS.

411. The plaintiff, in any action in which he shall claim a mandamus to command the defendant to fulfil any duty, in the fulfilment of which the plaintiff is personally interested, shall include the demand in his claim annexed to the writ of summons. (E. 719.)

412. If judgment be given for the plaintiff, the Court or Judge may by the judgment command the defendant either forthwith, or on the expiration of such time and upon such terms as may appear to the Court or Judge to be just, to perform the duty in question. The Court or Judge may also extend the time for the performance of the duty. (E. 721.)

413. In the event of non-compliance with the judgment as aforesaid, the same may be enforced by prerogative mandamus as in England.

414. No action or proceeding shall be commenced or prosecuted against any person in respect of anything done in obedience to a writ of mandamus issued by the Court or Judge. (E. 730.)

APPLICATIONS AND PROCEEDINGS AT CHAMBERS.

415. Every application at Chambers, not made *ex parte* or on notice, shall be made by summons. (E. 734.)

416. Every application for payment or transfer out of Court made *ex parte*, and every other application made *ex parte* in which the Judge thinks fit so to require, shall be made by summons. (E. 735.)

417. Summonses shall not be altered after they are signed, except upon application at Chambers. (E. 736.)

418. Every summons, except an originating summons, shall be served two clear days before the return thereof, unless in any case it shall be otherwise ordered. (E. 737.)

419. Where any of the parties to a summons fail to attend, whether upon the return of the summons, or at any time appointed for the consideration or further consideration of the matter, the Judge, after waiting thirty minutes, may allow the case to proceed *ex parte*, if, considering the nature of the case, he thinks it expedient so to do; no affidavit of non-attendance shall be required or allowed, but the Judge may require such evidence of service as he may think just. (E. 738.)

420. When the case has been allowed to proceed *ex parte*, such proceeding shall not in any manner be reconsidered, unless the Judge shall be satisfied that the party failing to attend was not guilty of wilful delay or negligence; and in such case the costs occasioned by his non-attendance shall be in the discretion of the Judge, who may fix the same at the time, and direct them to be paid by the party or his advocate, before he shall be permitted to have such proceeding reconsidered, or make such order as to such costs as he may think just. (E. 739.)

421. When a proceeding in Chambers fails by reason of the non-attendance of any party, and the Judge does not think it expedient to allow *ex parte* proceeding, the Judge may order such an amount of costs (if any), as he shall think reasonable, to be paid to the party attending by the absent party or by his advocate personally. (E. 740.)

422. When matters in respect of which summonses have been issued are not disposed of upon the return of the summons, the parties shall attend from time to time without further summons, at such time or times as may be appoint-

ed for the consideration or further consideration of the matter. [E. 741.]

423. The business to be disposed of by the Judge in Chambers shall include the following matters, in addition to the matters which otherwise may be so disposed of:

(1) Applications for payment or transfer to any person of any cash or securities, interest or dividends standing to the credit of any cause or matter, where there has been a judgment or order declaring the rights, or when the title depends only upon proof of the identity, or the birth, marriage or death of any person;

(2) Applications as to guardianship and maintainance of infants;

(3) Applications connected with the management of property;

(4) Applications for or relating to the sale by auction or private contract of property, and as to the manner in which the sale is to be conducted, and for payment into Court and investment of the purchase money;

(5) Applications for orders for the distribution of assets of absconding debtors or for the distribution of the estate of an intestate, or for the distribution of a fund among creditors;

(6.) Applications for time to plead for leave to amend pleadings, for discovery and production of documents, and generally all applications relating to the conduct of any cause or matter. [E. 764 in part]

(7) Revision of taxation of costs by Clerk, within fifteen days from taxation.

424. The executors or administrators of a deceased person and the trustees under deed or instrument, or any of them, and any person claiming to be interested in the relief sought as creditor, devisee, legatee, next of kin, or heir at law of a deceased person, or as *cestui que trust* under the trust of any deed or instrument, or as claiming by assignment or otherwise under such creditor or other person as aforesaid, may apply for and obtain from the Judge a summons returnable before him in Chambers, at such time as he may appoint:—

(1) For the administration of the estate of the deceased;

(2) The administration of the trust;

(3) The determination of any question affecting the rights

or interests of the person claiming to be creditor, devisee, legatee, next of kin, or heir at law, or *cestui que trust* :

(4.) The ascertainment of any class of creditors, legatees, devisees, next of kin or others ;

(5.) The furnishing and vouching of any particular accounts by executors, administrators or trustees ;

(6.) The payment into Court of any money in the hands of executors, administrators or trustees ;

(7.) Directing the executors or administrators or trustees to do, or abstain from doing, any particular act in their character as executors, administrators or trustees ;

(8.) The approval of any sale, purchase, compromise or other transaction ;

(9.) The determination of any question arising in the administration of the estate or trust. [E. 765 & 766.]

Provided that proceedings under this Section shall not interfere with or control any power or discretion vested in any executor, administrator or trustee, except so far as such interference or control may necessarily be involved in the particular relief sought. (E. 774.)

425. The summons shall be served upon such persons as the Judge may direct.

426. The application shall be supported by such evidence as the Judge may require. (E. 769.)

427. Upon the return of the summons, and hearing all parties directed to be served with the same, the Judge may pronounce such judgment and make such orders as the nature of the case requires. (E. 770.)

428. The Judge may give any special directions, touching the carriage or execution of the judgment, or order, or the service thereof upon persons not parties, as he may think proper. (E. 771.)

429. The Judge may, in such way as he may think fit, obtain the assistance of accountants, merchants, engineers and other scientific persons, the better to enable any matter at once to be determined, and he may act upon the certificate of any such person. (E. 781.)

430. Where a judgment or order is given or made, direct-

ing an account of debts, claims or liabilities, or an inquiry for heirs, next of kin, or other unascertained persons, unless otherwise ordered, all persons who do not come in and prove their claims within the time, which may be fixed for that purpose by advertisement, shall be excluded from the benefit of the judgment or order. (E. 806.)

431. At any time during proceedings at Chambers under any judgment or order, the Judge may, if he shall think fit, appoint a guardian *ad litem* for an infant, or person of unsound mind, not already so found, who has been served with notice of such judgment or order.

COURT IN BANC.

432. There shall be two regular sittings of the Supreme Court *in banc* in each year, to commence at 10 o'clock a.m. on the first Mondays in June and in December respectively. The sittings may be adjourned from time to time, as may be necessary.

433. If on any of the days appointed for the sittings of the Court *in banc*, a sufficient number of Judges to constitute a quorum have not arrived, the senior Judge present shall make such adjournment as he may think proper.

434. No judgment given or order made by the Court or a Judge, by the consent of parties, or as to costs only, which by Law are left to the discretion of the Court or Judge shall be subject to any appeal, except by leave of the Court or Judge, giving the judgment or making the order.

435. No appeal shall lie from the judgment or order of the Court presided over by a single Judge, or a Judge of the Court to the Court *in banc*, without the special leave of the Judge or Court whose judgment or order is in question, unless the title to real estate, or some interest therein, or the validity of a patent is affected, or unless the matter in controversy on the appeal, in matters of contract, exceeds the sum of five hundred dollars, and, in matters of torts, exceeds the sum of two hundred dollars, exclusive of costs; or unless 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 general or public nature affecting future rights.

436. No application to the Court *in banc* whether for new trials, or appeals, or motions in the nature of appeals, shall be entertained, unless the party interested shall within fifteen days after the giving of the judgment moved against or appealed from, have given such security as the Court or Judge may direct, but the Court or Judge may, before the expiration of that period, enlarge the time for giving such security.

437. Applications to the Court *in banc* shall be by way of re-hearing, and shall be brought by notice of motion, in a summary way, and no petition, case, or other formal proceeding other than such notice of motion, shall be necessary. In appeals, or motions in the nature of appeals, the appellant may, by the notice of motion, appeal from the whole, or any part of any judgment or order, and the notice of motion shall state whether the whole, or part only of such judgment or order is complained of, and, in the latter case, shall specify such part, and such notice of motion shall state the grounds on which such application is based. (E 865.)

438. The notice of motion shall be served within fifteen days after the trial, where the application is for a new trial and after judgment in appeals, but the Court or Judge may either before or after the expiration of that period enlarge the time for giving notice.

439. The notice may be amended at any time by leave of the Court or Judge, on such terms as the Court or Judge thinks just. (E. 555.)

440. In appeals, or motions in the nature of appeals, the notice of appeal shall be served on all parties directly affected by the appeal, and it shall not be necessary to serve parties not so affected: but the Court may direct notice of the appeal to be served on all or any parties to the action or other proceeding, or upon any person not a party, and in the meantime may postpone or adjourn the hearing of the appeal, upon such terms as may be just, and may give such judgment, and make such order as might have been given

or made if the persons served with such notice had been original parties. Any notice of appeal may be amended, as the Court may think fit. (E. 866.)

441. On appeal, the Court shall have, in addition to all the powers and duties as to amendment, full discretionary powers to receive further evidence on questions of facts, as to matters which have occurred after the date of the decision from which the appeal is brought, by affidavit, or by deposition, taken before an examiner or commissioner; such further evidence shall be admitted on special grounds only, and not without special leave of the Court. The Court shall have power to draw inferences of fact and to give any judgment and make any order which ought to have been made, and to make such further or other order as the case may require. The powers aforesaid may be exercised by the Court, notwithstanding that the notice of appeal may be that part only of the decision may be reversed or varied, and such powers may also be exercised in favor of all or any of the respondents or parties, although such respondents or parties may not have appealed from or complained of the decision. The Court shall have power to make such order as to the whole or any part of the costs of the appeal as may be just. (E. 868 in part.)

442. A new trial shall not be granted on the ground of misdirection or of the improper admission or rejection of evidence, or because the verdict of the jury was not taken upon a question which the Judge at the trial was not asked to leave to them, unless in the opinion of the Court, to which the application is made, some substantial wrong or miscarriage has been thereby occasioned in the trial; and if it appear to such Court that such wrong or miscarriage affects part only of the matter in controversy, or some or one only of the parties, the Court may give final judgment as to part thereof, or some or one only of the parties, and direct a new trial as to the other part only, or as to the other party or parties. (E. 556.)

443. A new trial may be ordered on any question, whatever be the grounds for the new trial, without interfering with the finding or decision upon any other question. (E. 557.)

444. When notice of motion for a new trial has been served, the further proceedings on the verdict, finding, or judgment may be stayed, in whole, or in part, until the decision on such motion, by the Court or by the Judge who presided at the trial, on such terms as the Court or Judge may think fit. The applicant, however, shall be entitled to an order so staying the proceedings on filing sufficient bail, or security, or making deposit of money, to the approval of the Court or Judge, in such reasonable amount as the Court or Judge shall direct, to respond to the judgment to be finally given in the cause or matter. An application to the Judge for such stay of proceedings shall not prejudice the applicant's right to apply to the Court for such stay.

445. When any question of fact is involved in an appeal or application for a new trial, the evidence taken in the Court below, or by the Judge appealed from, bearing on such question, shall, subject to any special order, be brought before the Court as follows:

(1.) As to any evidence taken by affidavit by the production of copies of such affidavits;

(2.) As to any evidence given orally, by the production of copies of the Judge's notes, or such other material as the Court may deem expedient. (E. 875.)

446. No interlocutory order, or rule, shall operate so as to bar or prejudice the Court from giving such decision on the appeal as may be just. (E. 878.)

447. No notice of appeal shall operate as a stay of execution or of proceedings, under the decision appealed from, or objected to, except so far as the Judge appealed from, or the Court, may order, and no intermediate act or proceeding shall be invalidated, except so far as the Court may direct. Such deposit or other security shall be made or given as may be directed by the Court or Judge, otherwise the motion of appeal shall not be heard but be dismissed. (E. 880, in part.)

448. Where any application ought to be made to, or any jurisdiction exercised, or any act done by the Judge by whom a cause or matter has been tried or heard, if such Judge die or cease to be a Judge of the Court, or if for any other reason it shall be impossible or inconvenient that such

Judge should act in the matter, the presiding Judge may, either by a special order in any cause or matter, or by a general order applicable to any class of causes or matters, nominate some other Judge to whom such applications may be made, or by whom such jurisdiction may be exercised. (E. 885.)

449. A judgment, order, decision, rule or verdict appealed from, or sought to be set aside, shall stand as if no notice of appeal, or notice of motion to set the same aside had been made or given, if the cause or matter in which the same was made or given be not entered for argument on the first entry day after such notice, or if the motion of which such notice has been given be not made when the cause or matter is called, unless such default in the moving party be waived by the other parties interested, or unless the Court shall otherwise order.

COSTS.

450. Subject to the provisions of this Ordinance, the costs of and incident to all proceedings in the Supreme Court, including the administration of estates and trusts, shall be in the discretion of the Court or Judge; provided that nothing herein contained shall deprive an executor, administrator, trustee or mortgagee, who has not unreasonably instituted, or carried on, or resisted any proceedings, of any right to costs out of a particular estate or fund, to which he would otherwise be entitled.

451. Provided also that generally in any action, cause or matter, the costs shall follow the event, unless the Judge before whom the same is heard or tried, or the Court shall for good cause otherwise order. (E. 976.)

452. When the plaintiff in any action resides out of the Territories, and the defendant, by affidavit of himself or his agent, alleges that he has a good defence on the merits to the action, the defendant shall be entitled to an order requiring the plaintiff, within three months (or such other or further time as the Court or Judge may deem right), from the service of the order, to give security for the defendant's costs, and staying all further proceedings in the meantime, and directing that in default of such security being given the

action be dismissed with costs, unless the Court or Judge, on special application for that purpose shall otherwise order.

453. In any cause or matter in which security for costs is required, the security shall be of such amount, and be given at such times and in such manner and form, as the Court or Judge shall direct. (E. 981.)

454. Where a bond is to be given as security for costs, it shall, unless the Court or Judge shall otherwise direct, be given to the party or person requiring the security, and not to an officer of the Court. (E. 982.)

455. Where the Court or Judge appoints one of the advocates of the Court to be guardian *ad litem* of an infant or person of unsound mind, the Court or Judge may direct that the costs to be incurred in the performance of the duties of such office shall be borne and paid either by the parties, or some one or more of the parties, to the cause or matter in which such appointment is made, or out of any fund in Court in which such infant or person of unsound mind may be interested, and may give directions for the repayment or allowance of such costs as the justice and circumstances of the case may require. (E. 988.)

456. In all cases and proceedings, as also upon interlocutory applications, where a party becomes entitled to costs from any other party, the same shall be taxed by the Clerk in accordance with the authorized tariffs, unless the Court or Judge by order directs the payment of a sum in gross in lieu of taxed costs and by and to whom such sum in gross shall be paid.

FEES.

457. Each Clerk shall be entitled to receive and take the fees prescribed in the tariff of Clerks' fees appended to this Ordinance, for the services therein named; and for any necessary services performed not therein prescribed, such fees as may be authorized by the Judge.

458. Each Sheriff shall be entitled to receive and take the fees prescribed in the tariff of Sheriff's fees appended to this Ordinance, for the services therein named.

459. A copy of the tariff of Clerk's and Sheriff's fees shall be posted in some conspicuous place in the Clerk's and Sheriff's offices respectively.

460. Witnesses, jurors, and interpreters and parties shall be entitled to the fees and remuneration named in the tariff of witnesses', jurors' and interpreters' fees appended to this Ordinance.

461. All fees and allowances respectively payable under the said tariffs shall be paid in advance by the parties at whose instance the service is to be rendered, but in cases where the amounts are impossible of ascertainment for any reason, then an amount, approximated by the officer or fixed by the Judge, shall be deposited or paid to be accounted for when the correct amount is ascertained.

462. In all causes and matters in which duly enrolled advocates, holding certificates as such, are employed, they shall be entitled to charge, and be allowed the fees in the "Advocates' Tariff" appended to this Ordinance, or as the same may be from time to time varied by the Judges of the Supreme Court *in banc*.

463. The Court *in banc* may, by order, regulate fees for services performed by the registrars and other officers of the Court, as also fees to counsel and advocates practising therein.

464. In every contested case, so soon as an order has been made for setting the same down for trial, as provided by this Ordinance, and the case is set down for trial, the party at whose instance the said order has been made shall pay to the Clerk, when the amount in dispute is under one hundred dollars, two dollars, and in all other cases, four dollars, as the setting down and hearing fee,—of which sum, when so paid, the Clerk shall pay over to the Sheriff one half, as and for his fee in the premises.

465. The Table of Fees in the Schedule appended to this Ordinance shall be and constitute the fees to be taken by Counsel, Advocates and Clerks of the Supreme Court respectively, for the services therein mentioned, in respect of appeals from convictions and orders of Justices of the Peace,

and proceedings by way of certiorari to bring up convictions and orders of Justices of the Peace.

466. Where no provision is made herein for services in matters of certiorari, and appeals from convictions aforesaid, Counsel, Advocates and Clerks respectively shall be entitled to tax, receive and recover for services, not herein provided for, fees equal to those allowed them respectively in civil suits, by the higher scale tariff of fees for Advocates appended to this Ordinance.

FORMS.

467. The forms contained in the Appendix to this Ordinance shall be used in and for the purposes of the Clerk's office, with such variations as circumstances may require; and as to all other matters the forms used in the administration of civil justice in England, as provided by "The Rules of the Supreme Court, 1883," are hereby adopted, with such variations as will make them respectively applicable to proceedings in the Supreme Court of the Territories, whether *in banc* or otherwise.

MISCELLANEOUS.

468. All actions and prosecutions to be commenced against any person for anything purporting to be done in pursuance of his duty as a public officer (unless otherwise ordered by the Judge) shall be commenced and tried in the district, wherein the act was committed, and must be commenced within six months after the act was committed, and not otherwise, and notice in writing of such action and of the cause thereof must be given to the defendant one month at least before the commencement of the action.

469. If in any cause or matter relating to any real estate, in respect of which the Court has power to order a sale, it shall appear necessary or expedient that the real estate, or any part thereof, should be sold, the Court or Judge may order the same to be sold, in such way and on such terms as may be considered proper, and any party bound by the order and in possession of the estate, or in receipt of the

rent and profits thereof, shall be compelled to deliver up such possession or receipt to the purchaser, or such other person as may be thereby directed. (E. 680.)

ALIAS AND CONCURRENT WRITS.

470. The expiry of any writ or process without service or execution shall not abate the suit, but the suit may be continued by the issue of *alias* or *pluries* writs or process as may be necessary, and concurrent writs of summons may always be issued.

COMMISSIONERS FOR TAKING AFFIDAVITS.

471. All duly enrolled advocates of the Territories shall be commissioners for taking affidavits in the said Territories.

472. The Lieutenant-Governor may, by a commission or commissions under his hand and seal, from time to time empower such and so many persons as he thinks fit and necessary to administer oaths and take and receive affidavits, declarations and affirmations without the Territories in or concerning any cause, matter or thing depending or in any wise concerning any of the proceedings to be had in the Supreme Court of the Territories, and every oath, affidavit, declaration or affirmation taken or made as aforesaid shall be as valid and effectual and shall be of the like force and effect to all intents and purposes, as if such oath, affidavit, declaration or affirmation had been administered, taken, sworn, made or affirmed before a commissioner for taking affidavits within the Territories or other competent authority of the like nature.

(a.) The commissioners so appointed shall be styled commissioners for taking affidavits in and for the Supreme Court of the Territories.

PROCESS ISSUERS.

473. In any section of the Territories where the convenience of the public may be the better served, the Clerk, with the approval of the Judge, may also appoint a process issuer, who, being supplied with blank forms of original and *mesne* processes signed by the Clerk, may issue the same under his direction from time to time, such process-issuer

countersigning each one so issued and making returns of all processes so issued to the Clerk, as required by the Clerk, or as directed by the Judge, and, in such cases, the Clerk and his sureties shall be responsible for all the acts and omissions of such issuer.

LAW OF EVIDENCE.

474. Subject to the provisions of any Act of the Parliament of Canada, and of this Ordinance, the laws of evidence, which govern the administration of civil justice in England, shall obtain in the Courts.

MINORS.

475. Minors may sue for wages in the same way as if of full age.

SITTINGS ADJOURNED.

476. Whenever from illness or other casualty, the Judge who should hold a sitting of the Court fails to attend at the time appointed therefor, the Clerk, at three o'clock in the afternoon of the day so appointed, shall adjourn such sitting by proclamation to some hour on the following day to be by him named, and so on from day to day (but not exceeding three days) until the Judge who is to hold such sitting as aforesaid is able to hold the same, or until he receives other directions from such Judge; but if after the expiration of the said period of three days the said Judge has not arrived, or be still unable to attend, or he be otherwise directed, the Clerk shall adjourn the Court to the next regular sitting of the same, and report his action thereon to the Lieutenant-Governor.

SERVICE OF PLEADINGS, ETC.

477. Service of pleadings, notices, summonses, orders, rules and other proceedings, except writs of summons, attachment and replevin, shall be effected before six o'clock in the afternoon; service effected after six o'clock in the afternoon shall, for the purpose of computing any period of time subsequent to such service, be deemed to have been effected on the following day, and on Saturday the following Monday. (E. 971. in part.)

478. In any case in which any number of days, not expressed to be clear days, is prescribed in this Ordinance, the same shall be reckoned exclusively of the first day and inclusively of the last day. (E. 972.)

PROCEDURE IN CASES NOT PROVIDED.

479 When no other provision is made by this Ordinance, the procedure and practice existing in England, on the first day of January, A. D. 1885, shall (adapted to the circumstances of the Territories) be held to be incorporated as part of this Ordinance.

BOOKS AND FORMS.

480. All necessary books and forms required for use in the Clerk's office, shall be supplied out of the General Revenue Fund of the Territories, and the same shall be the property of the Government of the said Territories.

RECORDS OF FORMER COURTS.

481. In case any of the records of proceedings and judgment in any cause in any Court of Civil Justice, which had jurisdiction in the Territories prior to the 18th day of February, 1887, are in the custody or possession of any person, other than a Clerk of the Supreme Court, or a Judge thereof, the Judge of the Supreme Court usually exercising jurisdiction in the Judicial District, within which any such records are so held in custody or possession, may order and direct that any such records shall be delivered up to and be filed in the office of such Clerk of the Supreme Court as he shall direct.

482. Any person, other than a Clerk of the Supreme Court or a Judge thereof, having in his custody or possession any of the records of proceedings and judgment in such cause in any Court, which had jurisdiction in said Territories prior to said date, upon being served with an order issued under the next preceding clause for the delivery of any such records, shall, within seven days thereafter, deliver or transmit the same to the Clerk of the Supreme Court mentioned in said order, and upon the refusal or omission of any such person to so deliver or transmit the same within

the time aforesaid, he shall be liable to be proceeded against for contempt of Court.

VACATION.

483. There shall be a vacation to extend from the fifteenth day of July to the fifteenth day of September, inclusive of both days, in each year. During vacation no contested business shall be transacted except such as relates to the liberty of the subject, and neither party to a suit, in which an appearance has been entered, shall be compelled to deliver any pleading. If the time for delivering a defence in a cause, in which the defendant has appeared, has not expired previous to the fifteenth day of July, it shall, without any order to that effect, stand extended until the expiration of five days after the last day of vacation.

484. Nothing in the preceding Section contained shall prevent the issue of process or the transaction of any business, which may be done *ex parte* or the entering of judgment by default in any suit in which no appearance is entered, or interfere with the hearing during vacation of any cause or matter, nor shall this rule affect the validity of any proceedings had or taken during vacation by Order of the Court or a Judge authorizing such proceedings to be had or taken notwithstanding the vacation.

APPENDIX.

CLERK'S AND SHERIFF'S OATH OF OFFICE.

I, _____ do swear that I will truly and faithfully perform the several duties of Clerk of the Supreme Court of the North-West Territories, _____ District, or of Sheriff of the Judicial District to which I have been appointed, without fear, favor, or malice. So help me God.

Sworn to before me, at _____
 in the North-West Territories, this _____ }
 day of _____ A. D. 18 _____

WRIT OF SUMMONS.

In the Supreme Court of the North-West Territories,

Between _____

District.

and _____

Plaintiff,

Defendant.

Victoria (or the name of the reigning Sovereign, as the case may be), by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN, (or as the case may be,) Defender of the Faith, &c., &c., &c.

To the above-named Defendant :

You are notified that the plaintiff has entered an action against you, in the above named Court, for the recovery of the claim or demand, a statement of which is filed in Court and annexed to this summons

And you are commanded that if you dispute the said claim, either in whole or in part, you do, within ten days from the service of this writ on you, exclusive of the day of such service, cause to be entered for you, in the office of the Clerk of this Court, an appearance, and within six days thereafter file with the Clerk a statement of the grounds on which such dispute is based.

And take notice, that, in default of your so doing, the plaintiff may proceed in his said action, and judgment may be given in your absence and without further notice to you.

Issued at _____

the _____

day of _____

A. D. 18 _____

Memoranda to be endorsed on writ.

N.B.—This writ is to be served within twelve months from the date thereof, or, if renewed, within six months from the day of the last renewal, including the day of such date, and not afterwards.

This writ was issued by the plaintiff, who resides at and (if residence over three miles from the Clerk's office) whose "Address for Service" is at

Or, This writ was issued by _____ of _____ advocate for the plaintiff, whose "Address for Service" (if the advocate's office is over three miles from the Clerk's office) is at _____

WRIT OF ATTACHMENT.

In the Supreme Court of the North-West Territories,

Between

District.

Plaintiff,

and

Defendant.

VICTORIA, (or the name of the reigning Sovereign, as the case may be,) by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN, (or as the case may be) Defender of the Faith, etc., etc., etc.

To the Sheriff of the

District.

You are commanded to attach, seize and safely keep all the personal estate, credits and effects, together with all evidences of title, debts, books and book accounts or other documents, vouchers or papers belonging thereto or otherwise, of the above-named defendant, to secure and satisfy the plaintiff the sum of _____, with his costs of action, and to satisfy the debt and demand of such other creditors of the said defendant as shall duly (within the time allowed by law) sue out their writs of attachment and prosecute the same to judgment.

And we command you, the said Sheriff, that so soon as you shall have executed this Writ you do return the same with an affidavit of service, and a certificate of your action thereunder.

Issued at _____ this _____ day of _____ A.D. 18 _____

Clerk of the Court.

WRIT OF REPLEVIN.

In the Supreme Court of the North-West Territories,

Between

District.

Plaintiff,

and

Defendant.

VICTORIA, (or the name of the reigning Sovereign, as the case may be,) by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN (or as the case may be,) Defender of the Faith, etc., etc., etc.

To the Sheriff of the

District.

You are hereby commanded without delay to cause to be replevied to the plaintiff his goods, chattels, and personal property following, that is to say :
which the said _____ alleges to be of the value of _____ dollars, and which the defendant hath taken and unjustly detains (or unjustly detains as the case may be) as it is said, in order that the said plaintiff may have his just remedy in that behalf.

Issued at _____ day of _____ A.D. 18 _____

Clerk of the Court.

BOND FOR REPLEVIN.

Know all men by these presents, that we, A. B., of _____
E. F., of _____
and G. H., of _____
are jointly and severally held and firmly bound to the Sheriff of the _____ District, in the sum of _____ dollars of lawful money, to be paid to the said Sheriff, his successor in office or either of their assigns. For which payment well and truly to be made, we bind ourselves, and each and every of us in the whole, our and every of our heirs, executors and administrators, firmly by these presents, sealed with our seals, dated this _____ of _____ one thousand eight hundred and _____

Whereas the said A.B. has obtained a Writ of Replevin against C.D. to obtain possession of certain cattle (or goods) to wit :
which the said A.B. asserts to be his property.

Now, the condition of this obligation is such that if the said A.B. shall not prosecute his suit in which the said writ is issued with effect and without delay, or if suit is carried on and continued between the said A.B. and C.D. touching the property of the said cattle (or goods) and the Court shall adjudge that the said cattle (or goods) shall be restored to the said C.D. with damages for detaining the same, then if the said A. B. shall restore the said cattle (or goods) and pay and satisfy any judgment that may be obtained against him, this bond shall become void.

Signed, sealed and delivered in the presence of _____ } L. S.
L. S.
L. S.

(When the plaintiff himself does not join in the bond, the form must be altered to conform to the fact.)

ADVOCATES' FEES.

GENERAL TARIFF.

INSTRUCTIONS.

	Higher Scale.		Lower Scale.	
	\$	cts.	\$	cts.
1. To sue in undefended cases	3	00	1	50
2. To sue in defended cases.....	4	00	2	00
3. To defend.....	4	00	2	00
4. For pleadings to be allowed only once to the same party....	1	50		75
5. For counter-claim, when such claim could not heretofore form the subject of a set off	2	00	1	00
6. For reply to such counter-claim.....	2	00	1	00
7. To amend any pleading when such amendment proper ...	2	00	1	00
8. For special case	2	00	1	00
9. To add parties by order of Court or Judge.....	2	00	1	00
10. To add parties in consequence of death, marriage, assignment, etc.....	1	00		50
11. To defend added parties.....	2	00	1	00
12. For issues of fact.....	2	00	1	00
13. For every suggestion.....	1	00		50
14. For brief	2	00	1	00
15. To counsel in special matters	2	00	1	00
16. " " common matters.....	2	00		50
17. For special affidavits when allowed by Clerk.....	1	00		50
18. For such other important step or proceeding in the suit, as the Clerk, or a Judge is satisfied, warrants such charges	1	00	1	00

WRITS.

19. All writs except subpoenas, concurrent and renewed writs.	2	00	1	00
20. Concurrent or renewed writs.....	2	00	1	50
21. Subpoenas ad testificandum	1	00		50
22. Subpoena, duces tecum	1	25		70
23. If writ over four folios, additional per folio.....		20		10
24. For each copy of writ	1	00		50
25. If over four folios, additional per folio.....		10		10
26. Service of each copy of writ when taxable to the advocate	1	00		50
27. For every mile necessarily travelled, in effecting such service.....		10		10
28. For service out of the jurisdiction, such allowance as the Clerk or a Judge shall think fit.....				

DRAWING PLEADINGS, Etc.

29. Statement of claim or defence.....	2	00	1	00
30. For every folio above 5, in addition.....		20		20
31. Statement of defence and counter-claim.....	3	00	1	50
32. For every folio above 10, in addition.....		20		20
33. Reply and other pleadings for or on behalf of a plaintiff or defendant	2	00	1	00
34. For every folio above 5, in addition.....		20		20
35. Appearance, including attendance to enter.....	1	00		50
36. Petitions, issues for trial of fact by consent or order, special cases, interrogatories and cross-interrogatories and answers thereto, bill of costs and all other original documents required in any suit or proceeding including engrossing, per folio		20		20

COPIES.

37. Of pleadings, briefs and other documents where no provision made, and such copies necessary, per folio	10		10	
38. Of special and common Orders of Court.....	80		40	
39. If over 4 folios, per folio in addition	10		10	
40. Of summons or order of a Judge	50		25	
41. If over 3 folios, per folio in addition.....	10		10	

NOTICES.

	Higher Scale. \$ cts.	Lower Scale. \$ cts.
42. In action for recovery of land, of defence for part of premises when necessary	1 00	50
43. If above 3 folios, per folio in addition	20	20
44. Notice by defendant to third party under sections 46 and 47.	1 00	50
45. All common notices and demands	50	10
46. If over 3 folios, per folio additional	20	10

PERUSALS.

47. Of each pleading as defined by this Ordinance.....	1 00	50
48. Of special case or issue of fact, taxable to advocate of any party except the advocate by whom it is prepared.....	2 00	1 00
49. Of Interrogatories or Cross-Interrogatories.....	1 00	50
50. Of affidavits and exhibits of a party adverse in interest or produced on any application, where they exceed twenty folios, and where perusal necessary, per folio, over twenty folios..... (Not in any case to exceed \$5.00.)	50	20

ATTENDANCES.

51. Necessary attendance consequent upon service of notice to produce or admit or inspection of documents when produced, including making admissions.....	1 00	50
52. For summons in Chambers.....	1 00	50
53. Attending on return of summons before Judge.....	1 00	50
54. To be increased in the discretion of a Judge to \$2.00		
55. A consultation or conference with counsel in special and important matters in the discretion of a Clerk or a Judge	2 00	1 00
56. Advocate attending Court on trial of cause when not himself counsel or partner of counsel.....	2 00	1 00
57. To hear judgment when not given at the close of the argument.....	2 00	1 00
58. On taxation of costs.....	1 00	50
59. For every hour after the first.....	1 00	50
60. To obtain or give undertaking to appear when service of summons accepted by advocate.....	1 00	50
61. Attendance on warrant or appointment before Judge, Clerk, or Examiner, per hour.....	1 00	50
62. Attendance in special matters, or on examination of witnesses, per hour.....	2 00	1 00
63. Attendance to file or serve.....	50	25
64. Every other necessary attendance.....	50	25

BRIEFS.

65. For drawing Brief not exceeding 5 folios.....	2 00	1 00
66. For every additional folio of original and necessary matter	20	20
67. Copies of documents per folio.....	10	10
68. Copy of Brief for second Counsel, when fee taxed to him, per folio	10	10

AFFIDAVITS.

69. Drawing Affidavits, per folio.....	20	20
70. Engrossing same, per folio.....	10	10
71. Copies when necessary, per folio.....	10	10
72. Common affidavits of service, and of non-appearance.....	1 00	50
73. Commissioner, or Notary, for each oath.....	25	25
74. do do for each Exhibit.....	10	10
75. Advocate for preparing each Exhibit.....	10	10

JUDGMENT, RULES, ORDERS, Etc.

76. Fee on every judgment or order.....	1 00	50
77. Fee on every certified copy of pleadings when necessary.....	1 00	50
78. Fee on judgment in mortgage cases for foreclosure or sale.....	1 10	1 00
79. Drawing judgment or order or minutes thereof when prepared by the advocate, per folio.....	20	20

LETTERS.

	Higher Scale.	Lower Scale.
	\$ cts.	\$ cts.
80. Letter to each defendant before suit, one letter to be allowed to any defendants who are partners where suit relates to the partnership matters	50	25
81. Common Letters, including necessary agency letters.....	50	25
82. Postage—the amount expended therefor.....		

COUNSEL FEES.

83. Fee on motion of course, or in matters not special.....	2 00	1 00
84. Fee on special application and motions. To be increased in the discretion of a Judge.....	5 00	3 00
85. Fee on argument, or supporting, or opposing application to the Court, or a Judge, on argument of demurrer, special case motion for new trial, or appeal..... To be increased in the discretion of a Judge.	10 00	5 00
86. Fee with brief on assessment.....	10 00	5 00
87. Fee with brief at trial	10 00	5 00
To be increased at the discretion of a Judge, provided that not more than one counsel fee shall be allowed in any case not of a special and important nature, and not more than two in any case.		
88. Fee attending upon references to Clerk or other person, or upon examination of witnesses, or when taking evidence under order or commission, where attendance of counsel necessary..... To be increased in the discretion of a Judge in special and important cases.	5 00	3 00
89. On settling pleadings, interrogatories, special cases, or petitions, and advising on evidence in the discretion of a Judge, not exceeding	5 00	

SALES BY ORDER OF THE COURT.

	\$ cts.	\$ cts.
90. Drawing advertisement	2 00	1 00
If over five folios, for each folio additional	20	20
91. Copies per folio.....	10	10
92. Each necessary attendance on printer.....	50	25
93. Revising proof.....	1 00	50
94. Attending to settle advertisement	1 00	50
95. Attending to make arrangements with auctioneer.....	1 00	50
96. Fee on conducting sale when held where advocate resides	5 00	3 00
97. If advocate engaged for more than three hours, each additional hour.....	1 00	50
98. Fee on conducting sale elsewhere, when advocate attends with approval of Judge, in addition to necessary traveling and hotel expenses. For each day necessarily absent in attending such sale.....	10 00	
99. When it has been proved to the satisfaction of a Judge, that proceedings have been taken by advocates to expedite proceedings, save costs, or in compromising actions, an allowance is to be made in the discretion of such Judge.		

1. The lower scale of costs in the foregoing tariff shall apply to all cases in which the amount claimed, or the value of the property in dispute, or the value or amount of the plaintiff's interest therein, as the case may be, does not exceed two hundred dollars; and the higher scale shall apply in all other cases except as is hereinafter otherwise provided.

2. If the plaintiff in any action, claims more than two hundred dollars, and upon the trial, or other determination of such action, shall be found entitled only to a sum, or value less than two hundred dollars, he shall not be entitled to costs in the higher scale, except where the amount of his claim has been reduced below two hundred dollars by set-off, or counter-claim, but where a defendant in any such action becomes entitled to tax costs against the plaintiff, such defendant shall be entitled to costs in the higher scale.

3. If the plaintiff's claim in any action does not exceed two hundred dollars in amount or value, and the defendant by his counter-claim, claims from the plaintiff a sum or value exceeding two hundred dollars, the action shall thereafter proceed under the higher scale, but such defendant shall not be entitled to costs in the higher scale, unless he has shown he is entitled in respect of such counter-claim to an amount or value exceeding two hundred dollars.

4. The Court or Judge may, in their or his discretion, direct that the costs of any party or parties shall be taxed either in the higher or lower scale as against any other party or parties, or that a lump sum shall be paid to any party in lieu of costs, and may adjust the costs as between all or any of the parties by way of deduction or set-off, and may direct that no costs shall be taxed or allowed to any party or parties who would otherwise be entitled thereto.

SPECIAL TARIFF FOR LIQUIDATED CLAIMS IN UNDEFENDED CASES.

Where claims sued for are for debts or liquidated demands in which advocates are employed and final judgment is entered by default of appearance, the following scale of advocates' fees shall apply, unless otherwise ordered by a Judge and be allowed to plaintiffs recoverable from defendants ;

Where the Judgment entered is for \$50.00 and under, the advocate's fee shall be a lump sum of \$5 00, where it exceeds \$50.00, a lump fee equal to ten per cent. on the amount recovered up to \$200.00 ; and five per cent. for all excess over \$200.00 up to \$500.00 ; from \$500 to \$1,000 $2\frac{1}{2}$ per cent. ; and one per cent. beyond that amount, but such fees shall in no case exceed \$100.00.

In cases where the debt sued for is settled after writ and before appearance, the advocates' fee recoverable from and payable by defendant shall be one half of the above ;

In all cases Clerks', Sheriffs', or service fees allowed by a Judge, to be added.

SHERIFFS' FEES.

	Class A.	Class B.
1. For receiving, entering, and endorsing every summons, writ and other process issued out of a Court, and order or other document signed by a Judge requiring service.....	\$ cts. 75	\$ cts. 50
2. Every return of all processes and writs, except subpoena ..	25	25
3. Every affidavit of service exclusive of fee paid Commissioner, Notary or J. P.....	25	25
4. Paid Oath.....	25	25
5. Fee on every service except subpoena	75	50
6. For service of summons on each Juror, and service of subpoena on each person named therein	50	50
7. Every warrant to execute any process, when given to a Bailiff.....	50	50
8. For every arrest under warrant, bond required to be taken to the Sheriff for securing goods attached, indemnity or other purposes.....	2 00	2 00
9. For assignment of replevin bond.....	1 00	50
10. For executing every writ of possession or restitution.....	4 00	2 00
11. For delivering goods replevied to a plaintiff.....	4 00	2 00
12. For every search (not being by a party to the cause or his advocate)	50	30
13. For every certificate when required.....	50	50
And for every certificate when required under seal, including search.....	1 00	1 00
14. For seizing estate or effects under attachment or execution.....	2 00	1 00
15. For notice of sale of goods.....	75	50
16. Each copy, not exceeding seven each.....	10	10
17. For notice of Sale of Lands.....	1 00	1 00
18. Each copy not exceeding three.....	25	10
19. For every notice of postponement, including copies.....	50	25
20. For every schedule of goods taken in execution or seized under attachment including copy for party whose goods are taken or seized (when not exceeding 500 words)....	1 00	1 00
21. Every 100 words over 500.....	20	10
22. For making every affidavit (other than of service) besides fee paid out for oath.....	50	50
23. For mileage for every mile necessarily travelled and sworn to in serving and executing summons, writs and other processes and papers of every description from the place where the same are severally received or the Sheriff's office (whichever is nearest) to the place of service or execution as aforesaid and return	15	15
24. For poundage on executions and attachments in the nature of execution when the sum realized shall not exceed \$400, five per cent. Ditto, when the sum realised is over \$400, and does not exceed \$1,000, five per cent. for \$400, 2½ per cent. for the balance up to \$1,000, and when the sum realized is over \$1,000, 1½ per cent. for the balance.....		
25. Besides such sums as may be actually disbursed for advertising in such cases required by law, and such sums for care and removal of property seized or taken as may be approved (in each case) by the Court or a Judge.....		
26. For drawing up advertisement when required by law to be published or posted up, including necessary copies.....	1 50	1 50
27. For bringing up prisoner on attachment or <i>habeas corpus</i> , besides travel, at 20 cents per mile.....	1 50	1 00
28. Postage when necessary.....		

**FEEES TO ADVOCATES AND COUNSEL IN MATTERS OF CERTIORARI
AND APPEALS FROM CONVICTIONS.**

	\$	cts.
1. Taking instructions	2	00
2. Attending to bespeak, and for copy of depositions and conviction, or minute of judgment.....		50
3. Notice of appeal and copy.....	1	00
4. Preparing recognizance, including all attendances and affidavits in connection therewith.....	3	00
5. If appellant deposit in lieu of security, all attendances.....	2	00
6. Attending to set down appeal.....		50
7. Respondent's advocate attending to see if appeal entered for trial.....		50
8. Respondent's advocate examining recognizance and papers filed.....	1	00
9. Every other and ordinary necessary attendance.....		50
10. Every necessary notice, including copy.....		50
11. Counsel fee on hearing.....	10	00
12. Attending to hear judgment, when reserved.....		50
13. Affidavit of disbursements, including copy and service.....	1	00
14. Each necessary copy of subpoena.....		50
15. All allowance to witnesses, the same fees and charges as allowed in civil cases.		
16. Necessary disbursements paid to proper officers and postage, the same as allowed in civil cases.		

N. B.—The Judge may, in his discretion, allow an increased fee to Counsel in a proper case.

FEEES TO CLERKS.

1. Receiving, filing, and entering in a proper Docket, each Notice of Appeal and all subsequent proceedings from any judgment on conviction by one or more Justices of the Peace, when an appeal to the Judge is given by law, (to be paid in the first instance by the party appealing).....	\$	2	00
2. When appeal called on, reading the conviction, Notice of Appeal and Recognizance and all other services at the trial of such appeal case, including the receiving and recording the judgment (to be paid in advance by the appellant when he enters the appeal).....		2	00
3. Issuing every subpoena.....		1	00
4. Issuing process to enforce the order or judgment of the Court.....		2	00
4. Certified copies of depositions, examinations, convictions, judgments and other papers when required (to be paid by the party applying,) per folio of 100 words.....		10	25
6. Every search.....		25	
7. Every Certificate of Judgment on appeal when necessary.....	1	00	
8. Taxing Costs.....	1	00	

CHAPTER 59.

AN ORDINANCE RESPECTING SCHOOLS.

Title of Ordinance, s. 1.	Secretary, s. 58, sub-ss. 1 to 5; ss. 59, 60.
Definition of School District, s. 2.	Treasurer, ss. 61 to 64.
Ratepayer, s. 3.	When Disorganized, s. 72.
Board of Education, ss. 4 to 13.	Teacher, ss. 73 to 75.
Secretary, ss. 14 to 16.	Conduct of School, ss. 76 to 82.
School Districts, ss. 17 to 23.	Grants may be withheld, s. 83.
First School meeting, ss. 24 to 28.	Religious Instruction, ss. 84 to 87.
First Election of Trustees, ss. 29 to 35.	No fees can be charged Ratepayers, s. 88.
Proclamation, ss. 35, 36.	Inspector of Schools, s. 89.
Separate Schools, ss. 37 to 41.	Aid to Schools, ss. 90, 91.
Alteration in limit of School Districts, s. 42.	Assessment, ss. 92 to 97.
Annual Election of Trustees, ss. 43, 44.	Property liable to taxation with exemptions, ss. 98 and 99.
Election of Auditor, s. 45.	Assessment of real and personal property, ss. 100 to 106.
Minutes of Meetings, s. 46.	Court of Revision, ss. 107 to 112.
Trustees to be a Corporation, s. 47.	Rate of Assessment, s. 113.
Board of School Trustees, s. 48.	Collection of Rates, ss. 114 to 146.
Outhouses, s. 48, sub-s. 16.	Incurring debt, ss. 147 to 161.
Board may borrow money, s. 49.	Teacher's Certificates, ss. 162 to 164.
Quorum, s. 50.	Annual School Meeting, ss. 165 to 167.
Penalties, s. 51, also ss. 65 to 71.	Deferred School Meetings, s. 168.
Resignations, s. 52.	Miscellaneous, ss. 169 to 176.
Vacancies, s. 53.	Union Schools, ss. 177 to 180.
Election of Chairman, s. 54, s. 55.	Compulsory Education, ss. 181 to 185.
Appointment of Secretary, s. 54.	Appendix, Forms A, B, C, D, E, F, G, H, I, J.
Appointment of Treasurer, s. 54.	
Illegal Meetings, s. 56.	
Duties of Chairman, s. 57, sub-ss. 1, 2, 3.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. This Ordinance may be cited as “The School Ordinance.”

2. The expression “School District,” means any tract of land declared by the Lieutenant-Governor, as hereinafter provided, to be a school district.

3. The expression "ratepayer," when used in this Ordinance, means any person liable for the time being to pay rates for school purposes.

4. The Lieutenant-Governor, in Council, may appoint and constitute a Board of Education for the North-West Territories, composed of eight members, to hold office for two years and until their successors are appointed, five of whom shall be Protestants, and three shall be Roman Catholics.

5. The Board shall meet at Regina on the third Tuesday in January and July in each year, and at such other times as the Lieutenant-Governor may direct.

6. A majority of the Board shall be a quorum.

7. The Members of the Board shall be paid for their services four dollars for each day of attendance at their meetings, and their actual travelling expenses.

8. Any Member of the Board absenting himself from the meetings of the Board, or from the meetings of his section, as hereinafter defined, for twelve months, shall forfeit his seat, and the other members of the section, to which the member so absenting himself belongs, shall notify the Lieutenant-Governor of the vacancy so caused, and the Lieutenant-Governor, in Council, shall appoint his successor; and, in the event of any member dying, or resigning his seat, or leaving the Territories, another member shall, in like manner, be appointed in his place.

9. The Board shall appoint one of their number as Chairman, who may vote with the other members of the Board on all questions, and any question, on which there is an equality of votes, shall be deemed to be negatived.

(1.) In case of absence of the Chairman from any meeting of the Board, the then assembled members shall elect one of their number to act in that capacity, who shall, for the time being, possess the same powers and privileges as the Chairman.

10. It shall be the duty of the Board:—

(1.) To prescribe the duties of the Secretary to the Board;

(2.) To make regulations for the registering and reporting of the daily attendance at all Schools, and to prescribe the form of School register ;

(3.) To cause a proper record to be made of the proceedings of the Board ;

(4.) To determine all appeals from the decisions of Inspectors of Schools, and to make such orders thereon as may be required ;

(5.) To provide for an uniform system of inspection of all Schools, and to make, from time to time, such regulations as may be deemed necessary with respect to the duties of Inspectors ;

(a.) The remuneration of Inspectors shall be at the rate of twenty dollars per annum for each organized School within their Inspectorates open during the year or in any part thereof. For travelling expenses, they shall be allowed five dollars for each day absent in the discharge of their duties ; but where the railway is used, they shall be allowed the actual fares paid on such railway and such necessary expenses as the Board of Education, through its Secretary, may approve.

(6.) To arrange for the proper examination, grading and licensing of Teachers and the granting of certificates, which shall be of six classes, viz., First Class (two grades), Second Class (two grades), Third Class and Provisional ;

And for such Schools as are not designated Protestant or Roman Catholic ;

(7.) To take charge of all such Schools organized under this or any previous Ordinance, and to make, from time to time, such regulations as may be deemed fit for their general government and discipline, and the carrying out of the provisions of this Ordinance ;

(8.) To appoint Inspectors, who shall hold office during the pleasure of the Board ;

(9.) To select, adopt and prescribe an uniform series of text books to be used in such Schools ;

(10.) To cancel the certificate of a Teacher upon sufficient cause.

11. The Board of Education shall resolve itself into two sections, the one consisting of the Protestant, and the other of the Roman Catholic members thereof, and it shall be the duty of each section :

(1.) To have under its control and management the Schools

of its section, and to make, from time to time, such regulations, as may be deemed fit, for their general government and discipline, and the carrying out of the provisions of this Ordinance;

(2.) To select and prescribe an uniform series of text books;

(3.) To appoint Inspectors, who shall hold office during the pleasure of the section appointing them;

(4.) To cancel the certificate of a Teacher upon sufficient cause.

12. There shall be a general Board of Examiners for Teachers' certificates, whose number shall be fixed by the Board of Education, and whose remuneration shall be the same as that of Members of the Board of Education, one half of which Board of Examiners shall be nominated by each section of the Board.

13. Each section of the Board shall have the selection of text books for the examination of Teachers in history and science, and it shall have power to prescribe any additional subjects of examination for the Teachers of Schools of its section, and in all examinations on such subjects the examiners of each section shall respectively have exclusive jurisdiction.

SECRETARY TO THE BOARD.

14. The Lieutenant-Governor, in Council, shall appoint a Secretary to the Board of Education and provide for his salary, whose duties, except as hereinafter provided, shall be such as are imposed by the Board

15. It shall be the duty of the Secretary to call all meetings of the Board of Education, and of the sections thereof, in accordance with the provisions of this Ordinance, and also to call any School meeting required to be held under this Ordinance, when the parties, who are otherwise invested with the power to do so, either neglect or refuse to exercise it.

16. In the event of the resignation or death of the Secretary, the Lieutenant-Governor, in Council, shall appoint his successor.

SCHOOL DISTRICTS.

17. The name of every School District created under this Ordinance shall be "The _____ (here insert the name chosen as hereinafter provided) School District No. _____ (given by the Lieutenant-Governor) of the North-West Territories."

18. A School District, whether Public or Separate, shall comprise an area of not more than twenty-five square miles nor more than five miles in breadth or length, exclusive of road allowances, and shall contain not less than four resident heads of families, and ten children of "school age," which shall mean between the ages of five and twenty inclusive.

FORMATION OF SCHOOL DISTRICTS.

19. Any three ratepayers, two of whom shall be heads of families, resident in any district, fulfilling the requirements of Section 18 of this Ordinance, may be formed, or may form themselves into a Committee to procure its erection into a School District, and may petition the Lieutenant-Governor for such erection.

20. The petition shall set forth :

(1.) The proposed name, limits, location and approximate area of the proposed school district ;

(2.) The total population, and the number of adults and children (from 5 to 20 years of age inclusive) resident within the proposed district ;

(3.) The total number of ratepayers in the district, and the number of Protestant and Roman Catholic ratepayers respectively ;

And such petition shall be accompanied by a sketch, plan or map of the proposed district, showing its boundaries, principal legal sub-divisions, physical features and general location ; and in case of rural school districts, the sections, half or quarter sections on which the children of school age reside.

21. The petition must be accompanied by an affidavit of the several members of the Committee, that the said members are *bona fide* resident ratepayers of the proposed school district, that two of them are heads of families, and that the statements made in the petition are correct.

22. On receipt of a petition for the erection of a school district, the Lieutenant-Governor shall take such steps as he may think advisable to determine whether or not there are any objections to the limits of the proposed district, and shall notify the petitioners of his determination.

23. On receiving the approval of the Lieutenant-Governor to the limits of any proposed district, a notice, in Form A, in Schedule annexed hereto, calling a meeting of the ratepayers, shall be posted up by the petitioners in at least five widely separate places within such limits, one of which shall be the Post Office therein, or nearest thereto, at least two weeks next preceding the date of said meeting:

(1.) A certified copy of such notice, together with an affidavit by a Member of the Committee that at least five such notices have been posted, as hereinbefore provided, shall be forwarded to the Lieutenant-Governor.

FIRST SCHOOL MEETING.

24. At the hour appointed in the notice of the Committee calling the first school meeting, the ratepayers present shall organize the meeting by appointing a Chairman and Secretary.

25. The Chairman shall decide all questions of order, subject to an appeal to the meeting, and in case of an equality of votes, he shall give the casting vote, but he shall have no vote except as Chairman.

26. The Chairman shall take the votes in the manner desired by a majority of the ratepayers present; but he shall, at the request of any two ratepayers, grant a poll for recording by the Secretary, the names of the voters present; such poll shall close at 5 o'clock p.m.

27. If required by any person present, or of his own accord, if deemed advisable, the Chairman shall administer the oath prescribed in notice in Form A in the Schedule annexed hereto.

28. If the majority of votes taken at this meeting is against the erection of a School District, the Chairman shall notify the same to the Lieutenant-Governor.

FIRST ELECTION OF TRUSTEES.

29. So soon as the majority of the ratepayers at the first school meeting have decided in favor of the erection of the School District, the ratepayers present shall, by a majority of votes, elect from the resident ratepayers in the district, three Trustees.

30. The Chairman at the first election of Trustees shall not be eligible for the office of Trustee.

31. Every ratepayer shall have as many votes as there are Trustees to be elected, but shall in no case vote more than once for one candidate at the same election.

32. The Trustees elected at a first school district meeting shall be declared to hold office as follows:—

(1.) The candidate receiving the highest number of votes, either by polling or show of hands, as the case may be, or the first one nominated, if no vote has been taken, shall be elected to serve until and including the thirty-first day of December of the second year following the election;

(2.) The candidate receiving the second highest number of votes, or second in order of nomination, shall be elected to serve until and including the thirty-first day of December of the year following the election;

(3.) The candidate receiving the third highest number of votes, or the third in order of nomination, shall be elected to serve until and including the thirty-first day of December following the election;

(4.) Provided always, that when the election takes place between the thirtieth day of June and the thirty-first day of December following in any year, the third Trustee shall continue in office until and including the thirty-first day of December of the year following the election; the second Trustee shall continue in office until and including the thirty-first day of December of the second year following the election; and the first Trustee shall continue in office until and including the thirty-first day of December of the third year following the election;

(5.) Provided always, that the Trustee going out of office, shall remain in office until his successor is elected.

33. Every Trustee shall, before taking office, make the following declaration before the Chairman:

“I, A. B., do hereby accept the office of Trustee, to which I have been elected, in (name of School District in full), and I will, to the best of my ability, honestly and faithfully discharge the duties devolving on me as such Trustee during the term for which I have been elected, in accordance with the School Ordinance.”

(1.) The Chairman shall thereupon grant him a certificate of election in the following form :

“I, A. B., do hereby declare that (give name, residence and occupation of person mentioned) elected Trustee for (give name of School District) has this day made before me the declaration of office, as prescribed by the Ordinance in that behalf.

(Signed,) A. B.,
Chairman.

Dated,

34. The Chairman shall, within ten days after the date of the election, send to the Lieutenant-Governor a certified copy of the minutes of the meeting, and a declaration made before a Justice of the Peace, stating the names and addresses of the Trustees elected, and that they have fulfilled the requirements of the next preceding section.

PROCLAMATION.

35. On receiving the report of a first school meeting and the declaration of the Chairman, the Lieutenant-Governor shall, if the majority of the votes at the School District meeting has been in favor of the erection of the School District, forthwith proclaim the District a School District in accordance with the terms of the petition addressed to him in that behalf, with such number as he may see fit, and in manner as hereinafter provided.

36. The proclamation of the Lieutenant-Governor erecting any School District shall set forth :

(1.) The name in full, number, situation and limits thereof ;

(2.) The date and place at which the meeting of rate-payers and the election of trustees was held ;

(3.) The names of the elected trustees.

37. In accordance with the provisions of "The North-West Territories Act," providing for the establishment of separate Schools, it shall be lawful for any number of the ratepayers, whether Protestant or Roman Catholic, the same being a minority of the ratepayers resident within the limits of an organized public School district, to establish a Separate School therein, by proclamation of the Lieutenant-Governor, with the same rights, powers, privileges, liabilities and method of government as herein is provided in the case of public School districts.

38. The petition for the erection of a Separate School District shall be signed by three ratepayers, two of whom shall be resident heads of families, of the religious faith indicated in the name of the proposed district, and shall set forth :

(a.) The religious faith of the petitioners ;

(b.) The proposed name (stating whether Protestant or Roman Catholic) of the district ;

(c.) Its proposed limits, definite location and approximate area ;

(d.) The total number of heads of families and of children of school age of the religious faith of the petitioners residing within the limits of the proposed district ;

And such petition shall be accompanied by a sketch, plan or map, as is required in the case of a public School district, and also by an affidavit of the petitioners verifying the facts set forth in their petition.

29. The notice calling a meeting of the ratepayers for the purpose of taking their votes on the petition for the erection of a Separate School District shall be as in Form A of the Appendix to this Ordinance ; and the proceedings subsequent to the posting of such notice, including the issuing of the Lieutenant-Governor's proclamation, shall be the same as in the case of a public school district.

40. The persons qualified to vote for or against a petition for the erection of a Separate School District, shall be the ratepayers therein being of the same religious faith as the petitioners.

41. After the establishment of a Separate School District under the provisions of this Ordinance, such Separate

School District shall possess and exercise all rights, powers, privileges and be subject to the same liabilities and method of government, as is herein provided in respect of Public School Districts; and all property within such Separate School District belonging to or held by ratepayers of the religious faith indicated in the name of such District, shall be liable only to assessments such as they impose upon themselves in respect thereof.

ALTERATIONS IN LIMITS OF SCHOOL DISTRICTS.

42. The Lieutenant-Governor shall have the power to alter the boundaries of a School District, by adding thereto or taking therefrom, or to divide one or more existing School Districts into two or more Districts, or to unite portions of an existing District with another District, or with any new district, in case it has been satisfactorily shown before him that the rights of ratepayers under Section 14 of the "North-West Territories Act," to be affected thereby, will not be prejudiced, and that the proposed changes are for the general advantage of those concerned.

ANNUAL ELECTION OF TRUSTEES.

43. The regular annual election of a School Trustee to fill the vacancy which occurs yearly under the provisions of Section 32, shall take place after the reports required by Section 165 of this Ordinance, have been submitted at the annual meeting of ratepayers, and such reports shall be submitted to the ratepayers at the hour of ten in the forenoon; and in the event of a poll being demanded for the election of such School Trustee, the same shall be opened and held on the same day and shall close at five o'clock in afternoon of the same day, unless a majority of the ratepayers present shall postpone such election for a period not exceeding one week, and in such case the poll shall be opened at ten o'clock in the forenoon and shall close at five o'clock in the afternoon.

44. Trustees shall be resident ratepayers.

ELECTION OF AUDITOR.

45. At the annual meeting an Auditor shall be elected by

the ratepayers, to audit the accounts of the District for the ensuing year, and report the result thereof to the next annual meeting.

MINUTES OF MEETINGS.

46. A correct copy of the proceedings of every School meeting, signed by the Chairman and Secretary, shall be forthwith transmitted by the Secretary of such meeting to the Secretary of the Board of Education.

TRUSTEES OF EVERY SCHOOL SHALL BE A CORPORATION.

47. The Trustees of every Public School District, and the Trustees of every Separate School District, shall be a Body Corporate, and as such Body Corporate shall have all rights and be subject to all the liabilities of a Corporation at Common Law, and shall have full power to acquire, hold and alienate both real and personal estate for all School purposes, and by the same name, they and their successors shall have perpetual succession, and they shall have full power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at Law and in Equity whatsoever, and they shall have a Common Seal, with power to alter and modify the same at their will and pleasure, and they shall be in Law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or movable, for the use of the said School District, or Separate School District, as the case may be, and of becoming parties to any contracts or agreements in the management of the affairs of the said School District, or Separate School District, as the case may be, and of negotiating loans and borrowing money upon the credit of such Corporation, for the purpose of defraying any expenses necessary for the carrying on of the business of such Corporation, subject always to the Regulations and requirements of this Ordinance.

BOARD OF SCHOOL TRUSTEES.

48. It shall be the duty of the Board of Trustees of every School District to :

(1.) Select and acquire a school site, which shall be in the centre of the district, or as near thereto as the securing of a dry, healthy and suitable location will permit ;

(2.) Engage a qualified teacher, or teachers, on such terms as the Board may deem expedient; the contract shall be in writing, and may be in Form B in the Schedule annexed hereto, and a certified copy of such contract shall be at once forwarded to the Secretary of the Board of Education;

(3.) To take possession and have the custody and safe keeping of all School property, which has been acquired or given for School purposes to their district;

(4.) To do whatever they may judge expedient with regard to building, repairing, renting, warming, furnishing, and keeping in order, the School house or School houses in their District, its or their furniture and appendages, and the School lands and enclosures held by them, and for procuring apparatus and School books for their School;

(5.) Make such assessments on real and personal property of the District, and levy such taxes as may be necessary to defray all lawful expenses and liabilities of the School District for the year or that part thereof for which such taxes are required to be levied;

(6.) Inspect the School, see that good order is kept and proper instruction is given, and dismiss the Teacher or any of the pupils for misconduct or immorality;

(7.) To keep a record of their proceedings, signed for each sitting by the Chairman and Secretary, and to see that true accounts both of the School and District are kept, and the affairs of the District generally are conducted in the manner provided by this Ordinance, and with a due regard to efficiency and economy; the accounts shall, at all reasonable hours, be open to the inspection of the ratepayers of the School District;

(8.) Select all the books, maps and globes, to be used in the Schools, under their control, from the list of those authorized by the Board of Education or Section thereof;

(9.) Provide, free of cost, out of the funds of the District, books and slates for the use of the children, resident within the District and attending School, whose parents are unable, through poverty, to procure the necessary books and slates for them, the right to such books and slates to rest in the School District;

(10.) Provide, when deemed expedient, a suitable library for the School District, making such regulations as to lending and the prevention of loss or damage to the books of such library, as they may think fit;

(11.) Enter into a contract to have a School-house built,

payment for which may be made in a term of years (not exceeding five years) in annual or semi-annual payments. Such indebtedness not to exceed \$500.00, nor the rate of interest to be more than eight per centum per annum ;

(12.) Procure a Corporate Seal for the District ;

(13.) To see that all reports required by this Ordinance, or by the Regulations of the Board of Education, or Sections thereof, are transmitted without delay to the Secretary of the Board of Education ;

(14.) To call special meetings for any purpose whatever, whenever required to do so by the majority of the rate-payers or the Board of Education ;

(15.) To appoint a Returning Officer to preside at all elections except as otherwise herein provided under this Ordinance.

OUTHOUSES.

(16.) There shall be separate buildings for privies for boys and girls respectively. The buildings shall be erected in the rear of the School-house, at least ten feet apart, their entrances facing in opposite directions, or otherwise effectually screened from each other.

49. The Board of Trustees of any School District may authorize the Chairman and Treasurer thereof, to borrow from any person or Bank, or Corporation, such sum of money as may be required to meet the expenditure of the School District until such time as the taxes levied therein can be collected ; or, in the case of School Districts situated within a Municipality, until such time as the Municipal Council can pay the School taxes to the Trustees ; such authorization shall be by by-law of the Board of Trustees and shall be under the Seal of the Corporation.

50. A majority of the Board of Trustees shall constitute a quorum at all meetings ; provided that in case the number of Trustees is reduced to one, that one shall be held to be a quorum until other members are elected.

51. Any person eligible and elected to the office of School Trustee, who refuses to serve as such, shall forfeit the sum of Twenty dollars and his neglect or refusal to take the declaration of office within eight days after his election, if resident at the time within the district, shall be construed

as such refusal, after which another person shall be elected to fill the place; but no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

52. Any person chosen as Trustee may resign with the consent expressed in writing of his colleagues in office, but such resignation shall only take effect upon the election of his successor, (see Form C in Schedule annexed hereto), and a continuous non-residence of three months, or conviction of any felony, shall cause the vacation of his office.

53. In all cases of vacancy another Trustee shall be elected at a meeting called by the Trustees, or Trustee remaining in office, and the person so elected shall hold office for the unexpired term of the Trustee whom he replaces; provided, if the vacancy is not filled within one month, the Lieutenant-Governor may appoint some qualified person to fill it.

ELECTION OF CHAIRMAN.

54. The School Trustees shall meet within ten days after their election, for the purpose of choosing one of their number as Chairman, and appointing a Secretary and a Treasurer, and transacting such other business as may be required.

(1.) In case of absence of the Chairman from any meeting of the Board, the then assembled School Trustees shall elect one of their number to act in that capacity for the time being, who shall then be vested with the same powers and privileges as the ordinary Chairman.

55. In the meetings of the School Trustees all questions shall be decided by the majority of the votes, and the Chairman shall have the right to vote, but in case of an equality of votes the question shall be decided in the negative.

MEETINGS ILLEGAL UNLESS PROPERLY CALLED.

56. No act or proceeding of a Board of Trustees shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the Corporation, of which notice shall have been given by either one of their body, or

the person chosen by them to act as Secretary, to all the Trustees, and a majority of the Trustees at such meeting shall have full authority to perform any lawful business.

DUTIES OF CHAIRMAN.

57. The Chairman shall:—

(1.) Have general supervision of the affairs of the District:

(2.) Certify all accounts against the District before such accounts be paid by the Treasurer;

(3.) In default of the Board of Trustees appointing a Returning Officer, act as Returning Officer, or appoint some other person to act as such, at all elections held during the period of his chairmanship.

SECRETARY.

58. The Board of Trustees, at the first meeting in each year, shall appoint a Secretary, whose duty it shall be to:

(1.) Keep a minute of all meetings of the Board;

(2.) Answer all communications on School matters in such manner as he may be directed by the Board;

(3.) Examine the records and register of the School kept by the Teacher, and see that they are correct;

(4.) Forward to the Secretary of the Board of Education from time to time, the reports provided for in Sections 46, 59, 60 and 167 of this Ordinance, and give such other information in regard to the School District as may be desired, from time to time, by the Lieutenant-Governor, or the Board of Trustees, or the Secretary of the Board of Education;

(5.) Have charge of and keep on record all the books, papers, accounts, assessment rolls and other matters, committed to his charge by the Board of Trustees during his term of office, and deliver the same to the Chairman of the Board on ceasing to hold office.

59. The Secretary of every School District shall, within one month of the date of the opening of the School, notify the Inspector of such District of the opening of such School, and the qualification of the Teacher employed; and at the same time transmit the Teacher's certificate, or a certified copy of the same, in a registered letter, addressed to the Secretary of the Board of Education.

60. The Secretary of every Board of Trustees shall forward to the Secretary of the Board of Education, on the 30th day of May in each year, a report giving the following information, namely :

- (1.) Name of each Teacher ;
- (2.) Class of certificate held by each Teacher, and date thereof ;
- (3.) Salary paid each Teacher (per month) ;
- (4.) Number of children attending school, per register ;
- (5.) If School open for the whole year or for only certain months during summer, naming the months during which it is intended to keep School open.
- (6.) Date when School opened during Summer only.

TREASURER.

61. By motion of the Board, one of the members thereof may, with his consent, be appointed Treasurer of the District for the whole or any part of the term for which he was elected to serve, and may be remunerated for his services by a sum not exceeding $2\frac{1}{2}$ per cent. on all moneys passing through his hands on account of the District, the proceeds of School debentures excepted.

62. Should it be found inexpedient to appoint a member of the Board as Treasurer, then the Board shall appoint a responsible resident of the District to be Treasurer or Secretary-Treasurer, during the pleasure of the Board, at such rate of remuneration as may be agreed upon,

63. Every Treasurer shall, before entering upon his duties as such, give security to the School Trustees by a bond signed and acknowledged before a Magistrate, and such security shall be given by at least two solvent sureties jointly and severally, to the satisfaction of the Board of Trustees, and to the amount of any moneys for which the Treasurer may at times be responsible, whether arising from the School fund or from any particular contribution or donation paid into his hands for the support or benefit of the School District, and such security shall be renewed at the beginning of each year, or renewed at other times or changed whenever renewal or change is required by the Board of Trustees. Such bond may be in Form D in Schedule annexed hereto.

- (1.) The Chairman of the Board of Trustees shall obtain

from the Magistrate a certificate in Form E in Schedule annexed hereto, and forward the same to the Secretary of the Board of Education :

(2.) No grant shall be paid without production of such certificate.

64. It shall be the duty of the Treasurer to collect, receive and account for all School moneys, whether derived from the Government or otherwise, for the purpose of education within the District of which he is Treasurer, and to distribute such moneys in the manner directed by the Board of Trustees, and to keep a record of the same in a book provided for the purpose by the Board of Trustees, and he shall give and take receipts for all moneys so received and paid out by him, which he shall, when called upon by the Auditor, appointed under this Ordinance, or by the Board of Trustees, produce before said Board of Trustees or Auditor, as also all moneys or accounts in his charge, and shall hand over the same to the Board of Trustees on his ceasing to hold office.

PENALTIES.

65. Any Trustee, Officer or Employee of a School District neglecting or refusing to discharge any duty assigned to him by this Ordinance, shall, for each offence, be liable to a fine not exceeding fifty dollars.

66. Any Trustee, Officer or Employee of a School District who, after his ceasing to hold office, detains any money, book, paper or thing belonging to the District, shall thereby incur a penalty of not less than five dollars nor more than one hundred dollars for each day during which he wrongfully retains possession of such money, books, paper or thing, after having received notice in writing from the Chairman of the Board of Trustees, or from the Board of Education, requiring him to deposit the same in the hands of some person mentioned in such notice.

67. Any Returning Officer of any School District or proposed School District, acting under the provisions of this Ordinance, who shall knowingly and wilfully prejudice the result of any voting, by preventing votes from being taken or taking unlawful votes, or altering the returns or books

in any way or by any other means, shall be liable to a fine of not less than one hundred dollars.

68. Should the Trustees of any School District wilfully contract liabilities in the name of the District greater or other than as provided in this Ordinance, or appropriate any of the moneys of the District for purposes other than are provided in this Ordinance, the District, through its proper Officers, or the Board of Education, on its behalf, may recover from such Trustees, jointly or severally, the sum or sums for which the District has been rendered liable through the action of such Trustees over and above the amount provided in this Ordinance, in addition to the total amount of any moneys that have been misappropriated by such Trustees.

69. Any person entrusted in any manner with the carrying out of any of the provisions of this Ordinance, or qualified to vote at the election of School Trustees, shall be competent to institute proceedings under this Ordinance, except in cases where it is specially provided to the contrary.

70. All fines, penalties and forfeitures mentioned in this Ordinance may be sued for, recovered, and enforced, with costs, by and before a Justice of the Peace; and if any such fine or penalty and costs be not forthwith paid, after conviction or order made, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected, with costs of distress, and sale of the goods and chattels of the offender. and in default of such distress, such Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavoring to collect the same, be sooner paid.

(1.) Such imprisonment shall not discharge the personal liability of the defendant.

71. All moneys accruing from fines or penalties under this Ordinance shall belong to the General Fund of the Territories.

SCHOOL DISTRICTS MAY BE DISORGANIZED.

72. On receipt of a report from the Board of Education that any organized School District has failed to open and keep

open a school for at least six months, and advising that the same be disorganized, the Lieutenant-Governor may by proclamation, declare that, on and after a day therein to be named, such School District shall be disorganized and thereupon the same shall cease to have or enjoy any of the rights, powers or privileges vested in such Corporations by this Ordinance; and in the event of any debts having been incurred by such Corporation prior to its disorganization, and which remain unpaid, the Lieutenant-Governor shall appoint one or more persons, who shall have full power and authority to adjust and settle all claims against such School District and to assess, levy and collect, in the same manner as assessors and collectors are authorised to do by this Ordinance, such sum or sums of money as may be required to pay off such indebtedness and all expenses connected therewith, including his or their remuneration as fixed by the Lieutenant Governor.

TEACHER.

73. Within six months after the election of Trustees in a newly organized School District, they shall engage a qualified person as School Teacher for such term, not being more than one year, and at such salary as may be agreed upon.

74. It shall be the duty of the Teacher to :

- (1.) Preside over and maintain good order in the School ;
- (2.) Teach from such books as may be ordered or permitted by the Trustees, from list of books authorized by the Board of Education, or Sections thereof, and only such ;
- (3.) Hold a public examination of the classes in the School at least once in each term ;
- (4.) Admit Trustees, School Inspectors, parents of children attending, or ratepayers of the District to the school room at any time ;
- (5.) Report to the Trustees, from time to time on the necessities of the School and the behaviour of the children attending it ;
- (6.) Punish children for misbehaviour, inattendance or disobedience, in such manner as the Trustees may permit or direct, to maintain a regular supervision of the pupils in the play ground, to repress the use of improper language, and have a care that games are honorably played ; and generally to have a care, out of School, over the deportment of the pupils whilst absent from their homes ;

(7.) Keep a true register of the School, according to the forms supplied by the Board of Education, make affidavit, required by regulations of the Board, and inquire into and record all cases of tardiness and absence of pupils ;

(8.) To keep the School registers with care, and to call the roll and mark the attendance and absence of the pupils, previously to beginning the regular school work, each morning and afternoon ;

(9.) To keep a time table showing the classification of the pupils, the subjects taught in each class, the hour of the day and the day of the week, when each subject is taught, and the intervals allowed for recess during School hours ;

(10.) To keep a " Visitor's Book," provided by the Board of Education, and to enter therein the visits made to the School, and to allow any visitor, who so chooses, to make therein any remarks suggested by the visit ;

(11.) To see that the School room is kept clean and well ventilated, and to observe that the closets belonging to the premises are kept in a clean condition ;

(12.) To report to the Secretary of the Trustees any needful repairs to the School buildings or furniture ;

(13.) To keep an inventory of the School materials and furniture, and to report any deficiency in the stock from time to time ;

(14.) To observe that there is no scarcity of fuel for School purposes during the winter months, and to exercise due economy in the use of the same ;

(15.) To render assistance to the Secretary of the Trustees in making the required reports and returns to the Lieutenant-Governor or the Board of Education or the Inspector of Schools ;

(16.) To have the custody of the School premises, and to deliver up the key when required to do so by the School Trustees ;

(17.) To report to the Secretary of the Trustees, immediately it comes to his knowledge, the presence of any infectious or contagious disease among the pupils and to faithfully carry out the wishes of the Trustees in respect to it ;

(18.) The Teacher of a School may be Secretary of the Trustees, but not Treasurer.

75. Every Teacher in case of sickness, certified by a medical man, shall be entitled to his salary during such sickness

for a period not to exceed four weeks for the entire year, which period may be increased by the Board of School Trustees, provided that such Trustees employ a legally qualified person to supply his place during sickness.

CONDUCT OF SCHOOL.

76. School shall be held between nine o'clock and twelve o'clock in the forenoon, and half-past one o'clock and four o'clock in the afternoon of every day, not including Saturdays, Sundays, and Statutory Holidays, but the School Trustees may shorten the School hours, or recess, in the winter time.

77. The School year shall be divided into two terms, a First Term and a Second Term :—

(1.) The first Term shall begin on the first day of January and end on the thirtieth day of June in each year ;

(2.) The Second Term shall begin on the first day of July and end on the thirty-first day of December in each year.

78. A recess of fifteen minutes in the forenoon and in the afternoon may be allowed the children attending School, at the pleasure of the Board of Trustees.

79. In all Schools open during the whole year there shall be six weeks holidays, commencing on the first day of July, and two weeks holidays, commencing on the twenty-fourth day of December in each year.

(1.) When a School is only open during the summer months, the Trustees of such School may give holidays, not to exceed four weeks, in either the month of July or the month of August, at their discretion.

80. Good Friday, Easter Monday, Arbor Day, the Birthday of the reigning Sovereign, Dominion Day, Thanksgiving Day, and any day specially appointed as a holiday by the Governor-General, the Lieutenant-Governor of the Territories, the Mayor of a city or town, or the Chairman or Mayor of a Municipality, shall be holidays ; and it shall be at the discretion of the Trustees to permit any other holidays, not exceeding one day at a time.

81. No person shall be admitted into, or continue in, any School as a pupil, if he be afflicted with, or have been exposed to any contagious disease, until all danger of contagion shall have passed away, as certified in writing by a medical man, or other authority satisfactory to the teacher.

82. All Schools shall be taught and instructions given in the following branches, viz.: Reading, writing, orthography, arithmetic, geography, grammar, history of Britain and Canada, and English literature. Instructions shall be given during the entire School course in manners and morals, and the laws of health, and due attention shall be given to such physical exercises for the pupils, as may be conducive to health and vigor of body, as well as mind, and to the ventilation and temperature of School rooms.

(1.) It shall be incumbent upon the Trustees of all Schools, organized under this Ordinance, to cause a primary course of English to be taught.

GRANTS MAY BE WITHHELD.

83. Any School, the officers of which shall knowingly allow such School to be taught or conducted in violation of the provisions of this Ordinance or of the regulations of the Board of Education, or Sections thereof, shall forfeit all right to participate in any of the grants provided by this Ordinance to aid the Schools of the Territories, and, upon satisfactory evidence of such violation, the Board shall withhold all such grants.

RELIGIOUS INSTRUCTION.

84. No religious instruction, such as Bible reading, or reciting; or reading or reciting prayers, (except as in hereafter provided), or asking questions or giving answers from any catechism, shall be permitted in any Public School in the Territories, from the opening of such School at nine o'clock in the forenoon, until the hour of three o'clock in the afternoon, after which time any such instruction, permitted or desired by the Trustees, may be given.

85. Schools may be opened each morning with prayer with the consent of the Trustees, who shall approve of the form of prayer to be used.

86. Any child attending any School, whose parent or parents or guardian is or are of the religious faith different from that expressed in the name of such School district, shall have the privilege of leaving the School room at the hour of three o'clock in the afternoon, or of remaining without taking part in any religious instruction that may be given, if the parents or guardian so desire.

87. It shall be unlawful for any teacher or School trustee to, in any way, attempt to deprive such child of any advantage that it might derive from the ordinary education given in such School, and such action on the part of any School Trustee, Inspector or Teacher, shall be held to be a disqualification for and voidance of the office held by him or her.

NO FEES CAN BE CHARGED RATEPAYERS.

88. No fee shall be charged by the Trustees of any School District on account of the attendance of any children, whose parents or guardians are ratepayers of such School District, at the School thereof; but a rate not exceeding five cents per day, payable in advance, may be charged for any children whose parents or guardians are not ratepayers to such School District.

INSPECTOR OF SCHOOLS.

89. It shall be the duty of the Inspector to—

(1.) Visit at least once in each term the Schools under his charge, and examine the pupils in the different classes as to proficiency in their studies;

(2.) At the desire of the Trustees of any School District, examine a Teacher possessing no certificate, and employed or proposed to be employed by such Trustees, as to his proficiency in the subjects he is expected to teach, and as to his methods of teaching ;

(3.) Report from time to time to the Board of Education as to the efficiency, methods and usefulness of the Schools under his charge, and also, when deemed advisable, to the Trustees of the different School Districts;

(4.) To inspect other Schools at the pleasure of the Board of Education, or Section thereof, as the case may be ;

(5.) To observe that no books are used in any School but

those selected from the list of books authorized by the Board of Education or Sections thereof;

(6.) To assist at the Examination of Teachers if requested by the Board of Education ;

(7.) At the close of each inspection tour to make a full report of his inspection of every School to the Board of Education, and to particularize in each report, name of School, name of teacher, his certificate, number of School children on the register, number present on the day of inspection, remarks on proficiency of pupils, special remarks, if any, state of School buildings and premises, state of School apparatus, general tone of School ;

(8.) Keep a diary of his inspection tour and expenses ;

(9.) Inspect and endorse, if practicable, all reports which are sent through him to the Board of Education ;

(10.) Grant provisional certificates to competent applicants recommended by trustees of Schools and require such applications to be in the applicant's own hand-writing ;

(11.) Upon a visit to a School to inspect the School register, and to write his name and the date of his visit upon the line immediately after the last name on the roll ;

(12.) To observe if the School register is systematically kept ;

(13.) To inspect the School buildings and premises and to suggest to the Trustees any alterations he may deem necessary for the comfort, accommodation and health of the scholars ;

(14.) To inspect the School time table and to endorse his approval upon it if satisfactory ;

(15.) To make the time table and the programme of studies, prescribed by the Board of Education, the basis of his examination of the classes ;

(16.) To inspect the visitors' book, and to write therein a general report of the condition in which he found the School ;

(17.) To endorse all teachers' certificates in accordance with the regulations of the Board.

AID TO SCHOOLS.

90. Grants shall be paid to every School, organized under this Ordinance, as follows :—

(1.) Grants on account of Teachers' certificates to every

School District having a daily average attendance of not less than six pupils :—

(a.) A grant of 75 per cent. of the Teacher's salary to every School employing a Teacher holding a first class certificate from the Board of Education ;

(b.) A grant of 70 per cent. of the Teacher's salary to every School employing a Teacher holding a second class certificate from the Board of Education ;

(c.) A grant of 65 per cent. of the Teacher's salary to every School employing a Teacher holding a third class or a provisional certificate from the Board of Education ;

(d.) In Districts where the number of children of School age on register does not exceed twenty-five, an additional grant shall be paid for attendance, as follows :—

(1.) When the average daily attendance is equal to 75 per cent. of the number of pupils on the roll, \$60.00.

(2.) When the average daily attendance is equal to 70 per cent. of the number of pupils on the roll, \$55.00.

(3.) When the average daily attendance is equal to 65 per cent. of the number of pupils on the roll, \$50.00.

(4.) When the average daily attendance is equal to 60 per cent. of the number of pupils on the roll, \$45.00.

(5.) When the average daily attendance is equal to 55 per cent. of the number of pupils on the roll, \$40.00.

(6.) When the average daily attendance is equal to 50 per cent. of the number of pupils on the roll, \$35.00.

(2.) Grants on account of additional Teachers :

(a.) To every School where the daily average attendance exceeds thirty, a grant, as provided in Sub-section 1 of this Section, for an additional Teacher ;

(b.) To every School, where more than one Assistant Teacher is employed, a grant, as provided in Sub-section 1 of this Section, for every Assistant Teacher employed after the first, where the average daily attendance shall be at least twenty for each Teacher employed.

91. All grants shall be paid to the Treasurers of School Districts quarterly, after the last days of March, June, September and December in each year, on receipt of a return as per Form F in the Schedule annexed hereto.

ASSESSMENT.

92. Where a School District is situated within a Munici-

pality, the Trustees may, as soon as may be after the final revision of the assessment roll of the Municipality, make a demand on the Council of such Municipality for the sum required for School purposes for the then current year ; but such sum shall not exceed an amount equal to ten mills on the dollar, according to the last revised assessment roll on the property liable to assessment in such School District for ordinary School purposes, with such additional amount as may be necessary to meet any debenture indebtedness that may have been incurred and be coming due.

93. When property owned by a Protestant is occupied by a Roman Catholic and *vice versa*, the tenant in such cases shall only be assessed for the amount of property he owns, whether real or personal, but the School taxes on such property shall in all cases, whether or not the same has been or is stipulated to the contrary, in any deed, contract or lease whatever, be paid to the School District, to which such owner is a ratepayer.

94. Whenever property is held jointly, as tenants, or tenants in common, by two or more persons, the holders of such property being Protestants and Roman Catholics, they shall be deemed and held accountable to the Board or Boards of Trustees for an amount of taxes in proportion to their interest in the premises, tenancy or partnership respectively and such taxes shall be paid to the School District to which they respectively are ratepayers.

95. If a School District be situated partly within two or more Municipal Corporations, then the Board of Trustees may make a demand upon each of such Corporations, for that proportion of the amount of money required by such District which may justly be demanded by such District according to the amount of property included within the limits of the District and situated within the limits of such Municipality ; or the Trustees may themselves, or by means of an Assessor, levy an assessment as provided in this Ordinance.

96. The Trustees of any School District or an assessor whom they may appoint, as soon as may be in each year shall prepare an assessment roll for the School District, in which shall be set down, according to the best informa-

tion to be had, a list of all the taxable property for their School in the District, with the names of the occupants and owners, if such can be procured, and such list shall contain in one line, but in different columns, the following information:

(1.) Name of occupant or person in possession, (*If there be no occupant, a statement to that effect*);

(a) Religion of occupant ;

(b) Sex ;

(c) Age ;

(d) Occupation ;

(e) Place of residence ;

(2.) Name of the owner, if it can be ascertained, (*If owner's name be unknown, such particulars concerning ownership of property as may be known*);

(a) Religion of owner ;

(b) Sex ;

(c) Age ;

(d) Occupation ;

(e) Place of residence ;

(3.) Description of real property in occupation of each person :

(a) Part and number of section, township, range and meridian, or number and description of lot in special survey, or number of lot, house or other particulars of each parcel ;

(b) Improvements in cultivated land (*giving area*), and buildings (*giving size*), on each parcel ;

(c) Area in acres or feet of each parcel ;

(d) Value of each parcel ;

(e) Total value of real property ;

(4.) Description of taxable personal property ;

(a) Taxable personal property, other than income, with particulars ;

(b) Value of such personal property ;

(c) Taxable income ;

(d) Total value of personal property, including taxable income ;

(5) Total value of taxable real and personal property.

97. "Land," "real property" and "real estate" respectively shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form, in Law, part of the reality, and all trees or underwood growing upon the

land, and all mines, minerals, quarries, fossils in and under the same, except mines belonging to Her Majesty.

(1.) "Personal estate" and "personal property" shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, money, notes, accounts and debts, at their actual value, income and all other property, except land and real estate and real property as above defined and except property herein expressly exempted;

(2.) "Property" shall include both real and personal property, as above defined;

(3.) "Ranche" shall mean land held under a grazing lease from the Dominion Government.

PROPERTY LIABLE TO TAXATION, WITH EXEMPTIONS.

98. All real and personal property situated within the limits of any School District, or income derived by any person resident within the limits of such District, and wherever any portion of a ranche and the head-quarters of such ranche are within the limits of any School District, the whole of the personal property belonging to the lessee of such ranche, on the same, shall be liable to taxation, subject to the following exemptions:

(1.) All property held by Her Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Territories;

(2.) All property held by or in trust for the use of any tribe of Indians or the property of the Indian Department;

(3.) Where any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable;

(4.) The buildings and grounds, to the extent of two acres, of all Public and Separate Schools, and the personal property belonging to the same, being used for School purposes, and under the management of the Board of Education of the Territories;

(5.) Jails and Court Houses and the necessary land attached thereto;

(6.) Churches and the land on which they stand, not exceeding one-half acre, and any land in use as a public cemetery, not exceeding twenty-five acres.

(7.) The books of every public library;

(8.) The income of a farmer derived from his farm and the income of merchants, mechanics and other persons derived from capital liable to taxation; provided that the income of persons employed by the North-West Government be not excepted;

(9.) Grain *in transitu*, household effects of every kind, books and wearing apparel;

(10.) The increase in the value of the land by reason of the annual cultivation thereof, together with the growing crops.

99. A person occupying property or deriving income not liable to taxation, may compel the assessor, on written demand, to assess him for such property or income in order that he may thereby be qualified for voting or holding office

ASSESSMENT OF REAL AND PERSONAL PROPERTY.

100. Land and personal property shall be assessed against the person in occupation or possession thereof, unless when in the case of a non-resident owner, such owner shall in writing require the assessor to assess him alone for such property. But the person assessed shall in all cases, unless there is a stated agreement to the contrary, have summary recourse against such owner for the amount of taxes paid.

101. Taxes may be recovered either from the owner or occupant.

102. Where more persons than one are joint tenants or tenants in common, or holders of any property, they, or any number of them, shall be assessed for the whole of such property, subject always to the provisions of Section 94 of this Ordinance, and such assessment may be levied upon any one or more of them, saving always the recourse of such persons against the remaining holders, tenants or owners.

103. Real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

104. Land held in actual use and not for purposes of sale, shall be appraised at the value which it is reasonably worth for the purposes for which it is in use.

105. Any person may be required by the assessor to deliver to him a written statement of all property for which he is liable to be assessed, with such other information as to owner, occupant, location and value or other necessary particulars as may be demanded, and if he fails to do so or knowingly makes any false statements, such person shall, upon complaint of the assessor and upon conviction before a Justice of the Peace, forfeit and pay a fine of twenty dollars, to be recovered in like manner as other penalties upon summary conviction before a Justice of the Peace.

106. The assessment roll shall be completed by the first day of April, or so soon thereafter as may be, in each year, and the assessor shall, before handing the roll over to the Secretary of the Board of Trustees, make an affidavit (which shall be inscribed upon the roll) before a Justice of the Peace, that the statements contained therein are correct to the best of his knowledge and belief, after making due enquiry in each case.

COURT OF REVISION.

107. On receipt of the assessment roll by the Secretary of the Board of Trustees, in form as hereinbefore provided, he shall file the same, and at all convenient office hours shall keep it open to the inspection of all persons resident, or owning, or in the possession of property, or in receipt of incomes within the district, for at least the space of two weeks and until the sitting of the Court of Revision.

108. As soon as the assessment roll shall have been completed and filed as hereinbefore provided, the Secretary of the Board of Trustees or the assessor shall notify in writing, by post or otherwise, every person whose name appears upon such roll and whose address is known, as follows:

SIR (OR MADAM) :—

SCHOOL DISTRICT of _____ }
day of _____ 18 _____ }

You are hereby notified that your name appears on the assessment roll of this School District for the present year as the owner (or occupant) of the following property:—(Then give description of property and assessed value.) The Board of Trustees for the district will sit as a Court of Revision as follows:—(Mention day, hour and place at which Court shall be held.) and if you consider that you have been wrongfully assessed as above stated, you will have an opportunity to make a statement of your case before the above Court.

Take notice that if you do not appear before this Court of Revision you will not be entitled to appeal from its decision to the Supreme Court of the Judicial District in which said School District is situated.

(Signed).....
Secretary Board of Trustees.

(or.....
Assessor.

To

109. The Board of Trustees shall cause to be posted up in at least five conspicuous places within the district, a notice that the assessment roll of the district for the current year has been made up, and where it may be examined, also the time and place at which the Court of Revision will be held, with a notice that such parties as do not appear before the Court of Revision will not be entitled to appeal from the decision of the Court of Revision to the Supreme Court of the Judicial District in which such School District is situated.

110. The Board of Trustees of any School District shall sit as a Court of Revision not less than fifteen or more than thirty days from the filing of the roll, and shall hear all complaints that may be entered up to the end of the day so appointed, and may adjourn from day to day until such complaints have been disposed of, but complaints entered after the day mentioned may or may not be recognized by such Court of Revision.

111. Such Court of Revision shall have power to take evidence under oath, if necessary, either on behalf of the appellant or the School District, and shall alter or amend the assessment roll as to them shall seem to be in accordance with what is just and right.

112. If a person is dissatisfied with the decision of the Court of Revision, he may appeal therefrom to a Judge of the Supreme Court. In all cases of appeals the proceedings shall be as follows:

- (1.) The person appealing shall, in person or agent, serve upon the Secretary of the School District, within eight days after the decision of the Court of Revision, a written notice of his intention to appeal to a Judge of the Supreme Court;
- (2.) The Secretary shall, immediately after the time limited for filing notice of appeals, forward a list of the same to

the Judge of the Supreme Court, usually exercising jurisdiction in the Judicial District of which such School District forms a part, or if such School District forms part of more than one Judicial District, then to the Judge whose official residence is nearest the School District ;

(3.) The Secretary shall thereupon give notice to all the parties appealed against, in the same manner as is provided for giving notice on a complaint to the Court of Revision, but in the event of failure by the Secretary to have the required service of notice in any appeal made, or to have the same made in proper time, the Judge may direct service to be made for some subsequent day upon which he may sit ;

(4.) The Secretary of the School District shall cause a conspicuous notice to be posted up in his office, or the place where the Board of Trustees holds its sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal together with the time and place at which a Court will be held to hear appeals ;

(5.) The Secretary of the School District shall be the Clerk of such Court ;

(6.) At the Court so holden, the Judge shall hear the appeals, and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that all the appeals may be determined before the first day of September ;

(7.) At the Court to be holden by the Judge, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll, passed by the Court of Revision, shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the Judge, if then given, who shall write his initials opposite any part of the said roll, in which any mistake, error or omission is corrected or supplied, and if the decision is not then given, the Secretary of the School District shall, when the same is given, forthwith alter and amend the roll, according to the same, and shall write his name opposite every such alteration or correction ;

(8.) In all such proceedings, the Judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties, whether claiming, or objecting, or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and docu-

ments, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him in the Supreme Court ;

(9.) All process or other proceedings, in, about or by way of appeal, may be entitled as follows :

“In the matter of appeal from the Court of Revision of the School District of

A. B.,.....
Appellant,
and
 C. D.,.....
Respondent.”

(10.) The cost of any proceeding before the Judge as aforesaid, shall be paid by or apportioned between the parties, in such a manner as the Judge thinks proper ; and where costs are ordered to be paid by any party, the same shall be enforced by execution, to be issued as the Judge may direct, from the Supreme Court, or in the same manner as upon an ordinary judgment for costs recovered in such Court :

(11.) The costs chargeable, or to be awarded in any case, may be the costs of witnesses and of procuring their attendance, and none other, the same to be taxed according to the allowance in the Court for such costs ; and in case where execution issues, the costs thereof as in the like Court, and of enforcing the same, may also be collected thereunder ;

(12.) The decision and judgment of the Judge shall be final and conclusive in every case adjudicated upon.

RATE OF ASSESSMENT.

113. So soon as the assessment roll has been finally revised by the Board of Trustees, as aforesaid, they shall make an estimate of the probable expenditure of the School District for the current year, and shall strike such a rate of assessment on the assessed value of the taxable property within the district, for the School they represent, as shall be sufficient to meet such probable expenditure, making due allowance for charges and probable loss in collection :

(1.) Such rate shall not exceed ten mills in each dollar of property liable to taxation for ordinary School purposes, with such additional rate per dollar as may be necessary to

meet any debenture indebtedness that may have been incurred by such School District on the terms upon which it was incurred.

COLLECTION OF RATES.

114. The Board of Trustees shall cause to be made out a collector's roll for the District, on which shall be set down the name of every person assessed, the assessed value of his real and personal property, and the amount with which such person is chargeable, according to the rate of taxation struck in respect of sums ordered to be levied by the Board of Trustees, with any other particulars that may be necessary, and such roll shall be placed in the hands of the Treasurer for collection.

115. As soon as the Treasurer shall have received the collector's roll he shall remit or cause to be remitted, by mail or otherwise, to each person whose name appears upon it as assessed for taxes, a notice in the following form :

School District of _____ day of _____ 18__

SIR (or MADAM).—You are hereby notified that you are assessed on the assessment roll of this district for the following properties : *(here give description and assessed value)* the taxes on which, at the rate of _____ on the dollar, amounts to _____, and arrears to the amount of _____.

If the above amount is not paid to the undersigned within thirty days from the date of this notice, action to recover, as provided by Law, will be taken.

.....
Treasurer.

To.....

116. The Treasurer shall give receipts on behalf of the School District for all taxes paid to him, and shall enter the fact of such payment, with the date, on the collector's roll.

117. As soon as judgment has been given in the case of an assessment appealed to the Supreme Court, the Trustees shall alter, amend or erase from the assessment and collector's rolls in accordance with such decision.

118. The Treasurer shall notify the Board of Trustees from time to time, the names of persons who fail to pay the taxes assessed against them, and the Board of Trustees shall take, or authorize to be taken, such action for the collection of such taxes as is hereinafter provided in this Ordinance.

119. In case any person fails to pay the taxes assessed against him, during the thirty days of notice, provided in section 115 of this Ordinance, the Treasurer may, by himself or his agent, levy the same with costs, by distress of the goods and chattels of the person against whom the same is assessed, situated within the School District, or of any goods or chattels found upon the premises assessed, the property of or in the possession of any other occupant of the premises, and the costs chargeable shall be those payable to Sheriffs.

120. The Treasurer shall by advertisement, posted up in at least three public places in the School District, wherein the sale of goods and chattels distrained is to be made, give at least six days public notice of the time and place of such sale and of the name of the person in payment of whose taxes the property is to be sold, and, at the time named in the notice, the Treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes assessed, with all lawful costs up to the close of sale.

121. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, it shall be returned to the person in whose possession the property was when the distress was made.

[1.] If any such claim is made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant;

[2.] If the claim is contested, such surplus money shall be paid over by the treasurer of the district to the Clerk of the Supreme Court within whose jurisdiction such School is situated, who shall retain the same until the respective rights of the parties have been determined by action at Law or otherwise.

122. If the taxes payable by any person cannot be recovered in any special manner provided by this Ordinance, they may be recovered, with interests and costs, as a debt due to the School District, in which case the production of the collector's roll or a copy of so much thereof as relates to

the taxes payable by such person, certified as a true copy by the Secretary of the School District, shall be *prima facie* evidence of the debt.

123. The Treasurer shall, on or before the first day of December in each year, return the collector's roll to the Secretary of the Board of Trustees, with an account of all moneys received by him, accompanied by an affidavit, made before a Justice of the Peace, that the collection and other proceedings have been taken in accordance with the terms of this Ordinance, and that all the returns contained therein are correct.

124. The treasurer shall at the same time make a return certified by affidavit, as provided in the next preceding section, of all property upon which the taxes, or any portion thereof, remain unpaid, and the reason of the failure of such payment.

[1.] A copy of such return shall be kept on file by the Secretary of the School District, and shall be open to inspection of the ratepayers of the district or their agents.

125. The taxes accrued on any land or property shall be a special lien upon such land or property having preference over any claim, lien, privilege or incumbrance of any party, except the Crown, and shall not require registration to preserve it, and shall bear interest at the rate of 5 per cent., from the time of the return of the collector's roll to the Secretary.

126. Such accrued taxes shall be entered upon the assessment roll of the district against such property from year to year, and shall be held to be payable, if not otherwise collected, at the same time and in the same manner as the ordinary taxes of the year.

127. Whenever the Treasurer is satisfied, or is notified by the Board of Trustees, that there is sufficient distress upon any real property within the district which is in arrears for taxes, he shall proceed to levy the amount due in the manner and under the same provisions as are contained in section 119 of this Ordinance.

128. When a portion of the tax on any land has been due for more than two years, preceding the current year, the Secretary shall prepare a list, to be headed "List of Lands to be sold for Taxes," which shall be in duplicate, of all the lands against which arrears of taxes remain unpaid, showing the amount of such arrears against each lot, parcel or sub-division, and all other lawful charges standing against such land on account of such arrears of taxes, and the Secretary shall certify to the correctness of such lists. One of said lists shall be delivered to the Treasurer of the School District, with a warrant thereto annexed, signed by the Chairman, commanding such Treasurer to levy and collect such arrears with costs.

129. The Treasurer shall endorse on such list the date of the receipt thereof by him, and give a receipt therefor to the Secretary; and thereafter the collection of such arrears shall belong to the Treasurer alone, and he shall receive payment of such arrears in whole; in no case shall he receive a part thereof, unless satisfactory proof be produced of previous payment, or that an erroneous charge has been made in whole or in part, and a resolution of the Trustees authorizing him so to do, and he shall give a receipt for such payment, specifying the amount, for what years, the description of the lot or parcel of land, and the date of payment.

130. The Treasurer shall cause to be published in the weekly newspaper published nearest the School District, in three consecutive issues of the same, a copy of said list, with a notice stating when and where the said lands are to be sold, and shall cause to be posted up in at least five conspicuous places in the School District (one of which shall be the Post Office nearest to the District) similar copies of the said list and notice;

(1.) The Treasurer shall also cause to be published in the North-West Territories Gazette, during every issue of the same, from the date of the first publication in the newspaper above mentioned to the date of sale, a notice in the following form:

NOTICE.

Notice is hereby given that on the _____ day of _____ at the hour of _____ at (give name of place in particular) there will be offered for sale by public auction, in accordance with the terms and provisions

of the School Ordinance of the North-West Territories, providing for the sale of lands for arrears of School Taxes, certain lands situated in (give name of School District), particulars regarding which lands may be found in the issues of (give name, date and place of issue of newspaper).

.....
Treasurer.

131. The Treasurer shall, within one month after the last publication of the sale, as hereinbefore provided proceed to sell the lands by public auction, and the lands shall be offered for sale in lots or parcels, as the case may be, against which the arrears of taxes, together with costs and charges, stand.

132. Where the title to any land sold for arrears of taxes is in the Crown, the deed therefor, in whatever form given, shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognize or admit that any person possesses under any color of right whatever; and the School District on whose behalf any land shall be sold for arrears of taxes as aforesaid, shall, in case of any such sale being declared invalid, be liable only for the purchase money actually paid therefor to the School District, and interest thereon as for damages or otherwise.

133. It shall not be the duty of the Treasurer to make enquiry before effecting the sale of land for taxes, to ascertain whether or not there is any distress on the land, nor shall he be bound to enquire into nor form any opinion of the value of the land.

134. The Treasurer shall offer each lot or parcel of land separately, and shall state the whole amount due on said lot or parcel, and shall sell the whole or so much as is necessary to the party who pays the whole of the amount due on account of said arrears, costs and charges.

135. The land adjudged to be sold by the Treasurer under this Ordinance shall be, commencing at the southeast corner, and shall conform as nearly as may be to the shape and number of acres in the lot or parcel of land offered for sale and shall include the buildings or other improvements thereon, and when the land has been sub-divided into lots, if the whole lot is not sold, the amount adjudged to be

sold shall be a strip of the whole southerly side of said lot, and shall include the buildings or other improvements thereon.

136. All sales of lands for taxes shall take place and be holden within the limits of the School District, where the land to be sold is situated, unless otherwise directed by the Lieutenant-Governor, in Council.

137. The owner or agent of any land may pay the arrears with costs and charges against the same, at any time before the same are sold.

138. The Treasurer may adjourn the sale from time to time, but at the time of such adjournment shall publicly state at what time the sale shall be resumed.

139. If the purchaser of any land fails immediately to pay the arrears, costs and charges against any land, the Treasurer shall forthwith put up the property for sale.

140. The Treasurer, after selling any lands for taxes shall give a certificate under his hand to the purchaser, stating what part of the land has been sold, describing the same as in notice of sale, the quantity sold, the sum for which it has been sold, and further stating that the land so sold will be conveyed by the Treasurer to the purchaser or his assigns, on his or their demand, at any time after two years if the same be not previously redeemed.

141. The purchaser shall, on receipt of the Treasurer's certificate, become the owner of the land, so far as to have all the necessary rights of action and powers for protecting the same from spoliation or waste until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber upon the land or otherwise injure the land, nor shall he do so himself, but he may use the land himself without deteriorating its value, provided that the purchaser shall not be liable for damage done to the property without his knowledge.

142. The owner, or his agent appointed by him in writing, may redeem any land sold by the Treasurer for arrears of taxes at any time after the sale thereof and before the ex-

piration of two years, by paying to him the full amount for which the land was sold and interest thereon at the rate of twenty per centum per annum, to be computed from the date of sale, and an additional commission to the Treasurer of two and one-half per cent.

143. From and after the payment to the Treasurer of the amount of redemption money as aforesaid, the purchaser shall cease to have any further rights in or to the lands in question.

144. The purchaser shall be entitled to receive the full amount of purchase money from the Treasurer for the land so redeemed, together with interest to be computed at the rate of twenty per cent. per annum, from the date of the certificate given to him by the Treasurer to the date of the redemption.

145. If the land be not redeemed within the period allowed for its redemption, being two years from the date of sale, exclusive of that day, then on demand of the purchaser of his assigns or other legal representatives at any time afterwards and on payment of two dollars, the Treasurer shall prepare and execute and deliver to him or them a deed in duplicate of the land sold.

146. Such deed shall be in the form, or to the same effect, as in Form G in Schedule annexed hereto, and shall state the date and cause of sale and the price, and shall describe the land according to the description in the certificate, and such deed shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives in fee simple, and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrears or any error in describing the land.

INCURRING DEBT.

147. Should it appear desirable to the Board of Trustees of any School District that a sum of money should be borrowed upon security of the District for the purchase of a School site or for the erection, purchase or improvement of a School building or buildings or for furnishing the same or for the purchase of suitable play grounds for the children

attending the School or Schools of the District, they shall pass a by-law to that effect, as per Form H in Schedule annexed hereto, or to the like effect, and before proceeding to borrow such sum of money, shall receive the sanction of a majority of the votes of the ratepayers of the School or Schools by taking a vote thereon as hereinafter provided; provided always, that this Section, as revised, shall relate back and take effect from and after the day of the passing of "The School Ordinance of 1884," 6th August, 1884.

148. The Board of Trustees shall give notice, as per Form I in the Schedule annexed hereto, or to the like effect, of the polling, by notices displayed in at least ten conspicuous places throughout the district, at least twenty days before the polling.

149. A certified copy of the notice of polling shall be forwarded forthwith to the Lieutenant-Governor by the Secretary of the Board of Trustees.

150. The Chairman of the Board of Trustees shall be Returning Officer, and shall act as hereinafter provided.

151. The Returning Officer shall:

(1.) Provide himself with a book, suitably ruled and headed for the purpose of recording the vote cast, in which shall appear, in separate columns, but in one line, the name and sex of each voter, the description of the property voted upon, remarks, whether voter was sworn or refused to be sworn, and the vote cast, whether "yea" or "nay" to the purpose specified in the notice of voting;

[2] Keep posted in a conspicuous place at the place of polling, a copy of the notice of voting;

[3.] Appear at the place on the day and at the hour mentioned in the notice of voting, and continue there during the hours mentioned in such notice;

[4.] Question, either personally or by an interpreter, in the voter's own language, if necessary, every person presenting himself or herself to vote, as to name and location, or description of property, and record the answers given in the poll book;

[5.] If required by any person present or of his own accord, if deemed advisable, administer the following oath, which shall express the qualification of voters:

I, _____ do solemnly swear that I am a *bona fide* resident ratepayer of *(give name of district in full)*; that I am of the full age of twenty-one years; that I am not an unenfranchised Indian; that I have not before voted at this election, and that I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God.

(6.) If the voter is not required to be sworn, or if he takes the oath when required, ask him in an audible voice in the language spoken by him (either personally or through an interpreter) whether he votes for or against the purpose expressed in the notices of voting, and record his answer in the column headed "yea" or "nay" according to the expressed wish of such voter;

[7.] Admit any two persons who have respectively voted "yea" or "nay" into the polling place, to act as scrutineers, and on demand, allow either or both of them to see any vote recorded in the book;

[8.] At the hour appointed in the notice of voting, sum up the votes cast and declare the result;

[9.] In the case of a tie after the final recount, give a casting vote;

[10.] Announce the day, being within seven days of the day of voting, when, and the place where he will appear before a Justice of the Peace for a final recount of votes, and when all complaints against the conduct or result of the voting will be heard.

152. On appearing before a Justice of the Peace at the time and place appointed, the Returning Officer shall place in the hands of such Justice the poll-book used by him at the poll, and shall make an affidavit before the Justice which shall be inscribed upon such book, that the election has been conducted throughout in the manner provided by this Ordinance (or with such exceptions as he shall mention) and that the returns contained therein are correct.

[1.] The Justice shall then receive and record in writing any complaint that may be made under oath by any parties relative to the conduct of the voting, and shall examine into and decide such complaints by taking evidence under oath.

153. Before proceeding to the hearing of any complaint, the Justice shall require the complainant to deposit with him such sum, not being less than twenty-five nor more than one hundred dollars, as may seem necessary to him to cover the costs of the hearing of the complaint, which costs shall be paid according to the decision of such Justice.

154. The decisions of the Justice shall be as follows :

[1.] If it be found that the proceedings in taking the vote have been irregular in any essential particulars and that injustice has thereby been done, it shall be declared of no effect, and the Justice shall forthwith forward to the Lieutenant-Governor a full report to that effect ;

[2.] If it be found that any vote has been cast by any person not duly qualified to vote, or on account of bribery or intimidation, it shall be struck off the poll book.

155. When all complaints have been heard and decided upon and the corresponding alterations duly made in the poll book, the Justice shall finally sum up the votes cast and shall forward to the Lieutenant-Governor a return, as per Form J in schedule annexed hereto, or to the like effect, showing the total number of votes taken, and the number remaining on each side after the recount.

156. If it is desired to appeal from the decision of the Justice, such appeal must be made in the manner provided in Chapter 178 of the Revised Statutes of Canada, Sec. 77.

157. Upon receipt of the return mentioned in Section 155, and upon being satisfied that the several conditions required by this Ordinance, have been complied with, the Lieutenant-Governor shall, in writing, empower the Trustees to borrow the sum or sums of money mentioned in the by-law, and shall publish the same in the Official Gazette of the Territories : and the assent of the Lieutenant-Governor, published as aforesaid, to any such loan, shall be conclusive evidence that all the necessary formalities have been complied with, and that such loan is one which such School District may lawfully make.

158. All money borrowed under this Ordinance shall be borrowed by debenture, except as hereinbefore provided by this Ordinance.

(1.) The total face value of the debentures issued shall not be for a greater sum than one tenth of the total assessed value of the real and personal property within the District, according to the last finally revised assessment roll of the District ;

(2.) Debentures shall not run for a longer term than twenty years if the School buildings be built of brick, con-

crete or stone, and shall not run for a longer term than ten years if the buildings be of frame or log;

(3.) Debentures shall be in the form following, or to the like effect:

(Give full corporate name of School) \$..... Debenture No.....
 The Trustees of (give full corporate name) promise to pay the bearer, at the
 of at the sum
 of dollars of lawful money of Canada, in
 of equal annual instalments from the date hereof, with interest at the rate
 of per cent. per annum on the terms and in the amounts specified in th
 coupons attached hereto.

(Signed)

.....
 Chairman [or Acting Chairman]

.....
 Trustee.

Dated this day of 18....

(Coupons.)

Coupon No.....
 Debenture No.....
 The Board of School Trustees of
 will pay to the bearer at the bank at on the dollars;
 day of 18 the sum of payment with the total interest
 being the per cent. per annum due on that day on School Debenture
 at the rate of
 No.....

(Signed)

.....
 Chairman [or Acting Chairman.]

.....
 Trustee.

[4.] Debentures shall not carry interest at a greater rate than eight per cent. per annum.

159. The Trustees of any School District having received notice from the Lieutenant-Governor, authorizing them to contract a loan as hereinbefore provided, shall issue debentures therefor in the form set forth in sub-section 3 of the next preceding section to secure the amount of the principal and interest of such loan upon the terms specified in the by-law before mentioned, and said debentures and the coupons thereof shall be sufficient, when signed by two of the Trustees of the School District to bind such School District and to create a charge of lien against all School property and rates in the School District for which such loan is made.

160. All debentures shall, on redemption, be marked "cancelled" and signed by the Secretary of the Board of Trustees across the face thereof.

161. All debentures before being issued, shall be sent for registration to the Secretary of the Board of Education, who shall keep a book in which shall appear :

[1.] The name and number of each School District issuing debentures ;

[2.] The amount of debenture indebtedness incurred by such District from time to time ;

[3.] The purpose for which the indebtedness was incurred, with particulars of the amount for each specific purpose ;

[4. The date of redemption of each debenture.

TEACHERS' CERTIFICATES.

162. No certificate shall be given to any person as a Teacher who does not furnish satisfactory proof of good moral character.

163. Every Teacher's certificate of qualification shall have the signature of a member of the Board of Education, and be registered by the Secretary of the Board.

164. Provisional certificates shall only remain in force for one year from the date of issue, but shall lapse sooner if the holder shall fail to pass the examination for a third class certificate held during the year.

ANNUAL SCHOOL MEETING.

165. An annual meeting of the ratepayers of every School District shall be called by the Chairman of the Board of Trustees for the first Thursday of January in each year, or such other day not later than the Saturday following, as may be expedient, by public notice, giving the day, place and hour of meeting, and such notice shall be posted in five conspicuous places within the district eight days before the day for which the meeting is called.

166. The Chairman of the Board of Trustees shall be Chairman of the meeting, and the Secretary of the School District shall record the minutes thereof.

167. There shall at such meeting be submitted in writing by the Board of Trustees and read to the meeting :

(1.) By the Secretary thereof, a statement of the teacher and signed by him giving the following particulars :

[a.] The number of days on which School was kept open during each term succeeding the last annual meeting ;

[b.] The total number of children attending School during that period, specifying the number of males and females respectively ;

[c.] The average daily attendance during each term ;

[d.] The branches of education taught in the School and the number of children studying each ;

[e.] The number of dismissals of scholars for misbehavior or other causes ;

[f.] The report of the Inspector on the occasion of his last inspection of the School.

(2.) By the Secretary of the Board of Trustees and signed by him, a statement showing :

[a.] The names of the Trustees ;

[b.] The vacancies created in the Board during the year, if any, giving the reasons therefor with an account of the elections held to fill such vacancies and the results thereof ;

[c.] The engagements entered into during the year by the Board as well as an account of those entailed upon them by their predecessors :

[d.] The amount of assessable property in the District according to the last finally revised assessment roll ;

[e.] Rate of School tax per dollar ;

[f.] Rate of tax per dollar to pay off debenture indebtedness ;

[g.] The appeals against assessment made to the Supreme Court and the result of such appeals ;

[h.] The times of holding regular meetings of the Board of Trustees during the year, and the resolutions adopted at such meetings, with such particulars of the minutes as may be demanded by any ratepayer present :

[i.] Particulars of the real and personal property held in the District.

(3.) By the Treasurer of the School District and signed by him, a statement showing :

[a.] The amount of money received by the District from all sources during the year, with particulars ;

[b.] The amounts accruing to the School District funds of the past year on account of Government grants.

[c.] The amount of money due the District from all sources with particulars :

[d.] The amount of money paid out by the District during the year with the particulars of payment ;

(e.) The amount, if any due by the District, to whom due, and the terms and time of payment ;

(4.) By the Board of Trustees, and signed by the Chairman, such statement in regard to the past, present and future of the District, as they may deem sufficient.

DEFERRED SCHOOL MEETINGS.

168. In case, from want of proper notice or other cause, any first or other School meeting, required to be held under this Ordinance, was not held at the proper time, any two resident ratepayers of the School District may, within thirty days after the time at which the meeting should have been held, call a School meeting, by giving eight days notice, to be posted in at least three of the most public places in the School District, and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

MISCELLANEOUS.

169. The fiscal School year shall commence on the first day of January in each year, and all accounts opened during the preceding fiscal year shall, if possible, be closed at that date.

170. All School Districts heretofore established are hereby continued under and subject to the provisions of this Ordinance.

171. The Board of Education shall cause to be printed and kept on hand such forms as they may deem necessary in the carrying out of this Ordinance, and supply the same to parties interested, upon application, at cost price.

172. Public notices put up in accordance with this Ordinance may be either printed or written, and unless otherwise provided, the Trustees shall post up, within the District at least five such notices, not less than eight days prior to the holding of all public meetings.

173. All declarations and affidavits provided by this Ordinance may be made either before a Justice of the Peace or a Notary Public.

174. All School meetings, after the first, shall be called by the respective Boards of Trustees, except as otherwise provided by this Ordinance.

175. The Lieutenant-Governor may, whenever he thinks it desirable in the public interest to do so, appoint a Commissioner to examine into and report to him upon the condition of any one or more Schools, and such Commissioner shall have the powers of a School Inspector for such purpose. Pending any such investigation, no public money shall be paid to such School or Schools.

176. In cases where it is provided in this Ordinance that Forms in the Schedule annexed hereto are to be used, such Forms shall be followed as near as may be or as the circumstances will admit.

UNION SCHOOLS.

177. To Schools in which the daily average attendance is not less than sixty pupils, when not less than three Teachers are employed, and when not less than fifteen pupils, in regular attendance at any one such School, have passed the examination prescribed by the Board of Education for entrance to the High School Branch of such Schools, a grant of \$350 in addition to the grants to which the School is otherwise entitled, may be made annually to such School for a High School Teacher, provided the certificates held by such Teacher are approved by the Board of Education; provided always, that in any two adjacent School Districts jointly fulfilling the above requirements, a "Union School" may be established in either District, at the discretion and under the management of the Trustees of both Districts.

178. The Board of Education shall prescribe a course of studies for use in the High School Branch of such Schools and it shall be obligatory on the part of the Trustees of such Schools to provide suitable accommodation and all necessary School apparatus for the use of the pupils.

179. The Board of Education may, under regulations prescribed by them, authorize the establishment of a Normal Department in any such Schools, and the Trustees of any such School shall thereupon establish such Normal Department.

180. Such Schools shall be known as "Union Schools."

COMPULSORY EDUCATION.

181. In every School District where there are at least fifteen children of School age, resident within a radius of one mile and a half from the School House, it shall be compulsory for the Trustees of such District to keep the School open the whole year.

182. In every School District where there are at least ten children of School age, it shall be compulsory for the Trustees of such District to have their School in operation at least six months in every year.

183. Every parent, guardian or other person, resident in a School District, having control of any child or children, between the ages of seven and twelve years, shall be required to send such child or children to School for a period of at least twelve weeks in each year, at least six weeks of which time shall be consecutive; and any parent, guardian or other person who does not provide that every such child under his or her care shall attend School, or be otherwise educated, shall be subject to the penalties hereinafter provided by this Ordinance.

184. It shall be the duty of the Trustees of every School District, or any person authorised by them, after being notified that any parent, guardian, or other person, having control of any child or children, neglects or violates the the provisions of the next preceding Section, to make complaint of such neglect or violation to a Justice of the Peace, and it shall be competent for any such Justice of the Peace to investigate or decide in a summary manner upon any such complaint, and to impose a fine not exceeding one dollar for the first offence, and double that penalty for each subsequent offence.

185. It shall be the duty of the Justice of the Peace to ascertain, as far as may be, the circumstances of any party complained of for not sending his or her child or children to School, or otherwise educating him or them; and he shall accept any of the following as a reasonable excuse:

(1.) That the child is under instruction in some other satisfactory manner;

(2.) That the child has been prevented from attending School by sickness, or any unavoidable cause;

(3.) That there is no School open, which the child can attend, within such distance, not exceeding two and one half miles, measured according to the nearest passable road from the residence of such child;

(4.) That such child has reached a standard of education of the same or of a greater degree than that to be attained in the School of the School District within which such child resides;

(5.) That such parent or guardian was not able, by reason of poverty, to clothe such child properly, or that such child's bodily or mental condition has been such as to prevent his or her attendance at School or application to study for the period required.

APPENDIX.

FORM A.

(Vide Sections 23, 27 and 39.)

NOTICE.

All parties are hereby notified that the undersigned committee have petitioned the Lieutenant-Governor for the erection of (*give name in full*) School District within the following limits, that is to say (*define limits*) and the Lieutenant-Governor having approved of said limits, we hereby call a meeting of the School ratepayers (*or in the case of a petition for the erection of a Separate School District, Protestant or Roman Catholic School Ratepayers, as the case may be*) within these limits to decide whether such petition shall be granted or not, to be held on the day of _____ at _____ from 12 o'clock noon till 4 p.m. and to elect three School Trustees. The qualifications of voters is expressed in the following oath, which persons desiring to vote must take, if required :—“ You do solemnly swear that your name is (*mention name given by proposed voter*); that you are a *bona fide* ratepayer within the limits of the proposed School District; that you are of the full age of twenty-one years; that you are not an unenfranchised Indian; (*and in case of a Separate School District*); that you are a Protestant or a Roman Catholic, (*as the case may be*); that you have not received any corrupt reward and have no hope or expectation of receiving any such reward for voting at this time and place.”

Of which all persons interested are hereby required to take notice and govern themselves accordingly.

A. B.	} School Committee.
C. D.	
E. F.	

FORM B.

(Vide Sub-section (2) of Section 48.)

FORM OF AGREEMENT BETWEEN TRUSTEES AND TEACHER.

We, the undersigned Trustees of (*here insert name of School District or Separate School District, in full*), have chosen _____ who holds a _____ class Certificate of qualification, to be a Teacher in the said District; and we do hereby contract with and employ such Teacher at the rate of _____ per annum (*or as the case may be*), from and after the date hereof, and we do further bind and oblige ourselves and our successors in office faithfully to collect and pay the said Teacher, during the continuance of this agreement, the sum or sums for which we hereby become bound. And the said Teacher hereby contracts with the Trustees hereinafter named and their successors in office, and binds himself to teach and conduct the School of said District (*or Separate School, as the case may be,*) according to the provisions of the School

Ordinance and the Regulations of the Board of Education in force under its authority.

This agreement shall continue in force from the date hereof, unless the Certificate of the said Teacher should in the meantime be revoked, and shall not include any teaching on Saturdays or on other lawful holidays or vacations decided on, *e.g.*

All such holidays and vacations being at the absolute disposal of the Teacher, without any deduction from his salary whatever.

} Trustees.

Dated this _____ day of _____, Teacher.
A. D. 18 _____

FORM C.

(*Vide* Section 52.)

FORM OF CONCURRENCE IN RESIGNATION OF TRUSTEES.

A. B., our colleague, as Trustee of (*here insert name of School District in full*), having intimated his desire to us to resign his office as such Trustee, we the undersigned remaining Trustees of said School do hereby consent to his resignation, as authorized by Section 52 of the School Ordinance, such resignation to take effect on the election of his successor at a meeting of the ratepayers of said School District called by us and to be held on the _____ day of

18

C. D. } Remaining Trustees.
E. F. }

Dated this _____ day of _____ 18 _____

[Note.] To be given to the retiring Trustee for presentation to the Chairman of the School meeting called as above.

FORM D.

(*Vide* Section 63.)

FORM OF BOND TO BE GIVEN BY TREASURER.

Know all men by these presents :

That A. B., Treasurer of (*here insert name of School in full*), C. D., of _____ and E. T., of _____ are held and firmly bound unto the Trustees of the said School or to their successors, in the penal sum of _____ dollars, to be well and truly paid to the said Trustees, or their successors, for which payment we bind ourselves and each of us respectively binds himself and his respective heirs, executors and administrators, firmly by these presents.

Sealed with our respective seals, and Dated this
 day of _____ 18 _____

The condition of the above Bond or Obligation is such that if the
 above bounden _____ his heirs, executors, or adminis-
 trators, do and shall well and truly account for and remit all moneys
 belonging to such Corporation coming into his hands to the Corporation
 of the School Trustees of (*here insert name of School District in full*) with
 out any deduction, defalcation or abatement whatsoever, then the said
 bond or obligation to be void, otherwise to be, and to remain in full
 force and virtue.

Signed, sealed, etc., etc.

FORM E.

(*Vide* Sub-section 1 of 63.)

I hereby certify that _____ has this day,
 as Treasurer of (*give name and number of School District*) for the Term
 ending _____ day of _____ entered into a Bond
 in the sum of _____ dollars, with _____ and
 as his sureties, in the sum of _____ dollars each.

J. P.

Dated at _____ this _____ day of _____

FORM F.

(*Vide* Section 91.)

I, _____ Treasurer of (give name and No. of District)
 do hereby declare as follows:—

(1.) That the name (or names) of the Teacher (or Teachers) and the
 class (or classes) of Certificate (or Certificates) approved by the Board
 of Education held by him (or them) are as follows:—

	Name.	Class.
Principal.....		
1st Assistant.....		
2nd do.....		
3rd do.....		

(2.) That the salaries paid such Teachers are as follows:—

	\$	per month.
Principal	\$	
1st Assistant	\$	" "
2nd do.	\$	" "
3rd do.	\$	" "

(3.) That I have examined the School Register (or Registers) of the
 School of this District and find: ..

(a.) That the School has been kept open _____ days during the
 quarter ending _____

(b.) That the number of pupils in attendance during the quarter (per register) was

(c.) That the daily average attendance of pupils during the said quarter was

And I make this declaration conscientiously believing the same to be true, and by Virtue of the "Act Respecting Extra Judicial Oaths."

Declared before me at
 this
 day of 18
 J.P.

Treasurer.

P.O. Address.

FORM G.

(Vide Section 146.)

To all to whom these presents shall come, I
 , of , in the North-West Territories,
 Treasurer of (here give name of School District) send greeting.

Whereas, by virtue of authority vested in me by the School Ordinance I did on the day of in the year of Our Lord one thousand eight hundred and , sell by public auction, the land hereinafter mentioned for arrears of taxes and costs and charges thereon to , of , in the at and for the price and sum of lawful money of Canada on account of the arrears of taxes alleged to be due thereon, up to the day of eighty , together with costs.

Now know ye that I, , the said Treasurer in pursuance of such sale and of the School Ordinance and for the consideration aforesaid, do hereby grant, bargain and sell unto the said of in the his heirs and assigns all that certain parcel and tract of lands and premises, containing being composed (*describe the land so that the same can be readily identified.*)

In Witness whereof I, the said Treasurer, have hereto set my hand and affixed the corporate seal of the said District this the day of in the year of our Lord, one thousand eight hundred and

(Signed)

Treasurer,

(Seal.)

FORM H.

(Vide Section 147.)

BY-LAW No.

A By-Law relating to the issue of Debentures of the (give full corporate name of School District.)

Whereas it is necessary and desirable that the sum of _____ dollars should be borrowed on the security of the (give full name of District,) for the purpose of _____ repayable to the bearer, with interest at _____ per centum per annum, in _____ equal consecutive annual instalments;

Now, therefore, the Board of Trustees of the said School District enact as follows :

1. That the necessary notices be given, and proceedings had, under "The School Ordinance" for receiving the sanction of the ratepayers of the said School District to the loan and the issue of Debentures therefor, and that the voting thereon shall take place at

on _____ the _____ day of _____ 18 _____, pursuant to the provisions of said Ordinance.

2. That if the said sanction be obtained, and the Lieutenant-Governor shall empower, in writing, the said Board of Trustees to borrow the said sum, pursuant to said Ordinance, then Debentures of the said District will be issued, payable to the Bearer, in equal consecutive annual instalments, with interest at _____ per centum per annum, and shall be executed by the Chairman and one member of this Board of Trustees.

Done and Passed at _____ of _____ this _____ day of _____ A.D. 18 _____

 Chairman.
 } Trustees.
 (SEAL.)

FORM I.

(Vide Section 148.)

PUBLIC NOTICE.

By the Trustees of the (*give full Corporate name of School District.*)

Whereas it is deemed expedient by the Trustees of the (*give full name of the District,*) that the sum of dollars should be borrowed on the security of the said School District by the issue of Debentures repayable to the Bearer in equal consecutive annual instalments, from the issue thereof, with interest at the rate of per centum per annum, for the following purposes namely:—

Therefore, notice is hereby given, by the Trustees of said District, that a poll will be opened by the undersigned, Chairman of the said Trustees, at the on the day of 18 , at the hour of Ten o'clock, a.m., and will continue open until Four o'clock, p.m. of the same day, when the votes of those duly qualified to vote thereon will be taken for or against raising the said sum of dollars by way of a loan on the security of the said School District as hereinbefore set forth.

The qualification of voters is expressed in the following oath, which persons desiring to vote, must take, if required:—“ I, A B., do solemnly swear that I am a *bona fide* resident ratepayer of the (*name of School District*); that I am of the full age of twenty-one years; that I am not an unenfranchised Indian, that I have not voted before at this election, and I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God ”

Of which all persons interested are hereby notified, and are required to govern themselves accordingly.

Chairman.

} Trustees

Dated at
this day of 18

FORM J.

(Vide Section 155.)

I, the undersigned Justice of the Peace (or Notary Public, as the case may be,) in and for the North-West Territories, having received the Poll Book used to record the votes taken at the meeting held in the (*give name of School District in full*) on the day of 18 , in connection with the issue of Debentures on the security of the said District, and having heard all complaints relative to the conduct of the voting, beg leave to submit the following return of the votes:—

Total No. of Votes Taken.		No. of Votes on Each Side after the Recount.	
FOR.	AGAINST.	FOR.	AGAINST.

J. P. or N. P.

Dated at
 this day of 18

CHAPTER 62.

AN ORDINANCE RESPECTING JURIES.

Qualifications and Exemptions, ss. 1, 2, 3.	Summoning Jurors, ss. 10, 11, 12.
Sheriff to furnish lists of persons qualified, s. 4.	Penalty for non-attendance, s. 13.
Striking panels for Civil causes, ss. 5, 6, 7.	Mode of levying penalty, s. 14.
Striking panels for Criminal trials, ss. 8, 9.	Calling Juries, ss. 15, 16.
	Special Juries, ss. 17, 18.
	Sheriff's fees, s. 19.
	When Ordinance to take effect, s. 20.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. Subject to the exemptions hereinafter mentioned, all male British Subjects over twenty-one and under sixty years of age, shall be qualified to serve as Jurors in cases tried by jury in the Judicial District in which they reside.

2. The following persons are exempt from serving as jurors :

Ministers of Religion ;

Members of the Legislative Assembly and Officers thereof ;

Members of the North-West Mounted Police ;

Practising Advocates ;

Medical Practitioners ;

All salaried officials of the Dominion and North-West Governments ;

Licensed Ferry-men and School Teachers, while so employed ;

All persons employed in the running of railway trains.

Telegraph Operators, while so employed.

3. No person shall be called upon to serve as a Juror more than once in two years, unless there shall not be a sufficient number of qualified persons to serve as Jurors residing within the requisite distance of the place of trial as hereinafter mentioned.

4. The Sheriff of each Judicial District, whenever required so to do by a Judge of the Supreme Court, shall furnish the Clerk of the said Court in such Judicial District with a revised list containing in appropriate columns the names, residences and occupations of all persons within the said District qualified to serve as Jurors.

5. Whenever an order has been made for the trial by Jury of issues of fact in any civil cause, the Clerk shall make out from the last revised list of persons qualified to serve as Jurors in his District a special list containing the names, residences and occupations of all such persons, whose residences do not exceed twenty miles from the place fixed by the order for holding such trial, and shall produce the same before the Judge in Chambers at such time as he may appoint; provided always, that whenever the number of qualified persons to serve as Jurors within the distance aforesaid, is less than twenty-four, the names of any other qualified persons residing outside of such distance and nearest to the place of trial shall be added to the special list so as to bring the number up to twenty-four; but if the number of names on such list exceeds twenty-four, the Clerk, in the presence of the Judge, shall draw from the said list by ballot twenty-four names; and the said list, so increased or reduced to twenty-four names, shall be a special list from which the panel to form the Jury in the case is to be struck as hereinafter provided.

6. The Judge shall thereupon appoint a day and an hour at his Chambers for striking the panel, one day's notice whereof shall be given by the Clerk to the parties interested.

7. Each party to the suit attending the striking of the panel shall be entitled to four peremptory challenges, by striking alternately, if both parties are present, from the special list the name of one of the persons therein designated to the requisite number of four each, the Clerk marking each name as the same is struck out; and the Clerk shall then strike off, from the top and foot alternately of said list, all unchallenged names, except twelve, which shall constitute the panel to be summoned.

8. Whenever for the trial of any person, charged with a criminal offence, a Jury is required, the Clerk on receiving

notice from the Judge of the fact shall prepare a special list and produce it before the Judge in Chambers as required in civil matters.

9. On the production of such special list, the Clerk, in the presence of the Judge, shall strike off, from such special list by ballot, the names singly, until the number be reduced to eighteen, which number shall form the Jury panel for the trial.

10. As soon as the panel is formed in the manner herein before prescribed, the Clerk shall issue out of Court and deliver to the party applying for it in civil cases, but to the Sheriff in criminal cases, a precept in Form A appended to this Ordinance directed to and commanding the Sheriff to summon the persons, whose names comprise the panel.

11. Upon receipt of the precept the Sheriff shall execute the same by summoning the persons named therein; such service to be effected by delivering to each person or leaving with a grown-up member of his household, a reasonable time before the date of the trial, a written or printed summons as in Form B appended to this Ordinance.

12. The Sheriff, on or before the opening of the Court at the time set for the trial, shall deliver to the Court the precept with a return showing his action thereon.

13. Every person summoned to serve as a Juror, who fails to obey the summons served on him or to answer to his name when called by the Clerk, shall be liable to a fine not exceeding fifty dollars, which may be immediately imposed by the Court; provided that the Court may, for good cause shown reduce or entirely remit such penalty.

14. All fines for non-attendance of Jurors shall, if not paid forthwith, be levied, together with the Sheriff's costs and expenses as authorized for the execution of civil process, by warrant of distress issued by the Clerk, sealed with the seal of the Court directed to the Sheriff, and sale of the goods of the party fined, as provided for executing writs of execution and in default of sufficient goods and chattels such person may be imprisoned for a term not exceeding thirty days.

15. The name of every person, included in the precept to the Sheriff and summoned by him as hereinbefore provided, with his residence and occupation, shall by the Sheriff be written distinctly upon a piece of card or paper three inches in length by one and one half inches in width and the pieces of card or paper, so written upon, shall be placed in a glass or box, to be by him returned to the Clerk of the Court, with the return of the precept.

16. When the case, in which the precept has issued, is brought on to be tried, the Clerk shall in open Court cause the cards or papers to be mixed up in the said glass or box and then draw out so many of the said cards or papers, one after another, until six jurors are drawn, who, after all just causes for challenging allowed, appear as fair and indifferent and who shall be the Jury to try the issues set for trial by Jury in the case.

17. When upon the application of either party to a civil cause, the Judge orders the matters in issue to be tried by a special Jury, the Clerk, under the direction of the Judge, shall select from the last revised list of Jurors of the district, the names of twenty-four persons, who, from their station and intelligence, are considered by the Judge qualified to try the issues, and the panel shall be struck from such list and Jurors summoned as hereinbefore provided in the case of a common Jury.

18. The party, who shall apply for a special Jury, shall not only pay the fees for striking such Jury, but shall also pay all expenses occasioned by the trial of the cause by such special Jury, and shall not have any other allowance for the same upon taxation of costs than such party would be entitled to in case the cause had been tried by a common Jury, unless otherwise ordered by the Judge.

19. There shall be payable to the Sheriff, upon the certificate of a Judge, out of the General Fund of the Territories, the sum of five cents for every name added to the list of Jurors of his District.

20. This Ordinance shall come into force and take effect immediately from and after the repeal of Sections Seventy-one and Eighty-eight of the North-West Territories Act.

FORM A.

PRECEPT.

In the Supreme Court of the North-West Territories.

Judicial District of

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

To

the Sheriff of the Judicial District of

You are commanded that you cause to come before this Court on _____, the _____ day of _____ A.D. 18 _____, at Ten o'clock in the forenoon, at _____ in the _____ Territories, for the trial of _____ in the said _____

the good and lawful men of the said Territories, whose names and places of abode are given in the Schedule hereto annexed.

Given under my hand and the Seal of the said Court, at _____ in the said Territories, this _____ day of _____ A.D., 18 _____.

J. S. C.

Schedule referred to in the annexed Precept in the cause of the Queen against

Name of Juror.	Residence.	When and where served.

FORM B.

NORTH-WEST TERRITORIES.

SUMMONS FOR JURORS.

vs.

To

By virtue of a Precept, dated 18 ; to me directed,

You are hereby required and commanded to be and appear at
on , the day
of next, at the hour of o'clock in the moon,
to serve as a Juror in the above named matter.

Herein fail not at your peril.

Sheriff's Office,

18

}

Sheriff.

No. 2 of 1888.

AN ORDINANCE FOR THE ABATEMENT OF NUISANCES AND FOR THE PROTECTION OF PUBLIC HEALTH OUTSIDE MUNICIPALITIES.

[Assented to December 11th, 1888.]

Title, s. 1.	Depositing refuse prohibited, s. 3.
Interpretation "Incorporated Town," s. 2.	Mode of disposal of, s. 4.
Interpretation "Nuisance," s. 2, sub-s. 1.	Swine, how to be kept, s. 5.
Interpretation "Person," s. 2, sub-s. 2.	Sink holes to be filled up, s. 6.
	Penalty, s. 7.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. This Ordinance may be cited as "The Unincorporated Towns' Ordinance."

2. For the purposes of this Ordinance, the expression "Unincorporated Town" means any portion of land, not being within a Municipality, surveyed into building lots, or any portion of land not exceeding 320 acres, on which not less than twenty buildings have been erected for residence, trade, commerce or manufacture.

(2.) The expression "nuisance" means manure, offal, refuse, ordure, or any other matter whatever, prejudicial to the public health; also excavations, wherein foul matter may accumulate, or that may be otherwise dangerous to the public; also loose material of any kind that may endanger property by catching or spreading fire.

(3.) The expression "person" means and includes any owner or occupant of any building lots, tenements or buildings, or any company, or any agent or representative of any company, having any interest in any building lots, tenements or buildings, or any one being, for the time being, within any such unincorporated town.

3. In any unincorporated town, no person shall suffer the

accumulation upon his premises, or deposit, or permit the deposit upon any lot belonging to him, of anything which may endanger the public health, or deposit upon, on, or into any street, square, lane, by-way, lake, pond, bank, river, stream, sewer or water, any manure, or other refuse, or vegetable or animal matter, or other filth or nuisance

4. Every householder and every hotel and restaurant keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle for swill and house offal, the contents of which shall, between the 15th day of May and the 1st day of November, be regularly removed at least once a week.

5. Between the 15th day of May and the 1st day of November, no swine shall be kept within the limits of any unincorporated town, except in pens seventy feet distant from any house, with floors kept free from standing water, and regularly cleansed and disinfected; nor shall any swine be permitted to run at large at any time in any unincorporated town.

6. Excavations, where foul water accumulates, shall be filled up, or, when otherwise dangerous, shall be safely covered over or fenced in.

7. Any person, contravening any of the provisions of this Ordinance, shall be guilty of an offence, and for each and every such offence, shall be liable, on summary conviction before a Justice of the Peace, to a penalty of not more than ten dollars, together with costs of prosecution.

No. 3 of 1888.

AN ORDINANCE TO ENROLL THOMAS CHRISTOPHER WEST AS AN ADVOCATE OF THE TERRITORIES.

[Assented to December 11th, 1888.]

Whereas, Thomas Christopher West has presented his petition praying that he be enrolled as an Advocate of the Territories;

And whereas, it is deemed expedient to grant the prayer of the said petition;

Therefore, be it enacted by the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, as follows:

The said Thomas Christopher West shall, upon passing the prescribed examination and paying the necessary fees, be enrolled as an Advocate of the Territories.

No. 4 of 1888.

AN ORDINANCE TO ENABLE ERNEST HARROLD SCOTT TO REGISTER AS A MEDICAL PRACTITIONER OF THE TERRITORIES.

[Assented to December 11th, 1888.]

WHEREAS, Ernest Harrold Scott has petitioned for the passing of an Ordinance to enable him to register under Ordinance No. 11 of 1885, and to confer upon him all the benefits and advantages of the said Ordinance ;

And whereas, it is expedient that the prayer of the said Petitioner be granted ;

Therefore, the Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. The said Ernest Harrold Scott shall be, and he is hereby, on his satisfactorily passing the examination mentioned in Sub-section 3 of Section 1, of Ordinance No. 11 of 1885, and upon payment by him of the proper fees, as in said Ordinance mentioned, authorized and empowered to register under the said Ordinance, and is entitled to all the advantages and benefits conferred by the said Ordinance.

No. 5 of 1888.

AN ORDINANCE RESPECTING THE PROFESSION OF MEDICINE AND SURGERY.

[Assented to December 11th, 1888.]

- | | |
|---|--|
| <p>Title, s. 1.
 Medical profession a body corporate, powers, s. 2.
 Persons registered, members of, ss. 3, 4.
 Medical Council, s. 5.
 Qualification of voters at, s. 6.
 Who eligible for election, s. 7.
 Number necessary to constitute council, s. 8.
 Who to take charge of elections, s. 9.
 Voters may vote for five persons, s. 11.
 Mode of voting, s. 12.
 Scrutiny of votes at first election, s. 13.
 Conduct of subsequent elections, s. 14.
 Council to hold office five years, s. 15.
 Voters may be present at opening of voting papers, s. 16.
 Proceedings when equality of votes, s. 17.
 Fees due medical council to be paid before voting, exception, s. 18.
 First five names on voting paper to be counted, s. 19.
 Preparation of voters' lists, appeal from, ss. 20, 21.
 Medical Council may make rules regarding procedure at elections, s. 22.
 Voting papers to be kept, s. 23.
 Petition against return of members, s. 24.
 Council may decide legality, s. 25.
 Council to appoint officers annually, ss. 26, 27.
 Vacancies in Council, how filled, s. 28.</p> | <p>Meetings of Council, s. 29.
 Members to be paid for attendance, s. 30.
 Certain persons to be registered free, s. 31.
 Council to appoint registrar, s. 32.
 Duties of registrar, s. 33.
 Who may be registered, s. 34.
 Membership fee, s. 35.
 Rules as to examinations, s. 36.
 Practitioners convicted of felony to be struck off register, s. 37.
 Privileges of registered practitioners, ss. 38, 39.
 "Medical register" to be kept, s. 40.
 Neglect to register, penalty, s. 41.
 Practising without registration, penalty, s. 42.
 Falsely pretending to be a physician, s. 43.
 Falsely using a title implying registration, s. 44.
 Unregistered persons not entitled to recover charges, s. 45.
 Unregistered persons disqualified from certain appointments, s. 46.
 Certificates of such persons invalid, s. 47.
 Prosecutions, s. 48.
 Evidence of registration, ss. 49, 50.
 Limitation of prosecutions, s. 51.
 Stay of proceedings, s. 52.
 Application of penalties, s. 54.
 Meaning of "legally qualified Medical Practitioner," s. 55.
 Fee for registration, s. 56.
 Council may alter rules, &c., s. 57.
 Homœopathic Physicians, s. 58.
 Ordinance Repealed, s. 59.</p> |
|---|--|

WHEREAS, it is desirable to regulate the practice of Medicine and Surgery in the Territories ;

THEREFORE, The Lieutenant-Governor, by and with the advise and consent of the Legislative Assembly of the Territories, enact as follows :

1. This Ordinance may be cited as "The North-West Territories' Medical Ordinance, 1888."

2. The members of the medical profession shall be a body corporate under the name of "The College of Physicians and Surgeons of the North-West Territories," and shall have perpetual succession, as hereinafter provided, and a common seal, with power to acquire, hold and dispose of chattel property and real estate, for the purposes of this Ordinance, and to sue and be sued.

3. Every person registered according to the provisions of Ordinance No. 11, 1885, shall be a member of the said College of Physicians and Surgeons of the North-West Territories.

4. Every person hereafter registered under the provisions of this Ordinance shall also be a member of the said College.

5. There shall be a Council of the said College of Physicians and Surgeons of the North-West Territories, to be appointed in the manner to be hereinafter provided for in this Ordinance, and hereinafter referred to as "The Council."

6. The persons entitled to vote at elections of members of the Council, shall be, as to the first election, the persons who, at the time of the passing of this Ordinance, are registered under and in pursuance of the said Ordinance, No. 11 of 1885, and as to subsequent elections, the persons entitled to vote at elections for members of the Council, shall be registered as medical practitioners in pursuance of this Ordinance.

7. No person shall be eligible to be elected a member of the Council at the first election, unless he be registered in pursuance of the said Ordinance, No. 11 of 1885, and no

person shall be eligible to be elected a member of the Council at subsequent elections unless he be registered in pursuance of this Ordinance.

8. The number of persons, to be elected as members forming the said Council, shall be five, and the mode of election shall be by voting papers, as hereinafter mentioned.

9. The charge and conduct of the first election shall be under the management of the Clerk of the Legislative Assembly of the North-West Territories for the time being, and of subsequent elections under the management of the Registrar of the Council.

10. The first election shall take place on the first Friday in February, 1889, in the Town of Regina, and subsequent elections shall be held at such time and place, as may be determined on by the Council.

11. Every person entitled to vote may vote for five persons.

12. Such votes shall be given by closed voting papers, to be mailed to each registered practitioner by Clerk or Registrar, as the case may be, at least one month prior to the day of the election, in the form of the first Schedule of this Ordinance or to the like effect, signed by the voter and delivered, as to the first election, to the said Clerk of the Legislative Assembly on any day in the month preceding the day of election and as to subsequent elections to the Registrar of said Council on any of the twenty days preceding the day of election. Any voting papers delivered to the said Clerk of the Legislative Assembly or Registrar, as the case may be, by post, during the respective times aforesaid, shall be deemed delivered to him.

13. The said Clerk of the Legislative Assembly shall, on the Tuesday following the day of the first election, at the hour of 12 o'clock, noon, at his office, at the Government buildings, and in the presence of persons as are registered, or are entitled to be registered under the said Ordinance, No. 11 of 1885, as choose to attend, scrutinize and count the votes, and keep a record thereof.

14. In respect of every subsequent election, the members, for the time being, of the Council shall appoint two persons, who, together with the Registrar of the Council, shall act as scrutineers at the election. On the day succeeding the day of election, the voting papers shall be opened by the Registrar, in the presence of the other scrutineers, who shall scrutinize and count the votes, and keep a record thereof in a proper book, to be provided by the said Council.

15. The five persons, who have the highest number of votes at the first election, shall hold office for one year; and those elected at all subsequent elections shall be the members of the Council for the two years following the date of such election and until their successors are appointed.

16. Any person, entitled to vote at any election, shall be entitled to be present at the opening of the voting papers at such election.

17. In case of an equality of votes between two or more persons, which leaves the election of one or more of the members of the Council undecided, then, as to the first election, the Clerk of the Legislative Assembly, and as to subsequent elections, the scrutineers, shall forthwith put into a ballot box a number of papers, with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Clerk of the Legislative Assembly as to the first election, and the Registrar of the Council, in the presence of the scrutineers, as to subsequent elections, shall draw by chance from such ballot box one or more of such ballot papers, sufficient to make up the required number, and the persons, whose names are upon such papers, so drawn, shall be such members.

18. No person shall be entitled to vote at any election, other than the first, unless all his fees to the Council shall have been paid. No person shall be eligible for election unless qualified to vote at such election, and any votes cast for any person, who is ineligible to be elected a member, shall be null and void, and the election shall be declared as if such votes had not been cast.

19. In the event of any person placing more than five names on his voting paper, the first five shall be

taken, notwithstanding any of such five so named shall be ineligible for any election for any cause whatever.

20. The Clerk of the Legislative Assembly, as to the first election, and the Registrar of the Council, as to subsequent elections, shall, one month prior to the day on which the election is held, make out an alphabetical list or register of the medical practitioners, who are entitled to vote at the election there about to be held, and such register may then be examined at all reasonable times. In case any medical practitioner entitled to vote by this Ordinance complains to the Clerk of the Legislative Assembly or to the Registrar of the Council, as the case may be, in writing, of the improper omission or insertion of any name in the said list, it shall be the duty of the Clerk of the Legislative Assembly, or Registrar of the Council, forthwith to examine into the complaint, and rectify such error if any there be; and in case any person is dissatisfied with the decision of the Clerk of the Legislative Assembly or Registrar of Council, he may appeal to a Judge of the Supreme Court in a summary way, and the decision of such Judge shall be final, and such list shall remain or be altered in accordance with such decision.

21. The list or register so made out shall be held to be the register of persons entitled to vote at the next election, and no person shall be entitled to vote, whose name is not upon such register.

22. The Members of the Council may, as to elections other than the first, make such regulations as they consider expedient, not contrary to the provisions of this Ordinance, for regulating the procedure under this Ordinance.

23. The voting papers belonging to any election shall not be destroyed until after all petitions, in respect to such election, have been decided, but the same, together with all other papers, in connection with the election, shall be retained by the Clerk of the Legislative Assembly, or Registrar, as the case may be.

24. No petition against the return of any Member shall be entertained, unless such petition be filed, as to the first election, with the Clerk of the Legislative Assembly, and as to subsequent elections with the Registrar of the Council, within

sixty days after the election, and shall contain a statement of the grounds on which such election is disputed, and unless a copy of such petition is served upon the Member, whose election is disputed within sixty days of the date of election.

25. In case of any doubt, or dispute, as to the legality of the election of any Member of the Council, it shall be lawful for the Council to hold an inquiry, and decide who is the legally elected Member of the Council; and the person whom they decide to have been elected shall be, and be deemed to be, the Member legally elected; and if the election is found to be illegal, the Council shall have power to order a new election.

26. The Council shall annually appoint a President, Vice-President, Registrar, Treasurer and such other officers as may from time to time be necessary for the working of this Ordinance, who shall hold office during the pleasure of the Council; and the said Council shall have power to fix by by-law, or from time to time, the salaries or fees to be paid to such officers, and to the Board of Examiners hereinafter appointed.

27. The Council shall appoint annually, from among its members, an "Executive Committee," to take cognizance of, and action upon, all such matters as may be delegated to it by the Council, or as may require immediate interference or attention between the adjournment of the Council and its next meeting; and all such acts shall be valid only till the next ensuing meeting of the Council; but the Committee shall have no power to alter, repeal or suspend any by-law of the Council.

28. In the case of the failure in any instance to elect the requisite number of duly qualified Members of the Council, or in the case of any vacancy caused by the death or resignation of any Member of the Council, or by any other cause, then it shall be the duty of the remaining Members to supply the deficiency by appointing to such vacant place or places, as the same may occur, any person or persons duly qualified, according to the provisions of this Ordinance, to be elected as a Member or Members of the Council.

29. The first meeting of the Council shall be held at the Town of Regina at such time, as may be agreed upon by the majority of the Members elected.

(1.) The Council may make such rules and regulations at its first meeting as to the times and places of the future meetings of the Council, and the mode of summoning the same, as to the Council seems expedient; which rules and regulations shall remain in force till altered at any subsequent meeting; and in the absence of any rule or regulation as to summoning meetings of the Council, it shall be lawful for the President thereof, or in the event of his absence or death, for the Registrar to summon the same at such time and place, as to him seems fit, by circular letter to be mailed to each Member.

(2.) In the event of the absence of the President from any meeting, the Vice-President, or in his absence, some other Member, to be chosen from among the Members present, shall act as President.

(3.) All acts of the Council shall be decided by the majority of the Members present, not being less than three in number.

(4.) At all meetings the President for the time being shall have a casting vote.

30. There shall be paid to Members of the Council such fees for attendance, and such reasonable travelling expenses as may from time to time be fixed by by-law passed by the said Council.

31. Every person, who is now registered under the provisions of the said Ordinance, No. 11 of 1885, shall be entitled to be registered under this Ordinance, without payment of any fee whatever.

32. The Council shall cause to be kept by an officer appointed by them, and to be called the "Registrar," a book or register, in which shall be entered the name of every person registered according to the provisions of this Ordinance, and from time to time the names of all persons who have complied with the enactments hereinafter contained, and with the rules and regulations made, or to be made, by the Council respecting the qualifications to be required from practitioners of Medicine or Surgery in the Territories, and those persons only, whose names are inscribed in the

book or register above mentioned, shall be deemed to be qualified and licensed to practise Medicine or Surgery in the said Territories, except as hereinafter provided, and such book or register shall at all times be open and subject to inspection by any person.

33. It shall be the duty of the Registrar to keep his register correct in accordance with the provisions of this Ordinance, and the rules, orders and regulations of the Council, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Ordinance, and the said Registrar shall perform such other duties, as may be imposed upon him by the Council.

34. The Council shall admit upon the register :

(a.) Any person, who shall produce from any College or School of Medicine and Surgery, requiring a four years' course of study, a diploma of qualification; provided, also, that the applicant shall furnish to the Council satisfactory evidence of identification and pass before the members thereof if deemed necessary, or such examiners as may be appointed for the purpose, a satisfactory examination touching his fitness and capacity to practice as a physician and surgeon.

(b.) The Council shall admit upon the register any member of any incorporated College of Physicians and Surgeons of any Province of the Dominion of Canada, or any member of any other incorporated body of medical men in Canada exercising powers similar to those conferred by this Ordinance upon the College of Physicians and Surgeons of the North-West Territories, or any one possessing such qualifications entitling him to be registered as a member of any College of Physicians and Surgeons of any Province of the Dominion of Canada.

35. Each member shall pay to the Registrar, or to any person deputed by the Registrar to receive it, such annual fee as may be determined by by-law of the Council, not being less than \$1.00, nor more than \$2.00, towards the general expenses of the College, which last mentioned fee shall be payable on the first day of January in each year; and such fee shall be deemed to be a debt due by each member of the College, and shall be recoverable, with the costs of suit, in the name of the College of Physicians and Surgeons of the

North-West Territories, in the District Court in which the member resides.

36. The members of the Council shall, from time to time, as occasion may require, make orders, regulations or by-laws for regulating the register to be kept under this Ordinance, and shall from time to time make rules and regulations for the guidance of the examiners, and may prescribe the subjects and modes of examination, and generally make all such rules and regulations in respect of examinations, not contrary to the provisions of this Ordinance, as they may deem expedient and necessary.

37. Any registered medical practitioner, who has been convicted of any felony in any Court, shall thereby forfeit his right to registration and by direction of the Council his name shall be erased from the register; or, in case a person known to have been convicted of felony presents himself for registration, the registrar shall have power to refuse such registration.

38. Every person registered under the provisions of this Ordinance shall be entitled to practice Medicine and Surgery, including Midwifery, or any one of them, as the case may be, in the Territories, and to demand and recover in any Court in the said Territories, with full costs of suit, reasonable charges for professional aid, advice and visits, and the cost of any medicine or surgical appliances rendered or supplied by him to his patients.

39. No duly registered member of the College of Physicians and Surgeons of the North-West Territories shall be liable to any action for negligence or malpractice, by reason of professional services requested or rendered, unless such action be commenced within one year from the date when, in the matter complained of, such professional services terminated.

40. The Registrar of the Council shall from time to time, under direction of the Council, cause to be printed and published a correct register of the names in alphabetical order, according to the surnames, with the respective residences, in the form set forth in the second schedule of this Ordinance, or to the like effect, together with the medical titles, diplomas

and qualifications, conferred by any College or Body, of all persons appearing on the register as existing on the day of publication, and such register shall be called the "North-West Territories' Medical Register," and a copy of the register for the time being, purporting to be so printed and published as aforesaid, shall be *prima facie* evidence in all Territorial Courts, and before all Justices of the Peace, and all others, that the persons therein specified are registered according to the provisions of this Ordinance and subject to the provisions of sub-section one of this Section; the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Ordinance.

(1.) In the case of any person, whose name does not appear in such copy, a certified copy, under the hand of the Registrar of the Council, of the entry of the name of such person on the register shall be evidence that such person is registered under this Ordinance.

OFFENCES AND PENALTIES.

41. Any person entitled to be registered under this Ordinance, but who neglects, or omits to be so registered, shall not be entitled to any of the rights or privileges conferred by registration under the provisions of this Ordinance, so long as such neglect or omission continues, and he shall be liable to all the penalties imposed by this Ordinance or any other Ordinance in force against unqualified or unregistered practitioners.

42. It shall not be lawful for any person, not registered, to practice Medicine or Surgery for hire, or hope of reward; and if any person, not registered pursuant to this Ordinance, for hire, gain, or hope of reward, practices or professes to practice Medicine or Surgery, he shall, upon a summary conviction thereof before any Justice of the Peace, for any and every such offence, pay a penalty not exceeding one hundred dollars.

43. Any person, who wilfully, or falsely, pretends to be a Physician, Doctor of Medicine, Surgeon, or general Practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, shall be

liable, on conviction thereof before a Justice of the Peace, to a penalty not exceeding fifty dollars, nor less than ten dollars.

44. Any person not registered pursuant to this Ordinance who takes or uses any name, title, addition or description, implying or calculated to lead people to infer that he is registered under this Ordinance, or that he is recognized by Law as a Physician, Surgeon, or a Licentiate in Medicine or Surgery, shall be liable, upon a summary conviction thereof before any Justice of the Peace, to pay any penalty not exceeding one hundred dollars, nor less than twenty-five dollars.

45. No person shall be entitled to recover any charge in any Court of Law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine, which he may have prescribed, unless he is registered under this Ordinance.

46. No person shall be appointed as Medical Officer, Physician, or Surgeon, in any branch of the public service of these Territories, or in any hospital or other charitable institution not supported wholly by voluntary contributions, unless he is registered under the provisions of this Ordinance.

47. No certificate required by any Ordinance in force, or that may hereafter be passed, from any Physician or Surgeon or Medical Practitioner, shall be valid, unless the person signing the same is registered under this Ordinance:

48. Any prosecutions under this Ordinance may be brought or heard before any one, or more, of Her Majesty's Justices of the Peace having jurisdiction, where any such offence has been committed; and such Justice or Justices may award payment of costs in addition to the penalty; and in case the penalty and costs awarded by him, or them, are not, upon conviction, forthwith paid, may commit the offender to the Common Gaol, there to be imprisoned for any term not exceeding one month, unless the penalty and costs are sooner paid.

49. In any prosecution under this Ordinance, the burden

of proof as to registration shall be upon the person charged.

50. In all cases, where proof of registration under this Ordinance is required to be made, the production of a printed or other copy of the register, certified under the hand of the Registrar of the Council, for the time being, shall be sufficient evidence of all persons, in lieu of the production of the original register; and any certificate upon such printed or other copy of the register, purporting to be signed by any person in his capacity of Registrar of the Council under this Ordinance, shall be *prima facie* evidence that such person is such Registrar, without any proof of his signature or of his being in fact such Registrar.

51. Every prosecution under this Ordinance shall be commenced within six months from the date of the alleged offence.

52. The Council, by an order signed by the President, having the seal of the Council appended thereto, may stay proceedings in any prosecutions under this Ordinance, where it is deemed expedient.

53. Any person may be prosecutor or complainant under this Ordinance.

54. All moneys forming part of the Council funds shall be paid to the Treasurer, and may be applied to carry this Ordinance into execution.

55. The words "legally qualified Medical Practitioner," or "duly qualified Medical Practitioner," or any other words implying legal recognition of any person as a medical practitioner, or member of the medical profession, when used in any Ordinance or Law shall, in so far as such Ordinance or Law applies to these Territories, be construed to mean a person registered under this Ordinance.

56. The fee for registration under this Ordinance shall be twenty dollars.

57. The members of the Council may, from time to time, make, alter or amend and repeal rules and regulations for the well-being and discipline of the Council, the conduct of its affairs, and the promotion of medical and surgical know-

ledge, and the disposition of the funds of the Council, provided such rules and regulations be not repugnant to the provisions of this Ordinance.

58. Homœopathic physicians may be registered under this Ordinance, on complying with the terms mentioned in Section 34.

59. From and after the last Monday in the month of February, 1889, the said Ordinance, No. 11 of 1885, shall stand repealed.

FIRST SCHEDULE.

NORTH-WEST TERRITORIES MEDICAL ACT.

Voting Paper.

FOR ANNUAL ELECTION, 18

I, *John James Brown*, a registered medical practitioner, vote for the five persons hereinafter named to form the members of the Medical Council of the North-West Territories:

1. George Courtney, Banff.
2. William Jenner, Calgary.
3. Thomas Morgan, Regina.
4. John Mitchell, Moosejaw.
5. Francis Jones, Qu'Appelle.

And I declare that I am entitled to vote at this election, and am not in default in payment of my fees to the Council.

Dated, April, 18

JOHN JAMES BROWN.

Witness:

HORACE YOUNG.

SECOND SCHEDULE.

NAME.	RESIDENCE.	QUALIFICATION.
A. B.	Banff	M.A., M.D., Toronto Univ.
i.	Calgary	M.D., Glasgow, Scotland.
F.	Regina.	L.S.A., London, England.
G. H.	Qu'Appelle.	M.D., New York, U.S.

No. 6 of 1888.

AN ORDINANCE RESPECTING THE REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS.

[Assented to December 11th, 1888.]

Interpretation "occupier," s. 1.	Ministers to make returns of deaths, s. 15.
Registrar-General to be appointed, s. 2.	Medical practitioner to furnish certificate of death, s. 16.
Electoral Districts to be registration divisions, s. 3.	No registration after two years from death—exception, s. 17.
Forms to be procured for Division Registrars, s. 4.	Caretaker of cemetery, or when no certificate produced, to give notice to Division Registrar, s. 18.
Duties of Division Registrars, s. 5.	Error in registration, s. 19.
Clergymen to keep record of baptisms and marriages, s. 6.	Returns to be bound and indexed, s. 20.
Notice of birth to be given Division Registrar, s. 7.	All persons may search Registrar-General's books, s. 21.
Registration of birth of illegitimate children, s. 8.	Registrar-General to make annual report, s. 22.
No birth registered after two years—exception, s. 10.	Lieut.-Governor in Council may make rules, s. 23.
Changing registered name of child, s. 11.	Refusal to report births, marriages and deaths, s. 24.
Clergymen to keep marriage register, s. 12.	Fees to Division Registrars, s. 25.
Particulars of death to be furnished Division Registrar, s. 13.	Ordinance to take effect April 1, 1889, s. 26.
Certificate to be given by Division Registrar, s. 14.	

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. The term "occupier," used in Sections 7 and 13 of this Ordinance, shall be construed to include the Master, Governor, Keeper, Warden or Superintendent of a gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital or other public or private charitable institution.

2. For the purposes of this Ordinance the Lieutenant-Governor, in Council, shall appoint a Registrar-General.

3. For the purposes of this Ordinance every Electoral District shall be a Registration Division and the Registrar

of such Division shall be appointed by the Lieutenant-Governor, in Council.

4. The Registrar-General shall procure the necessary forms for the Division Registrars, and the same shall be prepared according to Schedules A, B and C, appended to this Ordinance, with such additional columns, as may from time to time be added thereto by the Lieutenant-Governor, in Council, in order to the procurement of correct statistical information; and he shall distribute the same to the several Division Registrars, and the costs and expenses of such forms, and the expenses attendant upon the distribution thereof, shall be paid out of the General Revenue Fund of the Territories.

5. Every Division Registrar shall receive the forms sent by the Registrar-General, and keep the same in a place of safety; make all entries therein as hereinafter required in this Ordinance; and shall, on or before the fifteenth days of January and July in each and every year, make returns to the Registrar-General of the forms containing the original entries, certified under his hand, of the births, marriages and deaths of the previous six months.

6. Every clergyman, teacher, minister, or other person authorized by law to baptize, marry, or perform the funeral service in the Territories, shall keep a registry shewing the persons, whom he has baptized or married, or who have died within his cure and belonging to his congregation.

7. The father of any child born in the Territories, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or if there is no such person, then the occupier of the house, or tenement, in which to his knowledge the child was born, or the nurse present at the birth, shall, within thirty days from the date of the birth, give notice thereof to the Registrar of the Division, in which the child was born, giving as far as possible the particulars required in Schedule A, with such additional information, as may be required by the Registrar-General from time to time, which particulars shall be entered by the Division Registrar in his book.

8. In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father, unless at the joint request of the mother and of the person acknowledging himself to be the father; and in all cases of the registration of the birth of illegitimate children, the Division Registrar shall write the word "*Illegitimate*" in the column set apart for the name of the child, and immediately under the name, if any.

9. Every registration of a birth shall be made within the time aforesaid; but nothing herein contained shall prevent the subsequent registration of such birth within the period of two years.

10. At the expiration of two years next after the birth of a child, the birth shall not be registered except with the written authority of the Registrar-General, and the fact of such authority having been given shall be entered in the column set apart for remarks in schedule A of this Ordinance.

11. When the birth of any child has been registered, and the name, if any, by which it was registered, has been altered, or if it was registered without a name, when a name is given it, the parent or guardian of the child or other person procuring the name to be altered or given, may, within two years next after the registration of the birth, deliver to the Registrar-General a certificate signed by the minister or person, who performed the rite of baptism upon which the name was given or altered, or if the child is not baptized, signed by the father, mother or guardian of the child, or other person procuring the name of the person to be given or altered, and the Registrar-General shall upon receipt of the certificate make the necessary alteration in the margin of the schedule containing the original entry without making any alteration in the entry.

12. Every clergyman, minister or other person, authorized by Law to celebrate marriages, shall be required to report every marriage he celebrates to the Registrar of the Division, within which the marriage is celebrated, within ninety days from the date of the marriage, with the particulars required by Schedule B, of this Ordinance, and in order to better enable the clergyman, minister or other person to make the report as aforesaid, he shall be furnished by

the Division Registrar of the Division, in which he resides, with blank forms containing the particulars required by Schedule B.

13. The occupier of the house or tenement, in which a death takes place, or if the occupier be the person who has died, then some one of the persons residing in the house in which the death took place, or if the death has not taken place within a house, then any person present at the death or having any knowledge of the circumstances attending the same, or the Coroner attending any inquest held on such person, shall, before the interment of the body, supply to the Division Registrar of the Division, in which the death took place, according to his or her knowledge or belief, all the particulars required to be registered touching such death, by the form provided by this Ordinance.

14. Every Division Registrar shall, immediately upon registering any death, or as soon thereafter as he is required so to do, without fee or reward, deliver to any person, requiring the same for the purpose of burial, a certificate according to the form of Schedule D of this Ordinance that the particulars of such death have been duly registered.

15. Every minister or other person, who buries or performs any funeral or religious service for the burial of any dead body, unless he has received a certificate under the hand of the Registrar of the Division, in which the death took place, according to the Schedule D to this Ordinance annexed, that the particulars of the death have been duly registered, shall make a return of the deaths, according to Schedule C to this Ordinance annexed, to the Registrar of the Division, in which the death took place, within seven days after the burial, unless within the time aforesaid the minister or other person gives to the Registrar a written notice under his hand stating according to his knowledge, information and belief, the name and residence of the deceased, and the date and place at which the burial took place, or at which the service was performed, either without or with any of the other particulars mentioned in said Schedule C.

16. Every duly qualified medical practitioner, who was last in attendance during the last illness of any person, shall,

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prosecution shall be commenced within two years after the time allowed for reporting the birth, marriage, death or burial.

25. Every Division Registrar appointed under this Ordinance shall receive annually a fee of ten cents for each birth, marriage and death registered by him under the provisions of this Ordinance, upon receiving from the Registrar-General a certificate of the number of registrations made by such Registrar, said fees to be paid out of the General Revenue Fund of the Territories.

26. The provisions of this Ordinance shall come into force on the First day of April, 1889.

SCHEDULE A.—BIRTHS. (Vide Sections 4, 7, 10.)

Electoral District of

No.	When born.	Name.	Sex.	Name and surname of father.	Name and surname of mother.	Rank or profession of father.	Signature, description and residence of informant.	When registered.	Accoucher.	Registrar.	Remarks.

I hereby certify the foregoing to be true and correct entries of all births returned to me for the half year ending the 18

Given under my hand this

day of

A.D. 18

Division Registrar of

SCHEDULE C.—DEATHS. (*Vide* Sections 4, 15, 17.)

Electoral District of

No.	Name and surname of deceased.	When died.	Sex.	Age.	Rank or profession.	Where born.	Certified cause of death and duration of illness.	Name of physician, if any.	Signature, description and residence of informant.	Religious denomination.	Signature of Registrar.	Remarks.

I hereby certify the foregoing to be the true and correct entries of all deaths returned to me for the half-year ending the 18

(Given under my hand this

day of

A.D. 18

Division Registrar of

SCHEDULE D.

(Vide Sections 14, 15.)

I, _____, Division Registrar of the Electoral District
 of _____ do hereby certify that the particulars of the death
 of _____ have been duly registered.

Division Registrar's Office,
 day of _____

18

(Signature.)

SCHEDULE E.

(Vide Section 16.)

CAUSE OF DEATH.

Electoral District of _____

Name and Surname of deceased.	Sex.	Residence.	Rank or profession.	Duration of illness.	Cause of death.

I hereby certify the foregoing to be a true and correct certificate
 of the cause of the death of the person therein named.

Given under my hand this

day of _____

, 18 .

M.D.

No. 7 of 1888.

AN ORDINANCE TO AMEND ORDINANCE No. 5 OF 1888, INTITULED "AN ORDINANCE RESPECTING THE PROFESSION OF MEDICINE AND SURGERY."

[Assented to December 11th, 1888.]

Be it enacted by the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, as follows :

1. Section numbered fifty-nine of Ordinance No. 5 of 1888, intituled "An Ordinance respecting the Profession of Medicine and Surgery," is hereby repealed, and the following substituted therefor : "This Ordinance shall come into force and effect on, from and after the first day of March, A.D. 1889."

No. 8 of 1888.

AN ORDINANCE FOR GRANTING TO HER MAJESTY CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORIES FOR THE FINANCIAL YEAR ENDING 30TH JUNE, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE, AND FOR OTHER PURPOSES RELATING THERETO.

[Assented to December 11th, 1888.]

MOST GRACIOUS SOVEREIGN :

Whereas it appears by message from His Honor Joseph Royal, the Lieutenant-Governor of the North-West Territories, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Ordinance, are required to defray certain expenses of the public service of the Territories, and for other purposes relating thereto, for the financial year ending 30th June, one thousand eight hundred and eighty-nine; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, as follows :—

(1.) From and out of the fund at the disposal of the North-West Government, there shall and may be paid and applied a sum (not exceeding in the whole) One Hundred and five thousand four hundred and eighty-four dollars and ninety cents for defraying the several charges and expenses of the public service of the Territories for the financial year ending 30th June, one thousand eight hundred and eighty-nine, as set forth in the Schedule to this Ordinance ;

(2.) The due application of all moneys expended under this Ordinance shall be accounted for to Her Majesty.

SCHEDULE.

Sums granted to Her Majesty, by this Ordinance, for the financial year ending 30th June, one thousand eight hundred and eighty-nine, and the purposes for which they are granted.

To defray the expenses of the Government of the North-West Territories for the ten months ending the 30th June, 1889, as follows :—

Schools.	\$ 51270 75
Stationery, Telegrams, Postage and Telephone..	570 64
Cost of Elections.	1373 85
Clerical Assistance.	4257 65
Messengers and Caretakers.	1060 00
Miscellaneous Justice.	4945 99
Services of Legal Adviser.	750 00
Maintenance of Insane Patients.	2500 91
Printing and Advertising.	4144 89
Newspapers and Books for Library.	1275 45
Travelling Expenses.	2030 92
Light and Fuel for Government Offices and Council Chamber.	282 92
Services of Veterinary-Surgeons in cases of Glandered horses.	400 00
Registration of Marriage Certificates.	87 00
Books for Supreme Court.	200 00
Sheriffs' fees for summoning Jury.	200 00
Security Books (Public Offices).	50 00
Salary of Queen's Printer.	200 00
A. E. Forget, Services as Queen's Printer for 2 years and 4 months, at \$300 per annum.	700 00
Crown Prosecutors in Liquor Cases.	800 00
Prairie Fire Prosecutions.	500 00
Henry LeJeune, Auditing Public Accounts, 1888	100 00
Salary of Accountant.	550 00
Vital Statistics.	300 00
Engineering, Inspecting, etc.	1500 00
Repairs to Bridges, etc.	1500 00
Outstanding Claims.	2600 00
Aid to Districts.	19800 00
Contingencies.	1533 93

\$105484 90

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