

The Saskatchewan Boundaries and Territories Acts

The North-West Territories Act, 1886

The Saskatchewan Act

*The Alberta-Saskatchewan Boundary Act,
1939*

*The Manitoba-Saskatchewan Boundary Act,
1937, 1942, 1966, 1978*

*The Saskatchewan-Northwest Territory
Boundary Act, 1966*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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THE NORTH-WEST TERRITORIES ACT

Chapter 50

Revised Statutes of Canada, 1886, as amended up to the first day of September, 1905, the date of the coming into force of *The Saskatchewan Act*.

New sections from amending Acts have the numbers bracketed thus: (1).

References at the end of sections or clauses indicate that the section or clause was amended to read as shown, by the enactment referred to.

An Act respecting the North-West Territories.

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

SHORT TITLE

- 1 This Act may be cited as "*The North-West Territories Act*".

INTERPRETATION

- 2 In this Act unless the context otherwise requires:
 - (a) the expression "Territories" means the North-West Territories, as defined in this Act;
 - (b) the expression "The Lieutenant Governor" means the Lieutenant Governor of the North-West Territories;
 - (c) the expression "The Lieutenant Governor in Council" means the Lieutenant Governor of the Territories by and with the advice and consent of the Executive Council of the Territories or in conjunction with the Executive Council of the Territories, as the case may be;

(60-61 Vic., c.28, s.2)

 - (d) the expression "Supreme Court" means the Supreme Court of the North-West Territories;
 - (e) the expression "intoxicating liquor" means and includes all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids;

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(f) the expression “intoxicant” includes opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid;

(g) the expression “Legislative Assembly” means the Legislative Assembly of the Territories composed, under the provisions of this Act, of the members elected to represent the several electoral divisions into which the Territories are or from time to time may be divided.

(60-61 Vic., c.28, s.3)

THE NORTH-WEST TERRITORIES

3 The Territories formerly known as “Rupert’s Land” and the North-West Territory shall, with the exception of such portions thereof as form the Province of Manitoba and the District of Keewatin continue to be called and known as the North-West Territories.

(But see *The Yukon Territory Act*, 61 Vic.,
c.6, s.2)

THE LIEUTENANT GOVERNOR

4 There shall be for the Territories an officer called the Lieutenant Governor appointed by the Governor in Council by instrument under the Great Seal of Canada who shall hold office during pleasure.

2 The Lieutenant Governor shall administer the Government under instructions from time to time given by him the Governor in Council or by the Secretary of State of Canada.

5 The Governor in Council may from time to time appoint an Administrator to execute the office and functions of the Lieutenant Governor during his absence, illness or other inability.

6 Every Lieutenant Governor or Administrator so appointed shall before assuming the duties of his office take and subscribe before the Governor General or before some person duly authorized to administer such oaths an oath of allegiance and an oath of office similar to those required to be taken by a Lieutenant Governor under *The British North America Act, 1867*.

(106) There shall be payable out of the Consolidated Revenue Fund of Canada the following sum annually, that is to say:

To the Lieutenant Governor, not exceeding \$7,000 together with such sums of money as are from time to time fixed by the Governor in Council in respect of travelling allowances.

(51 Vic., c.19, s.17).
(Sections 7 and 8 were repealed by 51 Vic.,
c.19, s.1)

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SEAT OF GOVERNMENT

9 The seat of Government of the Territories shall be fixed, and may from time to time be changed, by the Governor in Council.

(Section 10 was repealed by 51 Vic., c.19, s.1)

LAWS IN FORCE

11 Subject to the provisions of this Act, the laws of England relating to civil and criminal matters, as the same existed on the fifteenth day of July, in the year of our Lord one thousand eight hundred and seventy, shall be in force in the Territories, in so far as the same are applicable to the Territories, and in so far as the same have not been or are not hereafter repealed, altered, varied, modified or affected by any Act of the Parliament of the United Kingdom applicable to the Territories or of the Parliament of Canada or by any Ordinance of the Lieutenant Governor in Council, or of the Legislative Assembly.

(60-61 Vic., c.28, s.4)

12 All laws and Ordinances in force in the Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Legislative Assembly under the authority of this Act.

(60-61 Vic., c.28, s.5)

THE LEGISLATIVE ASSEMBLY

(2) There shall be a Legislative Assembly for the Territories which shall be composed of twenty-six members elected to represent the electoral districts set forth in the schedule to this Act until the said Legislative Assembly otherwise provides.

(57-58 Vic., c.17, s.15)

(3) Every Legislative Assembly shall continue for four years from the date of the return of the writs for choosing the same; but the Lieutenant Governor may at any time dissolve the Assembly and cause a new one to be chosen.

(54-55 Vic., c.22, s.3; 57-58 Vic., c.17, s.16)

(4) There shall be a session of the Legislative Assembly convened by the Lieutenant Governor at least once in every year so that twelve months shall not intervene between the last sitting of the Assembly in one session and its first sitting in another session; and such Assembly shall sit separately from the Lieutenant Governor, and shall present Bills passed by it to the Lieutenant Governor for his assent, who may approve or reserve the same for the assent of the Governor General.

(54-55 Vic., c.22, s.4)
(By 54-55 Vic., c.22, s.5, provision was made for issue of writs and conduct of elections until the Assembly should otherwise provide.)

BOUNDARIES AND TERRITORIES

(7) The persons qualified to vote at an election for the Legislative Assembly shall be the male British subjects by birth or naturalization (other than unenfranchised Indians) who have attained the full age of twenty-one years, who have resided in the North-West Territories for at least the twelve months and in the electoral district for at least the three months respectively immediately preceding the time of voting.

(51 Vic., c.19, s.7)

(8) Any British subject by birth or naturalization shall be eligible for nomination and election.

(2) No nomination at any election shall be valid and acted upon unless at or before the time of nomination a sum of one hundred dollars is deposited in the hands of the returning officer; and the receipt of the returning officer shall in every case be sufficient evidence of the payment herein mentioned.

(3) The sum so deposited shall be returned to the person by whom the deposit was made in the event of the candidate by or on whose behalf it was so deposited, being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected, otherwise it shall belong to Her Majesty for the public uses of the Territories; and the sum so paid and not returned as herein provided shall be applied by the returning officer towards the payment of the election expenses and an account thereof shall be rendered by him to the Lieutenant Governor.

(51 Vic., c.19, s.8)

(18) No person holding any office, commission, or employment to which an annual salary from the Crown is attached shall be eligible as a member of the Legislative Assembly or shall sit or vote therein during the time he holds such office, commission or employment; but nothing herein contained shall render ineligible any member of the Executive Council of the Territories by reason of any salary, fee, allowance, emolument or profit of any kind or amount attaching to such membership from being a member of the Assembly or shall disqualify him from sitting or voting therein; provided he is elected while holding such office and is not otherwise disqualified.

(60-61 Vic., c.28, s.9)

(9) Elected members of the Legislative Assembly shall take and subscribe before the Lieutenant Governor or before such person as is designated by the Governor in Council the following oath of allegiance:

“I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors”.

(51 Vic., c.19, s.9)

(10) Until the Legislative Assembly otherwise provides, a majority of the members shall form a quorum for the transaction of business.

(57-58 Vic., c.17, s.13)

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(11) The Legislative Assembly on its first assembling after a general election shall proceed with all practicable speed to elect one of its elected members to be speaker.

(2) In case of a vacancy happening in the office of Speaker by death, resignation or otherwise the Legislative Assembly shall proceed with all practicable speed to elect another of its elected members to be Speaker.

(3) The Speaker shall preside at all meetings of the Legislative Assembly.

(4) Until the Legislative Assembly otherwise provides in case of the absence for any reason of the Speaker from the chair of the Assembly for forty-eight hours the Assembly may elect another of its members to act as speaker and the member so elected shall during the continuance of such absence of the Speaker have and execute all the powers, privileges and duties of Speaker.

(51 Vic., c.19, s.11)

(12) Questions arising in the Legislative Assembly shall be decided by a majority of voices other than that of the Speaker and when the voices are equal but not otherwise the Speaker shall have a vote.

(51 Vic., c.19, s.12)

13 The Legislative Assembly shall subject to the provisions of this Act or of any other Act of the Parliament of Canada, declared to be applicable to the Territories, have power to make Ordinances for the government of the Territories in relation to the classes of subjects next hereinafter mentioned, that is to say:

1 The mode of providing voters' lists, the oaths to be taken by voters, the appointment, powers and duties of returning officers and deputy returning officers, election and poll clerks and their oaths of office, the proceedings to be observed at elections, the periods during which such elections may be continued, and such other provisions with respect to such elections as may be thought fit;

2 Direct taxation within the Territories in order to raise a revenue for Territorial or municipal or local purposes;

3 The establishment and tenure of Territorial offices and the appointment and payment of Territorial officers out of Territorial revenues;

4 The establishment, maintenance and management of prisons in and for the Territories, the expense thereof being payable out of Territorial revenues;

5 Municipal institutions in the Territories, including the incorporation and powers, not inconsistent with any Act of Parliament, of irrigation districts, that is to say, associations of the land owners and persons interested in the lands in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands;

(58-59 Vic., c.31, s.1)

6 Shop, saloon, tavern, auctioneer and other licences in order to raise a revenue for Territorial or municipal purposes;

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7 The incorporation of companies with Territorial objects with the following exceptions:

- (a) such companies as cannot be incorporated by a Provincial Legislature;
- (b) railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies;

(58-59 Vic., c.31, s.2)

8 The solemnization of marriage in the Territories;

9 Property and civil rights in the Territories;

10 The administration of justice in the Territories including the constitution, organization and maintenance of Territorial courts of civil jurisdiction, including procedure therein, but not including the power of appointing any judicial officers;

11 The imposition of punishment by fine, penalty or imprisonment for enforcing any Territorial Ordinances;

12 The expenditure of Territorial funds and such portion of any moneys appropriated by Parliament for the Territories as the Lieutenant Governor is authorized to expend by and with the advice of the Legislative Assembly or of any committee thereof;

13 Generally all matters of a merely local or private nature in the Territories.

(2) Nothing in this section contained gives or shall be construed to give to the Legislative Assembly any greater powers with respect to the subjects therein mentioned than are given to Provincial Legislatures under the provisions of section ninety-two of The British North America Act, 1867, with respect to the similar objects therein mentioned.

(54-55 Vic., c.22, s.6; 60-61 Vic., c.28, s.6)

(3) Notwithstanding anything in *The North-West Territories Act*, or any Act in amendment thereof, the Legislative Assembly may, by Ordinance, repeal the provisions of sections 49, 51, 53, 55, 64, 88, 89 and 90 of the said *North-West Territories Act*, as amended, and re-enact the said provisions or substitute other provisions in lieu thereof; but nothing in this section shall be construed as giving to the Legislative Assembly power to pass Ordinances for the constitution, organization or maintenance of courts of criminal jurisdiction, or respecting procedure in criminal courts.

(3 Edw. VII, c.40, s.3)

(4) Notwithstanding anything in *The North-West Territories Act*, or any Act in amendment thereof, the Legislative Assembly may, by Ordinance, repeal the provisions of sections 7, 8, 9, 11 and 12 of chapter 19 of the Statutes of 1888, and section 18 of chapter 17 of the Statutes of 1894, as that section is enacted by section 9 of chapter 28 of the Statutes of 1897, and re-enact the said provisions or substitute other provisions in lieu thereof.

(3 Edw. VII, c.40, s.4)

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14 The Legislative Assembly shall pass all necessary Ordinances in respect to education; but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Territories or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit and make the necessary assessment and collection of rates thereof; and also that the minority of the ratepayers therein whether Protestant or Roman Catholic may establish separate schools therein, and in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rate as they impose upon themselves in respect thereof.

(2) Repealed by 61 Vic., c.5, s.2.

(Section 15 of the Act was repealed by 57-58
Vic., c.17, s.2)

(14) The Legislative Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose that has not been first recommended to the Assembly by message of the Lieutenant Governor in the session in which such vote, resolution, address or bill is proposed.

(51 Vic., c.19, s.14)

16 The Legislative Assembly may, from time to time, make Ordinances in respect to the mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and in respect to all matters relating to the same.

(60-61 Vic., c.28, s.7)

(20) For the removal of doubts it is hereby declared that subject to the provisions of *The North-West Territories Act* the Legislative Assembly has and shall have power to confer on Territorial courts jurisdiction in matters of alimony.

(57-58 Vic., c.17, s.20)

(19) Notwithstanding anything in this Act or the said Act contained the Legislative Assembly may, by Ordinance, repeal the provisions of sections twenty-six to forty, both inclusive, and also in so far as they apply to the Territories comprising the several electoral divisions mentioned in the schedule to this Act, the provisions of sections ninety-two to one hundred, also both inclusive, of the said Act, together with all amendments thereto and may re-enact the said provisions or substitute other provisions in lieu thereof.

(54-55 Vic., c.22, s.19)

17 An authentic copy of every Ordinance shall be transmitted by mail to the Secretary of State within thirty days after passing; and if the Governor in Council at any time within one year after its receipt by the Secretary of State thinks fit to disallow the Ordinance, such disallowance, when signified by the Secretary of State to

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the Lieutenant Governor, shall annul the Ordinance from and after the date of such signification; and all Ordinances so made, and all Orders in Council disallowing any Ordinances so made, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

(Sections 18 to 25, both inclusive, were
repealed by 51 Vic., c.19, s.1)

THE EXECUTIVE COUNCIL

(17) There shall be a Council to aid and advise in the government of the Territories to be styled the Executive Council of the Territories; and the persons who are to be members of that Council shall be, from time to time, chosen and summoned by the Lieutenant Governor and sworn in; and members thereof may be, from time to time, removed by the Lieutenant Governor.

(2) All powers, authorities and functions which, under any Act of the Parliament of Canada or Ordinance of the Territories, are vested in or exercisable by the Lieutenant Governor with the advice, or with the advice and consent of the Executive Committee of the Territories, or in conjunction with that committee, shall, upon the passing of this Act be vested in, and shall or may be exercised by the Lieutenant Governor with the advice, or with the advice and consent of, or in conjunction with, the Executive Council of the Territories, subject, nevertheless, to be abolished or altered by competent legislative authority.

(60-61 Vic., c.28, s.8)

WILLS

26 Every person may devise, bequeath or dispose of, by will, executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity at the time of his death and which if not so devised, bequeathed or disposed of would devolve upon his heir-at-law or upon his executor or administrator.

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

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

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

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

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

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32 If any person attests the execution of any will to whom or to whose wife or husband any beneficial devise or legacy affecting any real or personal property (other than a charge for the payment of a debt) is thereby given, such devise or legacy shall so far only as concerns such person attesting the execution of such will, or the wife or husband of such person claiming under such person, wife or husband, be null and void, and such person so attesting shall be admitted to prove the execution of such will or the validity or invalidity of such will notwithstanding such devise or legacy.

33 No will or codicil or any part thereof shall be revoked otherwise than by marriage or by another will or codicil executed in manner hereinbefore required or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed or by the burning, tearing or otherwise destroying the same by the testator or by some person in his presence and by his direction with the intention of revoking the same.

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

35 If any real property is devised to any person without any words of limitation such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless a contrary intention appears by the will.

MARRIED WOMEN

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

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

38 Nothing hereinafter contained in reference to moneys deposited or investments by any married woman shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditors; and any money so deposited or invested may be followed as if this Act had not been passed.

39 A husband shall not, by reason of any marriage, be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

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

ADMINISTRATION OF JUSTICE

41 The Supreme Court of record of original and appellate jurisdiction now existing under the name of "The Supreme Court of the North-West Territories" is hereby continued under the name aforesaid.

42 The Supreme Court shall consist of a chief justice, and not less than five puisne judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal.

(3 Edw. VII, c.40, s.1)

43 Any person may be appointed a judge of the Court who is or has been a judge of a Superior Court of any province of Canada, a stipendiary magistrate of the Territories, or a barrister or advocate of at least ten years' standing at the bar of any such province, or of the Territories.

44 No judge of the Court shall hold any other office of emolument under the Government of Canada, or of any province thereof, or of the Territories.

45 Each judge of the Court shall reside at such place in the Territories as the Governor in Council, in the commission to such judge, or by Order in Council, directs.

46 The judges of the Court shall hold office during good behaviour, but shall be removable by the Governor General, on address of the Senate and House of Commons of Canada.

47 Every judge shall, previously to entering upon the duties of his office as such judge, take an oath in the form following:

"I,, do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge, execute the powers and trusts reposed in me as one of the judges of the Supreme Court of the North-West Territories. So help me God".

2 Such oaths shall be administered by the Lieutenant Governor or by a judge of the Court.

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48 The Court shall, within the Territories, and for the administration of the laws for the time being in force within the Territories, possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record and all other rights, incidents and privileges as fully to all intents and purposes as the same were on the fifteenth day of July, one thousand eight hundred and seventy, used, exercised and enjoyed by any of Her Majesty's superior courts of common law, or by the Court of Chancery, or by the Court of Probate in England, and shall hold pleas in all and all manner of actions, causes and suits as well criminal as civil, real, personal and mixed, and shall proceed in such actions, causes and suits by such process and course as are provided by law, and as tend with justice and despatch to determine the same, and shall hear and determine all issues of law, and shall also hear and (with or without a jury as provided by law) determine all issues of fact joined in any such action, cause or suit, and give judgment thereon and award execution thereof in as full and as ample a manner as might at the said date be done in Her Majesty's Court of Queen's Bench, Common Bench, or in matters which regard the Queen's revenue (including the condemnation of contraband or smuggled goods) by the Court of Exchequer, or by the Court of Chancery or the Court of Probate in England.

49 The court shall sit *in banc* at such times and places as the Lieutenant Governor in Council appoints; the senior judge present shall preside, and three judges of the Court shall constitute a quorum.

(61 Vic., c.5, s.3)

50 The court sitting *in banc* shall hear and determine all applications for new trials, all questions or issues of law, all questions or points in civil or criminal cases reserved for the opinion of the court, all appeals or motions in the nature of appeals, all petitions and all other motions, matters or things whatsoever which are lawfully brought before it.

(2) Except where a question has been reserved and stated for the opinion of the Supreme Court of the North-West Territories as a Court of Appeal under section 743 of *The Criminal Code, 1892*, the judge by or before whom the judgment, order or decision then in question was rendered or made, shall not sit as one of the judges composing the Court unless his presence is necessary to compose a quorum.

(3 Edw. VII, c.40, s.2)

51 The Governor in Council may, at any time, by proclamation divide the Territories into judicial districts, and give to each such district an appropriate name, and in like manner, from time to time, alter the limits and extent of such districts.

52 Every judge of the Court shall have jurisdiction throughout the Territories, but shall usually exercise the same within the judicial district to which he is assigned by the Governor in Council, and in all causes, matters and proceedings, other than such as are usually cognizable by a court sitting *in banc*, and not by a single judge of the said court, shall have and exercise all the powers, authorities and jurisdiction of the Court.

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(2) Subject to any statute prohibiting or restricting proceedings by the way of *certiorari*, a single judge shall, in addition to his other powers, have all the powers of the Court as to proceedings by way of *certiorari* over the proceedings, orders, convictions, and adjudications had, taken and made by justices of the peace, and in addition thereto shall have the power of revising, amending, modifying or otherwise dealing with the same; and writs of *certiorari* may, upon the order of a judge, be issued by the Clerk of the Court mentioned in such order returnable as therein directed.

(54-55 Vic., c.22, s.7)

53 Whenever, under any Act in force in the Territories, any power or authority is to be exercised, or anything is to be done by a judge of a court, such power or authority shall, in the Territories, be exercised or such thing shall be done by a judge of the Supreme Court, unless any other provision is made in that behalf by such Act.

54 The judges of the Supreme Court shall have all the powers, authority and jurisdiction vested in the stipendiary magistrates of the Territories on the second day of June, one thousand eight hundred and eighty-six; and wherever in any Act of the Parliament of Canada relating to the Territories, the words “stipendiary magistrate” or “stipendiary magistrates” are used, the same shall mean a judge or the judges of the Supreme Court, as the case may be.

55 Sittings of the Supreme Court, which shall be presided over by a judge of the Court, shall be held in each judicial district at such times and places as the Lieutenant Governor of the Territories appoints.

(56) For each judicial district the Governor in Council may appoint a sheriff and the Lieutenant Governor in Council may appoint a Clerk of the Court, and may respectively name the place at which such sheriff and clerk, respectively, shall reside and keep an office; and the Clerk of the district within which the seat of government of the Territories is situate, shall be registrar of the Court sitting in banc.

(60-61 Vic., c.28, s.10)

(2) And each sheriff and clerk shall appoint a deputy or deputies at such places within the district and with such powers as are, from time to time, determined by an Ordinance of the Legislative Assembly.

(3) In case of a vacancy happening in the office of sheriff or clerk by reason of death, incapacity or otherwise, his deputy may perform his duties until a successor is appointed; and where there is no such deputy, the judge usually exercising jurisdiction within the judicial district may appoint a person to fill the vacancy in the meantime.

(4) The Legislative Assembly may, subject to the provisions of this Act, define by Ordinance the powers, duties and obligations of sheriffs and clerks, and their respective deputies.

(54-55 Vic., c.22, s.8)

57 Each Clerk of the Court shall use such a seal for sealing processes issued out of the Court in the district for which he is appointed as the Lieutenant Governor approves.

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58 Before entering on the duties of his office every sheriff appointed under the provisions of this Act shall give security by bond, or by guarantee of some guarantee company approved by the Governor in Council, in the sum of two thousand dollars, and every clerk shall give the like security in the sum of one thousand dollars.

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59 Each sheriff shall be paid a yearly salary of five hundred dollars, and the Lieutenant Governor, by and with the advice and consent of the Legislative Assembly, may legislate with respect to the remuneration, by fees or otherwise, in civil matters, of sheriffs and clerks, including the Registrar of the Supreme Court.

(57-58 Vic., c.17, s.5)
(Sections 60 and 61 of the Act were repealed
by 57-58 Vic., c.17, s.6)

62 Every sheriff and clerk shall be an officer of the Supreme Court generally, and not merely of the judges sitting or acting in his district, and shall obey the lawful orders of the said Court and of the judges thereof, in whatever district such orders are made, provided anything is required to be done under them by the sheriff or clerk in his district.

63 The Lieutenant Governor may, subject to any orders made in that behalf from time to time by the Governor in Council, issue orders to the North-West Mounted Police force, in aid of the administration of civil and criminal justice and for the general peace, order and good government of the Territories.

64 The Lieutenant Governor may appoint justices of the peace for the Territories, who shall have jurisdiction as such throughout the same; but, until the Legislative Assembly otherwise provides, no person shall be appointed a justice of the peace for the Territories or shall act as such who is not the owner in fee simple for his own use and benefit of lands lying and being in the Territories of and above the value of three hundred dollars over and above what will satisfy and discharge all incumbrances affecting the same and over and above all rents and charges payable out of or affecting the same, and who has not resided in the Territories for a period of at least three years.

(60-61 Vic., c.28, s.11)

(2) Every justice of the peace for the Territories, before he takes upon himself to act as such justice, shall take and subscribe before the Lieutenant Governor, a judge of the Supreme Court or any justice of the peace for the Territories, the oath of qualification and the oath of office contained in the schedule to this Act or such other oath or oaths as the Legislative Assembly from time to time prescribes.

(57-58 Vic., c.17, s.7; 60-61 Vic., c.28, s.12)

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(3) The Governor in Council may appoint police magistrates in the Territories and such police magistrates shall have all powers and authorities now vested in two justices of the peace under any law in Canada and shall exercise jurisdiction in and for such territory as is defined by the Order in Council appointing them respectively or by any Order in Council amending the same.

(57-58 Vic., c.17, s.7)

(4) No person shall be appointed a police magistrate unless he has been admitted and has practised as an advocate, barrister or solicitor in one of the provinces of Canada for a period of not less than three years.

(57-58 Vic., c.17, s.7; 60-61 Vic., c.28, s.13)

(19) Unless otherwise therein specially provided proceedings for the imposition of punishment by fine, penalty or imprisonment for enforcing any Territorial Ordinance may be brought summarily before a justice of the peace under the provisions of part LVIII of *The Criminal Code, 1892*.

(57-58 Vic., c. 17, s. 19)

ADMINISTRATION OF CRIMINAL LAW

65 The procedure in criminal cases in the Court shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in England on the fifteenth day of July in the year one thousand eight hundred and seventy; but no grand jury will be summoned or sit in the Territories.

(12) Every justice of the peace or other magistrate holding a preliminary investigation into any criminal offence which may not be tried under the provisions of *The Summary Convictions Act*, shall immediately after the conclusion of such investigation transmit to the Clerk of the Court for the judicial district in which the charge was made all informations, examinations, depositions, recognizances, inquisitions and papers connected with such charge; and the Clerk of the Court shall notify the judge thereof.

(2) Whenever any person charged is committed to goal for trial the sheriff or other person in charge of such goal shall within twenty-four hours notify the judge exercising jurisdiction at the time in the judicial district, in writing, that such prisoner is so confined, stating his name and the nature of the charge preferred against him; whereupon with as little delay as possible the judge shall cause the prisoner to be brought before him for trial either with or without a jury as the case requires.

(54-55 Vic., c.22, s.12)

(11) In lieu of indictments and forms of indictment as provided by *The Criminal Procedure Act* the trial of any person charged with a criminal offence shall be commenced by a formal charge in writing setting forth as in an indictment the offence wherewith he is charged.

(54-55 Vic., c.22, s.11)

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66 Every judge of the Supreme Court shall have and exercise the powers of a justice of the peace or of any two justices of the peace under any laws or ordinances in force in the Territories, and may also hear and determine any charge against any person for any criminal offence alleged to have been committed in the Territories or (subject to the provisions of section fourteen of the Act passed by the Parliament of Canada in the forty-seventh year of Her Majesty's reign, and chaptered six) in any territory eastward of the Rocky Mountains wherein the boundary between the Province of British Columbia and the Territories has not been officially ascertained, when the accused is charged:

- (a) with having committed or attempted to commit theft, embezzlement, or obtaining money or property by false pretences, or receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received does not in the opinion of such judge exceed two hundred dollars; or
- (b) with having committed an aggravated assault by unlawfully and maliciously inflicting upon any other person either with or without a weapon or instrument any grievous bodily harm or by unlawfully and maliciously wounding any other person; or
- (c) with having committed an assault upon any female whomsoever or upon any male child whose age does not in the opinion of the judge exceed fourteen years; and when such assault, if upon a female, does not in his opinion amount to an assault with intent to commit a rape; or
- (d) with having escaped from lawful custody or committed prison breach, or assaulted, obstructed, molested or hindered any judge, justice of the peace, commissioned officer of police, constable, bailiff or other peace officer or officers of customs or excise or other officer in the lawful performance of his duty or with intent to prevent the performance thereof.

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

(60-61 Vic., c.28, s.14)

(67) When the person is charged with any other criminal offence the same shall be tried, heard and determined by the judge with the intervention of a jury of six; but in any such case the accused may with his own consent be tried by a judge in a summary way and without the intervention of a jury.

(54-55 Vic., c.22, s.9)

(68) Whenever upon a trial before a judge in a summary way under either section sixty-six or section sixty-seven of this Act such judge is not satisfied that the accused is guilty of the offence with which he stands charged but the circumstances are such that upon a trial before a jury under *The Criminal Procedure Act* for the like offence the jury might find the accused guilty of some other offence, the judge shall have the same power as to findings as a jury would have in the like circumstances under the said last mentioned Act, and may convict the accused of such other offence,

BOUNDARIES AND TERRITORIES

notwithstanding that such offence is one for which under section sixty-seven aforesaid the accused could not without his own consent have been tried in a summary way; and the person so convicted shall be liable to the punishment by the said last mentioned Act or otherwise by law prescribed for the offence of which he is so found guilty.

(54-55 Vic., c.22, s.10)

69 The judge shall, upon every such trial, take or cause to be taken down in writing full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted after the close of the case for the prosecution to make full answer and defence by counsel, attorney or agent.

70 When any person is convicted of a capital offence and is sentenced to death the judge shall forward to the Minister of Justice full notes of the evidence with his report upon the case; and the execution shall be postponed from time to time by the judge if found necessary until such report is received and the pleasure of the Governor General thereon is communicated to the Lieutenant Governor.

(Sections 69 and 70 repealed by 3-4 Geo. V.,
c.13, s.31)

71 Persons required as jurors for a trial shall be summoned by a judge from among such male persons as he thinks suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors and shall be sworn by the judge who presides at the trial.

(2) The Governor in Council may at any time by proclamation declare that this section shall be repealed from and after the date named in such proclamation.

(57-58 Vic., c.17, s.8)

(72) Any one arraigned for treason or an offence punishable with death or an offence for which he may be sentenced to imprisonment for more than five years, may challenge peremptorily, and without cause, any number of jurors not exceeding six; and every peremptory challenge beyond that number shall be void.

(57-58 Vic., c.17, s.9)

2 The Crown may peremptorily challenge any number of jurors not exceeding four.

3 Challenges for cause shall be the same as are provided for under the Act respecting Procedure in Criminal Cases.

73 If, by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the judge shall direct some constable or other person to summon, by word of mouth, from among the bystanders or from the neighbourhood, such number of persons as are necessary to make up a jury, the persons so summoned being subject to challenge as those summoned by the judge in the first instance; and the like proceedings shall be repeated, if necessary, until a jury is obtained, competent to try the case; and any person summoned, as hereby provided, to serve as a juror, who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the judge, may be fined by him a sum not exceeding ten dollars, and committed to prison until such fine is paid.

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74 Any person duly summoned, whether on behalf of the prisoner or against him, to attend and give evidence on any such trial, shall be bound to attend on the day appointed for the same, and shall remain in attendance throughout the whole trial; and if he fails so to attend, he shall be deemed guilty of contempt of court, and be proceeded against therefor.

75 Upon proof, to the satisfaction of the judge, of the summoning of any witness who fails to attend, and upon such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant, with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his contempt; or the judge may, in a summary manner, examine and dispose of the charge of contempt against the said witness, who, if found guilty thereof, may be fined or imprisoned, or both, such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labour, and not to exceed the term of ninety days.

76 Returns of all trials and proceedings, civil and criminal, shall be made to the Lieutenant Governor in such form and at such times as he directs.

77 The Governor in Council may, from time to time, by proclamation, declare that the ten sections next preceding, or any of them, shall be repealed from and after the date named in such proclamation.

78 If imprisonment for any term not less than two years is awarded in any case, the convict may be ordered to be imprisoned in any gaol or penitentiary in the Territories or to be conveyed to the penitentiary in the Province of Manitoba, on the warrant of the judge; and whenever any convict or accused person is ordered to be conveyed to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, may hold and convey him or re-take him in case of an escape; and the warden of the penitentiary in Manitoba may detain and deal with him, in the said province, as if such penitentiary was within the Territories, or as if the said convict or accused person had been ordered to be conveyed to such penitentiary by some competent court of authority in the said province.

(79) If it is impossible or inconvenient, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any judge or justice of the peace may sentence any person convicted before him of an offence, other than the breach of a municipal bylaw, to be placed and kept in the custody of the North-West Mounted Police force, with or without hard labour; and any police guard-house or guard-room in the Territories shall be a penitentiary, gaol or place of confinement for all purposes, except the confinement of any person sentenced to imprisonment for breach of a municipal bylaw; but if any municipality makes arrangements with the Commissioner of the North West Mounted Police for the maintenance of persons convicted of a breach of any bylaw of such municipality during the period of their sentence, the provisions of this section shall thereafter apply to such persons in like manner as to other offenders.

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(80) The Governor in Council may, from time to time, direct that any building or buildings, or any part thereof, or any inclosure or inclosures, in any part or parts of the Territories, shall be a gaol or lock-up for the confinement of prisoners charged with the commission of any offence or sentenced to any punishment or confinement therein; and confinement therein shall thereupon be held lawful and valid whether such prisoners are being detained for trial or are under sentence of imprisonment in a penitentiary, gaol or other place of confinement; and the Governor in Council may at any time direct that any building or any part thereof, or any inclosure, shall cease to be a gaol or lock-up, and thereupon such building or part thereof, or such inclosure shall cease to be a gaol or lock-up.

(2) The Governor in Council shall have power to make rules and regulations for the management, discipline and policy of such gaols or lock-ups and for fixing and prescribing the duties and conduct of the gaoler and every other officer or servant employed therein and for the diet, bedding, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein, and to annul, alter and amend the same from time to time; and all gaolers, officers, prisoners and other persons shall be bound to obey such rules and regulations.

(3) The Governor in Council shall also have power from time to time to prescribe the terms and conditions upon which persons convicted or accused of any offence under any Ordinance of the North-West Territories or any municipal bylaw or regulation, or sentenced to confinement under any such Ordinance, bylaw or regulation, or arrested under any civil process, shall be received and kept in any gaol or lock-up created under the authority of this section; and he may from time to time specify what gaols and lock-ups shall be available for the confinement of such persons. (54-55 Vic., c. 22, s. 14).

81 In all cases in the Territories when proceedings before justices of the peace are authorized to be summary and when no time is specifically limited for making any complaint or laying any information in the Act or law relating to the particular case, the complaint shall be made and the information shall be laid within twelve months from the time when the matter of the complaint or information arose.

CORONERS AND INQUESTS

82 The Indian Commissioner for the Territories, the judges of the Supreme Court, the commissioner and assistant commissioner of the North-West Mounted Police and such other persons as the Lieutenant Governor from time to time appoints, shall be coroners in and for the Territories.

83 Except as hereinafter provided no inquest shall be held upon the body of any deceased person by any coroner unless it has been made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation and not through mere accident or mischance.

84 Upon the death of any prisoner the gaoler or officer in charge of the gaol wherein such prisoner dies shall immediately give notice to the nearest resident coroner and such coroner shall proceed forthwith to hold an inquest upon the body.

BOUNDARIES AND TERRITORIES

85 It shall not be necessary in any case that a coroner's jury shall exceed six persons but in every case of an inquest six jurors must agree in order to render the verdict valid.

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

87 The fees of coroners, jurors and witnesses attending criminal trials and inquests may be fixed from time to time by the Governor in Council and paid in such manner as he directs.

ADMINISTRATION OF CIVIL JUSTICE

88 Every judge of the Supreme Court shall have jurisdiction, power and authority to hold courts, whether established by Ordinance of the Legislative Assembly or not, at such times and places as he thinks proper and at such courts as sole judge to hear all claims, disputes and demands whatsoever except as herein provided, which are brought before him and to determine any questions arising thereout, as well of fact as of law, in a summary manner; and such courts shall be open public courts.

(60-61 Vic., c.28, s.15)

2 Provided that in cases where the claim, dispute or demand arises out of a tort, wrong or grievance and in which the amount claimed exceeds five hundred dollars, or if for a debt or on a contract in which the amount claimed exceeds one thousand dollars, or for the recovery of the possession of real property, if either party demands a jury or in any such case in which the judge thinks fit so to direct, he may direct that all questions of fact therein shall be tried and determined by a sworn jury of six in number summoned in the manner hereinbefore provided as to criminal trials.

3 Provided further that in cases 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.

4 The judge may give judgment on the verdict of the jury or upon the evidence taken by the clerk or other person as aforesaid or may order a new trial when justice seems to require the same; and in all cases a judge may give such judgment and make such orders and decrees, interlocutory and final, as in such cases brought before him appear just and agreeable to equity and good conscience; but no court or judge in the Territories shall have jurisdiction in respect of any action for a gambling debt or for the price of any intoxicating liquor or intoxicant or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which, was a gambling debt or any intoxicating liquor or intoxicant.

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89 Every judgment of the judge shall be pronounced in open court as soon as may be after the hearing of the case; except that in any case where the judge is not prepared to pronounce judgment at the close of the trial he may postpone judgment and deliver and enter the same subsequently and such judgment shall be as effectual as if rendered in court at the trial.

90 The proceedings to carry into effect any such judgment, order or decree, whether interlocutory or final, shall be as prescribed by any Ordinance of the Legislative Assembly; or if no such Ordinance is in force when any such judgment, order or decree is rendered, then in such manner as the judge who pronounced the same directs.

(60-61 Vic., c.28, s.16)

(91) The Governor in Council may from time to time by proclamation declare that the three sections next preceding, or any of them, or any portion or portions of the said sections or of any of them, shall be repealed from and after the date named in such proclamation.

(57-58 Vic., c. 17, s. 10)

PROHIBITION OF INTOXICANTS

92 No intoxicating liquor or intoxicant shall be manufactured, compounded or made in the Territories, except by special permission of the Governor in Council; nor shall any intoxicating liquor or intoxicant be imported or brought into the Territories from any province in Canada, or elsewhere, or be sold, exchanged, traded or bartered, or had in possession therein, except by special permission, in writing, of the Lieutenant Governor.

2 Intoxicating liquors or intoxicants imported or brought from any place out of Canada into the Territories, by special permission in writing of the Lieutenant Governor, shall be subject to the customs and excise laws of Canada.

93 The Lieutenant Governor shall make an annual return, up to the thirty-first day of December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicating liquors and intoxicants in each case, to the Minister of the Interior, who shall lay the same before Parliament.

94 If any such intoxicating liquor or intoxicant is manufactured or made in the Territories, or is imported or brought into the Territories, or is sold, exchanged, traded or bartered in violation of the provisions of this Act, such liquor or intoxicant shall be forfeited, and may be seized by any officer of the customs or excise, or by any constable or other duly qualified person wheresoever found; and any judge of the Supreme Court or justice of the peace on complaint made before him may, on the evidence of one credible witness that the provisions of this Act have been violated in respect thereof, order such intoxicating liquor or intoxicant so seized to be forthwith destroyed; or if such liquor or intoxicant has not been seized such judge or justice of the peace on complaint as aforesaid; may issue a search warrant, as in cases of stolen goods, and upon the same being found may cause them to be forthwith destroyed; and the still, machinery, keg, barrel, case, box, package or receptacle whence or in which any

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intoxicating liquor or intoxicant has been manufactured, imported or made, sold, exchanged, traded or bartered, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the remainder of the contents thereof, if such still, machinery, barrel, keg, case, box, package, receptacle or vessel aforesaid, respectively, can be identified, may be seized by any officer of the customs or excise or by any constable or other duly qualified person wheresoever found within the Territories; and any judge of the Supreme Court or justice of the peace may, on complaint before him and on the evidence of one credible witness that the provisions of this Act have been violated in respect thereof, declare such intoxicating liquor or intoxicant, still, machinery, vessel or receptacle forfeited and cause the same to be forthwith destroyed; and the person in whose possession any of them are found shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars with costs; and the moiety of such penalty shall belong to the person laying the information, and the other moiety thereof shall belong to Her Majesty for the public uses of Canada.

(54-55 Vic., c.22, s.15)

(2) Every vehicle on which any such intoxicating liquor or intoxicant is imported or conveyed into or through or over any portion of the Territories contrary to the provisions of this Act, shall together with the horses or other cattle employed in drawing any such vehicle as aforesaid, be forfeited to Her Majesty and may be seized and dealt with accordingly.

(51 Vic., c.19, s.18)

(95) Every person who without special permission as aforesaid issued to him, manufactures, makes, compounds, imports, sells, exchanges, trades or barter any intoxicating liquor or intoxicant, or in whose possession or on whose premises any intoxicating liquor or intoxicant of any kind is, without such special permission issued to him, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, a moiety of which penalty shall belong to the person laying the information.

(54-55 Vic., c.22, s.16)

96 Every person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant shall for each offence incur a penalty not exceeding two hundred dollars and not less than fifty dollars, a moiety of which penalty shall belong to the informer.

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

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98 Every person who refuses or neglects to aid any constable, sub-constable or other duly authorized person in the execution of any act or duty required under any of the six sections next preceding, or who knowingly refuses to give information or gives false information in respect to any matter arising therefrom, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, a moiety of which penalty shall belong to the informer.

99 Every penalty incurred under any of the seven sections next preceding shall be recoverable with costs on summary conviction on the evidence of one credible witness before any judge of the Supreme Court or justice of the peace, who shall on payment of such penalty and costs pay the informer, his share thereof; and in case of non-payment of the penalty and costs immediately after conviction the convicting judge or justice of the peace may in his discretion levy the same by distress and sale or may commit the person who is so convicted and makes default to any common gaol or house of correction or lock-up house for a term not exceeding six months with or without hard labour, unless the said penalty and costs are sooner paid; and upon conviction for a subsequent offence the offender shall be liable to a penalty not exceeding four hundred dollars and not less than two hundred dollars, payable and recoverable as in this section provided and, in the discretion of the convicting judge or justice of the peace, to imprisonment with or without hard labour in any common gaol or house of correction or lock-up house for a further term not exceeding six months.

100 No seizure, prosecution, conviction or commitment under this Act shall be invalid for want of form, so long as the same is according to the true intent and meaning of this Act.

SALE OF ARMS AND AMMUNITION

101 In this section

- (a) the expression "improved arm" means and includes all arms except smooth bore shot guns;
- (b) the expression "ammunition" means fixed ammunition or ball cartridge.

2 Every person who, in the Territories,

(a) without the permission in writing (the proof of which shall be on him) of the Lieutenant Governor, or of a commissioner appointed by him to give such permission, has in his possession or sells, exchanges, trades, barter or gives to, or with any person, any improved arm or ammunition, or

(b) having such permission, sells, exchanges, trades, barter or gives any such arm or ammunition to any person not lawfully authorized to possess the same,

shall on summary conviction before a judge of the Supreme Court or two justices of the peace, be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, or to both.

3 All arms and ammunition which are in the possession of any person, or which are sold, exchanged, traded, bartered or given to or with any person in violation of this section, shall be forfeited to the Crown, and may be seized by any constable or other peace officer; and any judge of the Supreme Court or justice of the peace may issue a search warrant to search for and seize the same, as in the case of stolen goods.

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- 4 The Governor in Council may, from time to time, make regulations respecting,
- (a) the granting of permission to sell, exchange, trade, barter, give or possess arms or ammunition;
 - (b) the fees to be taken in respect thereof;
 - (c) the returns to be made respecting permissions granted; and-
 - (d) the disposition to be made of forfeited arms and ammunition.
- 5 The provisions of this section respecting the possession of arms and ammunition shall not apply to any officer or man of Her Majesty's forces, of the militia force, or of the North-West Mounted Police force.
- 6 The Governor in Council may from time to time declare by proclamation that upon and after a day therein named this section shall be in force in the Territories, or in any place or places therein in such proclamation designated; and upon and after such day, but not before, the provisions of this section shall take effect and be in force accordingly.
- 7 The Governor in Council may in like manner, from time to time, declare this section to be no longer in force in any such place or places, and may again, from time to time, declare it to be in force therein.
- 8 All courts, judges and justices of the peace shall take judicial notice of any such proclamation.

APPEALS FROM JUSTICES OF THE PEACE

102 The court of appeal from convictions and orders of justices of the peace in the Territories shall be a judge of the Supreme Court sitting without a jury; and the Clerk of the peace or other proper officer mentioned in the Act respecting Summary Proceedings before Justices of the Peace shall in the Territories mean the Clerk of the Supreme Court of the Judicial district within which such conviction takes place or such order is made.

LUNATICS

103 Whenever under any law or Ordinance in force in the Territories, any insane person is kept in custody until the pleasure of the Lieutenant Governor is known or until such person is discharged by law, the Lieutenant Governor may cause such person to be removed to and confined in any asylum or place of confinement from time to time designated for that purpose by the Governor in Council, and the superintendent or warden of such asylum or place of confinement shall receive such person and detain him therein until the pleasure of the Lieutenant Governor is known or until such person is discharged by law.

2 The Lieutenant Governor of the Province of Manitoba may cause any insane person who came from the Territories and who was confined in a temporary lunatic asylum on the twentieth day of July, one thousand eight hundred and eighty-five, to be removed to the Manitoba lunatic asylum; and the superintendent of the said asylum or the superintendent of such temporary lunatic asylum, as the case may be, shall detain every such person committed to his keeping until the pleasure of the Lieutenant Governor is known, or until such person is discharged by law.

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104 If any insane person confined in such asylum or place of confinement under this Act, escapes therefrom, any of the officers or servants thereof or any other person or persons at the request of such officers or servants or any of them, may within forty-eight hours after such escape if no warrant has been issued and within one month after such escape if a warrant in the form in the schedule to this Act has been issued by the superintendent or warden of such asylum or place of confinement in that behalf, retake such escaped person and return him thereto; and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape.

105 The Minister of the Interior may, subject to the approval of the Governor in Council, make such arrangements with the Lieutenant Governor of Manitoba as seem reasonable as to the compensation to be made by Canada to that province for the care and maintenance of persons detained in the Manitoba lunatic asylum or in such temporary asylum as aforesaid.

(Section 106 is placed under heading "The Lieutenant Governor").

ROAD ALLOWANCES

(107) All road allowances in townships now or hereafter surveyed and subdivided in the Territories and all road allowances set out on block lines now or hereafter surveyed, in the Territories, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Lieutenant Governor in Council for the public use of the Territories, subject to any Ordinance made or to be made with respect thereto.

(60-61 Vic., c. 28, s. 18)

(108) On the Minister of the Interior receiving notice from the Lieutenant Governor in Council of any particular thoroughfare or public travelled road or trail in the Territories which existed as such prior to the subdivision of the land into sections and which it is desired to have transferred to the Territories, the Governor in Council may pass an order authorizing the survey of such road or trail by a Dominion land surveyor, such survey to be made under instructions from the Lieutenant Governor in accordance with a manual of instructions regarding the manner of making such surveys approved by the Surveyor General of Dominion lands; and upon approval of the returns of such survey by the Surveyor General one copy thereof shall be filed in the Department of the Interior and one in the Land Titles Office for the district within which such road or trail is situated; and such road or trail may then be transferred by the Governor in Council for the use of the Territories subject to any rights which may have been acquired under letters patent issued previous to such transfer.

(2) The width of such road or trail shall be one chain or sixty-six feet; and in making the survey the surveyor shall make such changes in the location of the road or trail as he finds necessary for improving it, without, however, altering its main direction.

(60-61 Vic., c.28, s.19)

(21) The Legislative Assembly may pass Ordinances with respect to the closing up or varying the direction of any road allowance, or of any trail which has been transferred to the Territories and the opening and establishing of any new highway instead of any road or trail so closed, and the disposition of the land in any such road or trail.

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(2) Any Ordinance heretofore passed with respect to the matters mentioned in this section is hereby declared to have been and to be valid.

(2 Edw. VII, c.24, s.1)

Notwithstanding section six of chapter fifteen of the Statutes of 1892 any action heretofore taken by the Lieutenant Governor in the manner provided in subsection one of this section with respect to roads or trails, with the consent of the Governor in Council, but without the concurrence of the Assembly of the North-West Territories, is hereby declared to have been and to be valid.

(57-58 Vic., c.17, s.21 (2))

(21) The Lieutenant Governor in Council may cause to be surveyed and marked on the ground such roads or trails as are from time to time deemed necessary to aid in the development of any district which cannot be served by existing road allowances or by old trails mentioned in the section substituted for section one hundred and eight of the said Act by section nineteen of this Act.

(2) Such roads shall be laid out one chain or sixty-six feet in width; and in making the survey the manual of instructions mentioned in the said section shall be followed and one copy of the returns of such survey shall be filed in the Lands Titles Office for the district within which such trail is situated and a second copy in the offices of the North-West Government at Regina.

(60-61 Vic., c.28, s.21)

(3) The effect of the filing of the returns of survey as in this section provided, whether before or after the coming into force of this Act, shall be to vest the lands shown on such returns as a road or trail in His Majesty for the public use of the Territories as a highway, without prejudice, however, to the legal rights of the owner to compensation therefor.

(2 Edw. VII, c.24, s.2)

GENERAL PROVISIONS

109 Whenever in any Act of the Parliament of Canada in force in the Territories any officer is designated for carrying on any duty therein mentioned and there is no such officer in the Territories, the Lieutenant Governor in Council may order by what other person or officer such duty shall be performed, and anything done by such person or officer under such order shall be valid and lawful in the premises; or if it is in any such Act ordered that any document or thing shall be transmitted to any officer, court, territorial division or place, and there is then in the Territories no such officer, court or territorial division or place, the Lieutenant Governor in Council may order to what officer, court or place such transmission shall be made or dispense with the transmission thereof.

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(110) Either the English or the French language may be used by any person in the debates of the Legislative Assembly of the Territories and in proceedings before the courts; and both those languages shall be used in the records and journals of such Assembly; and all Ordinances made under this Act shall be printed in both those languages: Provided, however, that after the next general election of the Legislative Assembly, such Assembly may by Ordinance or otherwise, regulate its proceedings and the manner of recording and publishing the same; and the regulations so made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant Governor in conformity with the law, and thereafter shall have full force and effect.

(54-55 Vic., c. 22, s. 18)

111 Any copy of any proclamation or order made by the Governor in Council, or Ordinance, proclamation or order made by the Lieutenant Governor in Council, or by the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the North-West Territories, as the case may be, printed in the *Canada Gazette*, or purporting to be printed by the Queen's Printer for Canada, or by the printer to the Government of Manitoba at Winnipeg, or by the printer to the Government of the North-West Territories, shall be *prima facie* evidence of such proclamation or order, and of the fact that it is in force.

APPLICATION OF ACTS TO TERRITORIES

112 Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is by its terms applicable only to one or more of the Provinces of Canada, or in so far as any such Act is, for any reason, inapplicable to the Territories, shall subject to the provisions of this Act apply and be in force in the Territories.

2 The Governor in Council may by proclamation from time to time direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts not then in force in the Territories, shall be in force in the Territories generally or in any part or parts thereof mentioned in such proclamation.

SCHEDULE

WARRANT TO RETAKE ESCAPED PATIENT

Manitoba Lunatic Asylum (*or as the case may be*).

To and all or any of the peace officers in the County (*or as the case may be*) of

Whereas, on the.....day of.....last past, being within one month from the date hereof, *A.B.*, an insane person confined in the Manitoba Lunatic Asylum (*or as the case may be*), of which I,.....am superintendent (or warden) did escape from the said asylum (*or as the case may be*):

BOUNDARIES AND TERRITORIES

These are therefor to authorize and command you or any of you the said constables or peace officers in Her Majesty's name at any time within one month from the date of the said escape to retake the said *A.B.*, and safely convey him to this asylum (*or as the case may be*) and deliver him into my charge.

Given under my hand and seal this.....day of.....in the year.....at....., in thecounty aforesaid.

.....
(Signature)

[L.S.1 Superintendent.

OATH OF QUALIFICATION OF A JUSTICE OF THE PEACE FOR THE NORTH-WEST TERRITORIES

I, *A.B.*, ofin the North-West Territories, do swear that I truly and *bona fide* have to and for my own proper use and benefit an estate in fee simple in lands situated in the North-West Territories of such value as doth qualify me to act as a justice of the peace, according to the true intent and meaning of the statute in that behalf and that such lands are the following:

So help me God.

Sworn (or affirmed) before me,
at.....this
.....day of.....,
A.D. 18... .

.....
(Signature)

OATH OF OFFICE OF A JUSTICE OF THE PEACE FOR THE NORTH-WEST TERRITORIES

I, *A.B.*, of.....in the North-West Territories, do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of justice of the peace and will do right to all manner of people, after the laws and usages of these Territories, without fear or favour, affection or ill-will.

So help me God.

Sworn (or affirmed) before me,
at..... this.....day
of, A.D. 18... .

.....
(Signature).

BOUNDARIES AND TERRITORIES

Note. 6-7 Edw. VII, c. 44, An Act to amend Schedule A to the Revised Statutes 1906, is as follows:

1 Schedule A to the Revised Statutes, 1906, is hereby amended by inserting in the third column thereof, headed "Extent of Repeal", the words "except as regards the Provinces of Saskatchewan and Alberta" opposite each of the following items:

- (a) *Revised Statutes of Canada, 1886*, chapter 50, an Act respecting the North-West Territories;
- (b) 51 Victoria, chapter 19, An Act to amend the *Revised Statutes of Canada*, chapter 50, respecting the North-West Territories;
- (c) 54-55 Victoria, chapter 22, An Act to amend the Acts respecting the North-West Territories;
- (d) 57-58 Victoria, chapter 17, An Act further to amend the Act respecting the North West Territories;
- (e) 57-58 Victoria, chapter 31, An Act for the preservation of Game in the unorganized portions of the North-West Territories of Canada;
- (f) 60-61 Victoria, chapter 28, An Act further to amend the Act respecting the North West Territories;
- (g) 60-61 Victoria, chapter 32, An Act respecting Trials by Jury in certain cases in the North-West Territories;
- (h) 61 Victoria, chapter 5, An Act further to amend the Acts respecting the North-West Territories;
- (i) 1 Edward VII, chapter 21, An Act to amend the *Unorganized Territories' Game Preservation Act, 1894*;
- (j) 2 Edward VII, chapter 24, An Act further to amend the Act respecting the North-West Territories;
- (k) 3 Edward VII, chapter 40, An Act to amend the *North-West Territories Act*.

2 This Act shall be deemed to have been in force on and since the thirty-first day of January, one thousand nine hundred and seven, and the said schedule A shall be construed as if the words added by this Act had always been therein contained.

BOUNDARIES AND TERRITORIES

THE SASKATCHEWAN ACT
4-5 EDWARD VII, CHAPTER 42

An Act to establish and provide for the Government of the Province of
 Saskatchewan

[Assented to July 20, 1905]

Preamble

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

And whereas it is expedient to establish as a province the territory hereinafter described and to make provision for the government thereof and the representation thereof in the Parliament of Canada:

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

Short title

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

Province of Saskatchewan formed: its boundaries

2 The territory comprised within the following boundaries, that is to say: Commencing at the intersection of the international boundary dividing Canada from the United States of America by the west boundary of the Province of Manitoba, thence northerly along the said west boundary of the Province of Manitoba to the north-west corner of the said Province of Manitoba; thence continuing northerly along the centre of the road allowance between the twenty-ninth and thirtieth ranges west of the principal meridian in the system of Dominion lands surveys as the said road allowance may hereafter be defined in accordance with the said system to the second meridian in the said system of Dominion lands surveys as the same may hereafter be defined in accordance with the said system; thence northerly along the said second meridian to the sixtieth degree of north latitude; thence westerly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the said system of Dominion lands surveys as the same may be hereafter defined in accordance with the said system; thence southerly along the said fourth meridian to the said international boundary dividing Canada from the United States of America; thence easterly along the said international boundary to the point of commencement, is hereby established as a province of the Dominion of Canada to be called and known as the Province of Saskatchewan.

BOUNDARIES AND TERRITORIES

B.N.A. Acts 1867 to 188, to apply

3 The provisions of *The British North America Acts, 1867 to 1886* shall apply to the Province of Saskatchewan in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion as if the said Province of Saskatchewan had been one of the provinces originally united, except in so far as varied by this Act and except such provisions as are in terms made or by reasonable intendment may be held to be specially applicable to or only to affect one or more and not the whole of the said provinces.

Representation in the Senate

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

Representation in the House of Commons

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

Readjustment after next quinquennial census

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

Subsequent readjustments

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

Election of members of House of Commons

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

Executive Council

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

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Seat of Government

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

Powers of Lieutenant Governor and Council

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

Great Seal

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

Legislature

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

Legislative Assembly

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

Election of members of Assembly

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

Writs for first election

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

Laws, courts and officers continued

16 All laws and all orders and regulations made thereunder so far as they are not inconsistent with anything contained in this Act or as to which this Act contains no provision intended as a substitute therefor and all courts of civil and criminal jurisdiction and all commissions, powers, authorities and functions and all officers and functionaries, judicial, administrative and ministerial existing immediately before the coming into force of this Act in the territory hereby established as the Province of Saskatchewan shall continue in the said province as if this Act and *The Alberta Act* had not been passed, subject nevertheless except with respect to such as

BOUNDARIES AND TERRITORIES

are enacted by or existing under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland to be repealed, abolished or altered by the Parliament of Canada or by the Legislature of the said province according to the authority of the Parliament or of the said Legislature:

Proviso

Provided that all powers, authorities and functions which under any law, order or regulation were before the coming into force of this Act vested in or exercisable by any public officer or functionary of the North-West Territories shall be vested in and exercisable in and for the said province by like public officers and functionaries of the said province when appointed by competent authority.

Province may abolish supreme court of N.W.T.

(2) The Legislature of the province may for all purposes affecting or extending to the said province abolish the supreme court of the North-West Territories and the offices both judicial and ministerial thereof and the jurisdiction, powers and authority belonging or incident to the said court:

Proviso

Provided that if upon such abolition the Legislature constitutes a superior court of criminal jurisdiction the procedure in criminal matters then obtaining in respect of the supreme court of the North-West Territories shall until otherwise provided by competent authority continue to apply to such superior court and that the Governor in Council may at any time and from time to time declare all or any part of such procedure to be inapplicable to such superior court.

As to certain corporations in N.W.T.

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

As to joint stock companies

(4) Every joint stock company lawfully incorporated by or under the authority of any Ordinance of the North-West Territories shall be subject to the legislative authority of the Province of Saskatchewan if:

- (a) the head office or the registered office of such company is at the time of the coming into force of this Act situate in the Province of Saskatchewan; and
- (b) the powers and objects of such company are such as might be conferred by the Legislature of the said province and not expressly authorized to be executed in any part of the North-West Territories beyond the limits of the said province.

Education

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

BOUNDARIES AND TERRITORIES

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

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

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

Subsidy to province

18 The following amounts shall be allowed as an annual subsidy to the Province of Saskatchewan and shall be paid by the Government of Canada, by half-yearly instalments in advance to the said province, that is to say:

For government

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

Annual payment to province

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

Compensation to province for public lands

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

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

BOUNDARIES AND TERRITORIES

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

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

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

Further compensation

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

Property in lands, etc.

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

Division of assets and liabilities between Alberta and Saskatchewan

22 All properties and assets of the North-West Territories shall be divided equally between the said province and the Province of Alberta and the two provinces shall be jointly and equally responsible for all debts and liabilities of the North-West Territories:

Arbitration

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

Rights of H.B. Co.

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

Provisions as to C.P.R. Co.

24 The powers hereby granted to the said province shall be exercised subject to the provisions of section 16 of the contract set forth in the schedule to chapter 1 of the Statutes of 1881 being an Act respecting the Canadian Pacific Railway Company.

Commencement of Act

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

BOUNDARIES AND TERRITORIES

SCHEDULE

(Section 13)

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

In the following descriptions where “meridians between ranges” and “boundaries of townships” or “boundaries of sections” are referred to as the boundaries of electoral divisions these expressions mean the meridians, boundaries of townships or boundaries of sections, as the case may be, in accordance with the Dominion lands system of surveys and include the extension thereof in accordance with the said system.

Names and Description of Divisions

(1) The electoral division of Souris bounded as follows: Commencing at the south-east corner of the said Province of Saskatchewan; thence northerly along the east boundary of the said Province of Saskatchewan to the north boundary of the sixth township; thence westerly along the said north boundary of the sixth townships to the meridian between the tenth and eleventh ranges west of the second meridian; thence southerly along the said meridian between the tenth and eleventh ranges to the southern boundary of the said Province of Saskatchewan; thence easterly along the said southern boundary of the Province of Saskatchewan to the point of commencement.

(2) The electoral division of Cannington bounded as follows: Commencing at the intersection of the eastern boundary of the said Province of Saskatchewan by the north boundary of the sixth township; thence northerly along the said eastern boundary of the Province of Saskatchewan to the north boundary of the eleventh township; thence westerly along the said north boundary of the eleventh townships to the meridian between the tenth and eleventh ranges west of the second meridian; thence southerly along the said meridian between the tenth and eleventh ranges to the north boundary of the sixth township; thence easterly along the said north boundary of the sixth townships to the point of commencement.

(3) The electoral division of Moosomin bounded as follows: Commencing at the intersection of the eastern boundary of the said Province of Saskatchewan by the north boundary of the eleventh township; thence northerly along the said boundary of the Province of Saskatchewan to the north boundary of the nineteenth township; thence westerly along the said north boundary of the nineteenth townships to the second meridian; thence southerly along the said second meridian to the north boundary of the eleventh township; thence easterly along the said north boundary of the eleventh townships to the point of commencement.

(4) The electoral division of Whitewood bounded as follows: Commencing at the second meridian where it is intersected by the north boundary of the eleventh township; thence northerly along the said second meridian to the north boundary of the twentieth township; thence westerly along the north boundary of the twentieth townships to the meridian between the fourth and fifth ranges west of the second meridian; thence southerly along the said meridian between the fourth and fifth ranges to the north boundary of the eleventh township; thence easterly along the said north boundary of the eleventh townships to the point of commencement.

BOUNDARIES AND TERRITORIES

(5) The electoral division of Grenfell bounded as follows: Commencing at the meridian between the fourth and fifth ranges west of the second meridian where it is intersected by the north boundary of the eleventh township; thence northerly along the said meridian between the fourth and fifth ranges to the north boundary of the twentieth township; thence westerly along the said north boundary of the twentieth townships to the meridian between the sixth and seventh ranges west of the second meridian; thence northerly along the said meridian between the sixth and seventh ranges to the north boundary of the twenty-first township; thence westerly along the said north boundary of the twenty-first township to the meridian between the seventh and eighth ranges west of the second meridian; thence northerly along the said meridian between the seventh and eighth ranges to the north boundary of the twenty-second township; thence westerly along the said north boundary of the twenty-second township to the meridian between the eighth and ninth ranges west of the second meridian; thence southerly along the said meridian between the eighth and ninth ranges to the north boundary of the eleventh township; thence easterly along the said north boundary of the eleventh townships to the point of commencement.

(6) The electoral division of Wolseley bounded as follows: Commencing at the meridian between the eighth and ninth ranges west of the second meridian where it is intersected by the north boundary of the eleventh township; thence northerly along the said meridian between the eighth and ninth ranges to the north boundary of the twenty-second township; thence westerly along the said north boundary of the twenty-second townships to the meridian between the tenth and eleventh ranges west of the second meridian; thence southerly along the said meridian between the tenth and eleventh ranges to the north boundary of the nineteenth township; thence westerly along the said north boundary of the nineteenth township to the meridian between the eleventh and twelfth ranges west of the second meridian; thence southerly along the said meridian between the eleventh and twelfth ranges to the north boundary of the eleventh township; thence easterly along the said north boundary of the eleventh townships to the point of commencement.

(7) The electoral division of Saltcoats bounded as follows: Commencing at the intersection of the eastern boundary of the said Province of Saskatchewan by the north boundary of the nineteenth township; thence northerly along the eastern boundary of the Province of Saskatchewan to the north boundary of the thirty-fourth township; thence westerly along the said north boundary of the thirty-fourth townships to the meridian between the third and fourth ranges west of the second meridian; thence southerly along the said meridian between the third and fourth ranges of the north boundary of the twentieth township; thence easterly along the said north boundary of the twentieth townships to the second meridian; thence southerly along the said second meridian to the north boundary of the nineteenth township; thence easterly along the said north boundary of the nineteenth townships to the point of commencement.

(8) The electoral division of Yorkton bounded as follows: Commencing at the meridian between the third and fourth ranges west of the second meridian where it is intersected by the north boundary of the twentieth township; thence northerly along the said meridian between the third and fourth ranges to the north boundary of the thirty-fourth township; thence westerly along the said north boundary of the thirty-fourth townships to the meridian between the tenth and eleventh ranges west of the

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second meridian; thence southerly along the said meridian between the tenth and eleventh ranges to the north boundary of the twenty-second township; thence easterly along the said north boundary of the twenty-second townships to the meridian between the seventh and eighth ranges west of the second meridian; thence southerly along the said meridian between the seventh and eighth ranges to the north boundary of the twenty-first township; thence easterly along the said north boundary of the twenty-first township to the meridian between the sixth and seventh ranges west of the second meridian; thence southerly along the said meridian between the sixth and seventh ranges to the north boundary of the twentieth township; thence easterly along the said north boundary of the twentieth townships to the point of commencement.

(9) The electoral division of South Qu'Appelle bounded as follows: Commencing at the meridian between the tenth and eleventh ranges west of the second meridian where it is intersected by the southern boundary of the said Province of Saskatchewan; thence northerly along the said meridian between the tenth and eleventh ranges to the north boundary of the eleventh township; thence westerly along the said north boundary of the eleventh township to the meridian between the eleventh and twelfth ranges west of the second meridian, thence northerly along the said meridian between the eleventh and twelfth ranges to the north boundary of the nineteenth township; thence westerly along the said north boundary of the nineteenth townships to the meridian between the sixteenth and seventeenth ranges west of the second meridian; thence southerly along the said meridian between the sixteenth and seventeenth ranges to the southern boundary of the said Province of Saskatchewan; thence easterly along the said southern boundary of the Province of Saskatchewan to the point of commencement.

(10) The electoral division of North Qu'Appelle bounded as follows: Commencing at the meridian between the tenth and eleventh ranges west of the second meridian where it is intersected by the north boundary of the nineteenth township; thence northerly along the said meridian between the tenth and eleventh ranges to the north boundary of the thirty-fourth township; thence westerly along the said north boundary of the thirty-fourth townships to the meridian between the sixteenth and seventeenth ranges west of the second meridian; thence southerly along the said meridian between the sixteenth and seventeenth ranges to the north boundary of the nineteenth township; thence easterly along the said north boundary of the nineteenth townships to the point of commencement.

(11) The electoral division of South Regina bounded as follows: Commencing at the meridian between the sixteenth and seventeenth ranges west of the second meridian where it is intersected by the southern boundary of the said Province of Saskatchewan; thence northerly along the said meridian between the sixteenth and seventeenth ranges to where it is intersected by the centre of the track of the main line of the Canadian Pacific Railway; thence westerly along the said centre of the track of the main line of the Canadian Pacific Railway to where it is first intersected by the north boundary of the seventeenth township; thence westerly along the said north boundary of the seventeenth townships to the meridian between the twenty-third and twenty-fourth ranges west of the second meridian; thence southerly along the said meridian between the twenty-third and twenty-fourth ranges to the southern boundary of the said Province of Saskatchewan; thence easterly along the said southern boundary of the Province of Saskatchewan to the point of commencement; excepting and reserving out of the said electoral division of South Regina all that portion thereof comprised within the limits of the city of Regina as incorporated by Ordinance of the North-West Territories.

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(12) The electoral division of Regina City comprising the city of Regina as incorporated by Ordinance of the North-West Territories.

(13) The electoral division of Lumsden bounded as follows: Commencing at the meridian between the sixteenth and seventeenth ranges west of the second meridian where it is intersected by the centre of the track of the main line of the Canadian Pacific Railway; thence northerly along the said meridian between the sixteenth and seventeenth ranges to the north boundary of the thirty-fourth township; thence westerly along the said north boundary of the thirty-fourth townships to the meridian between the twenty-third and twenty-fourth ranges west of the second meridian; thence southerly along the said meridian between the twenty-third and twenty-fourth ranges to the point where it is first intersected by the east shore of Last Mountain Lake; thence southerly along the said east shore of the said lake to its intersection with the meridian between the twenty-third and twenty-fourth ranges in township 24; thence southerly along the said meridian between the twenty-third and twenty-fourth ranges to the north boundary of the seventeenth township; thence easterly along the said north boundary of the seventeenth townships to where it is first intersected by the centre of the track of the main line of the Canadian Pacific Railway; thence easterly along the said centre of the track of the main line of the Canadian Pacific Railway to the point of commencement.

(14) The electoral division of Moose Jaw bounded as follows: Commencing at the meridian between the twenty-third and twenty-fourth ranges west of the second meridian where it is intersected by the southern boundary of the said Province of Saskatchewan; thence northerly along the said meridian between the twenty-third and twenty-fourth ranges to the point where the said meridian intersects the east shore of Last Mountain Lake in township 24; thence northerly along the said east shore of Last Mountain Lake to its intersection with the northern boundary of township 26; thence westerly along the said north boundary of the twenty-sixth townships to the meridian between the seventh and eighth ranges west of the third meridian; thence southerly along the said meridian between the seventh and eighth ranges to the southern boundary of the said Province of Saskatchewan; thence easterly along the said southern boundary of the Province of Saskatchewan to the point of commencement; excepting and reserving out of the said electoral division of Moose Jaw all that portion thereof comprised within the limits of the city of Moose Jaw as incorporated by Ordinance of the North-West Territories.

(15) The electoral division of Moose Jaw comprising the city of Moose Jaw as incorporated by Ordinance of the North-West Territories.

(16) The electoral division of Maple Creek bounded as follows: Commencing at meridian between the seventh and eighth ranges west of the third meridian where it is intersected by the southern boundary of the said Province of Saskatchewan; thence northerly along the said meridian between the seventh and eighth ranges to the north boundary of the twenty-sixth township; thence westerly along the said north boundary of the twenty-sixth townships to the western boundary of the said Province of Saskatchewan; thence southerly along the said western boundary of the Province of Saskatchewan to the southern boundary of the said Province of Saskatchewan; thence easterly along the said southern boundary of the Province of Saskatchewan to the point of commencement.

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(17) The electoral division of Humboldt bounded as follows: Commencing at the intersection of the eastern boundary of the said Province of Saskatchewan by the north boundary of the thirty-fourth township; thence northerly along the said eastern boundary of the Province of Saskatchewan to the north boundary of the forty-second township; thence westerly along the said north boundary of the forty-second townships to the meridian between the twenty-fourth and twenty-fifth ranges west of the second meridian; thence southerly along the said meridian between the twenty-fourth and twenty-fifth ranges to the north boundary of the twenty-fourth township; thence easterly along the said north boundary of the thirty-fourth townships to the point of commencement.

(18) The electoral division of Kinistino bounded as follows: Commencing at the intersection of the eastern boundary of the said Province of Saskatchewan by the north boundary of the forty-second township; thence northerly along the said eastern boundary of the Province of Saskatchewan to the north-east corner of the said province; thence westerly along the northern boundary of the said Province of Saskatchewan to the meridian between the twenty-fourth and twenty-fifth ranges west of the second meridian; thence southerly along the said meridian between the twenty-fourth and twenty-fifth ranges to the north limit of the Indian Reserve Chief Muskoday; thence easterly along the said north limit of the Indian Reserve Chief Muskoday to the South Saskatchewan river; thence along the South Saskatchewan river up steam to the north boundary of the forty-fifth township; thence easterly along the said north boundary of the forty-fifth townships to the meridian between the twenty-fourth and twenty-fifth ranges west of the second meridian; thence southerly along the said meridian between the twenty-fourth and twenty-fifth ranges to the north boundary of the forty-second township; thence easterly along the said north boundary of the forty-second townships to the point of commencement.

(19) The electoral division of Prince Albert bounded as follows: Commencing at the meridian between the twenty-fourth and twenty-fifth ranges west of the second meridian where it is intersected by the northern boundary of the said Province of Saskatchewan; thence westerly along the said northern boundary of the Province of Saskatchewan to the meridian between the fifth and sixth ranges west of the third meridian; thence southerly along the said meridian between the fifth and sixth ranges to the north boundary of the forty-seventh township; thence easterly along the said north boundary of the forty-seventh townships to the meridian between the first and second ranges west of the third meridian; thence southerly along the said meridian between the first and second ranges to the north boundary of the forty-sixth township; thence easterly along the said north boundary of the forty-sixth townships to the third meridian; thence southerly along the said third meridian to the South Saskatchewan river; thence along the said South Saskatchewan river down stream to the north limits of the Indian Reserve Chief Muskoday; thence westerly along the said north limit of the Indian Reserve Chief Muskoday to the meridian between the twenty-fourth and twenty-fifth ranges west of the second meridian; thence northerly along the said meridian between the twenty-fourth and twenty-fifth ranges to the point of commencement; excepting and reserving out of the said electoral division all those portions described as follows:

BOUNDARIES AND TERRITORIES

Firstly, the City of Prince Albert as incorporated by Ordinance of the North-West Territories; and

Secondly, those portions of lots 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82 of the Prince Albert settlement which lie to the south of the said city of Prince Albert as incorporated and that portion of the Hudson Bay reserve outside of and adjoining the said city on the east and south and which lies to the north of the production in a straight line easterly of the southern boundary of the said lot 82 in the Prince Albert settlement; and

Thirdly, fractional sections 13 and 24 in the forty-eighth township in the twenty-sixth range west of the second meridian.

(20) The electoral division of Prince Albert City comprising:

Firstly, the city of Prince Albert as incorporated by Ordinance of the North-West Territories; and

Secondly, those portions of lots 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82 of the Prince Albert settlement which lie to the south of the said city of Prince Albert as incorporated and that portion of the Hudson Bay reserve outside of and adjoining the said city on the east and south and which lies to the north of the production in a straight line easterly of the southern boundary of the said lot 82 in the Prince Albert settlement; and

Thirdly, fractional sections 13 and 24 in the forty-eighth township in the twenty-sixth range west of the second meridian.

(21) The electoral division of Batoche bounded as follows: Commencing at the meridian between the twenty-third and twenty-fourth ranges west of the second meridian where it is intersected by the north boundary of the twenty-sixth township; thence northerly along the said meridian between the twenty-third and twenty-fourth ranges to the north boundary of the thirty-fourth township; thence westerly along the said north boundary of the thirty-fourth township to the meridian between the twenty-fourth and twenty-fifth ranges west of the second meridian; thence northerly along the said meridian between the twenty-fourth and twenty-fifth ranges to the north boundary of the forty-fifth township; thence westerly along the said north boundary of the forty-fifth townships to where it first intersects the South Saskatchewan river; thence along the said South Saskatchewan river up stream to the north boundary of the fortieth township; thence easterly along the said north boundary of the fortieth townships to the meridian between the first and second ranges west of the third meridian; thence southerly along the said meridian between the first and second ranges to the north boundary of the twenty-sixth township; thence easterly along the said north boundary of the twenty-sixth townships to the point of commencement.

(22) The electoral division of Saskatoon bounded as follows: Commencing at the meridian between the first and second ranges west of the third meridian where it is intersected by the north boundary of the twenty-sixth township; thence northerly along the said meridian between the first and second ranges to the north boundary of the fortieth township; thence westerly along the said north boundary of the fortieth township to the South Saskatchewan river; thence along the said South Saskatchewan river down stream to the north boundary of the forty-first township; thence westerly

BOUNDARIES AND TERRITORIES

along the said north boundary of the forty-first townships to the North Saskatchewan river; thence along the said North Saskatchewan river up stream to the meridian between the thirteenth and fourteenth ranges west of the third meridian; thence southerly along the said meridian between the thirteenth and fourteenth ranges to the north boundary of the twenty-sixth township; thence easterly along the said north boundary of the twenty-sixth townships to the point of commencement.

(23) The electoral division of Rosthern bounded as follows: Commencing at the north boundary of the forty-first township where it is intersected by the South Saskatchewan river; thence along the said South Saskatchewan river down stream to the third meridian; thence northerly along the said third meridian to the north boundary of the forty-sixth township; thence westerly along the said north boundary of the forty-sixth township to the meridian between the first and second ranges west of the third meridian; thence northerly along the said meridian between the first and second ranges to the north boundary of the forty-seventh township; thence westerly along the said north boundary of the forty-seventh townships to the meridian between the fifth and sixth ranges west of the third meridian; thence southerly along the said meridian between the fifth and sixth ranges to the North Saskatchewan river; thence along the said North Saskatchewan river up stream to the north boundary of the forty-first township; thence easterly along the said north boundary of the forty-first townships to the point of commencement.

(24) The electoral division of Redberry bounded as follows: Commencing at the meridian between the fifth and sixth ranges west of the third meridian where it is intersected by the North Saskatchewan river; thence northerly along the said meridian between the fifth and sixth ranges to the northern boundary of the said Province of Saskatchewan; thence westerly along the said north boundary of the Province of Saskatchewan to the meridian between the thirteenth and fourteenth ranges west of the third meridian; thence southerly along the said meridian between the thirteenth and fourteenth ranges to the North Saskatchewan river; thence along the said North Saskatchewan river down stream to the point of commencement.

(25) The electoral division of Battleford bounded as follows: Commencing at the meridian between the thirteenth and fourteenth ranges west of the third meridian where it is intersected by the north boundary of the twenty-sixth township; thence northerly along the said meridian between the thirteenth and fourteenth ranges to the northern boundary of the said Province of Saskatchewan to the western boundary of the said Province of Saskatchewan; thence southerly along the said western boundary of the Province of Saskatchewan to the north boundary of the twenty-sixth townships; thence easterly along the said north boundary of the twenty-sixth townships to the point of commencement.

BOUNDARIES AND TERRITORIES

**BOUNDARIES
STATUTES OF SASKATCHEWAN
3 GEORGE VI, 1939, CHAPTER 96**

An Act respecting the Boundary between the Provinces of Alberta and Saskatchewan.

[Assented to April 1, 1939]

HIS Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Alberta-Saskatchewan Boundary Act, 1939*.

Portion of boundary as surveyed confirmed

2 Subject to the passing of an Act of the same import as this Act by the Province of Alberta, the report of the Interprovincial Boundary Commission appointed to complete the necessary surveys to mark the interprovincial boundary between the Provinces of Alberta and Saskatchewan and the plan of such survey of record in the Department of Natural Resources of the Province of Saskatchewan, under number By. 7, are hereby approved and confirmed, and that portion of the boundary between the Provinces of Alberta and Saskatchewan, as marked on the ground by the said commission during the year 1938, is hereby approved and confirmed and declared to be the true interprovincial boundary.

BOUNDARIES AND TERRITORIES

STATUTES OF SASKATCHEWAN

1 GEORGE VI, 1937, CHAPTER 96

An Act respecting the Boundary between the Provinces of Manitoba and
Saskatchewan

[Assented to April 16, 1937]

HIS Majesty, by and with the advice and consent of the Legislative Assembly of
Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Manitoba-Saskatchewan Boundary Act, 1937*.

Portion of boundary as surveyed confirmed

2 Subject to the passing of an Act of the same import as this Act by the Province of
Manitoba, the report of the Interprovincial Boundary Commission appointed to
complete the necessary surveys to mark the interprovincial boundary between the
Provinces of Manitoba and Saskatchewan and the plans of such survey of record in the
Department of Natural Resources of the Province of Saskatchewan, under numbers
By. 1, By. 2 and By. 3, are hereby approved and confirmed, and that portion of the
boundary between the Provinces of Manitoba and Saskatchewan, as marked on the
ground by the said commission during the year 1936, is hereby approved and
confirmed and declared to be the true interprovincial boundary.

BOUNDARIES AND TERRITORIES

**STATUTES OF SASKATCHEWAN
6 GEORGE VI, 1942, CHAPTER 75**

An Act respecting the Boundary between the Provinces of Manitoba
and Saskatchewan

[Assented to April 11, 1942]

HIS Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Manitoba-Saskatchewan Boundary Act, 1942*.

Portion of boundary surveyed confirmed

2 Subject to the passing of an Act of the same import as this Act by the Province of Manitoba, the report of the Interprovincial Boundary Commission appointed to complete the necessary surveys to mark the interprovincial boundary between the Provinces of Manitoba and Saskatchewan and the plan of such survey of record in the Surveys Branch, Department of Natural Resources of the Province of Saskatchewan under number By. 8 is hereby approved and confirmed, and that portion of the boundary between the Provinces of Manitoba and Saskatchewan, as defined on the ground by the said commission during the year 1941, is hereby approved and confirmed and declared to be the true interprovincial boundary.

BOUNDARIES AND TERRITORIES

STATUTES OF SASKATCHEWAN
15 ELIZABETH II, 1966, CHAPTER 88

Short title

An Act of Consent respecting the adoption of the
 Manitoba-Saskatchewan boundary as surveyed by the
 Manitoba-Saskatchewan Boundary Commission during the years 1961
 and 1962

[Assented to February 25, 1966]

Preamble

WHEREAS *The Saskatchewan Act*, 4 and 5 Edward VII, Chapter 42, and *The Manitoba Boundaries Extension Act, 1912*, 2 George V, Chapter 32, defines the northerly portion of the boundary between the Provinces of Manitoba and Saskatchewan as “the second meridian in the system of Dominion lands surveys”; and

Whereas in order to survey and demarcate that portion of the second meridian that constitutes the defined boundary between the Provinces of Manitoba and Saskatchewan, a commission to undertake the same and designated the Manitoba-Saskatchewan Boundary Commission was appointed and authorized by Order Number 1958-9 of the Privy Council, dated January 2, 1958, by Order Number 1963-683 of the Privy Council, dated May 2, 1963, by Order in Council No. 1871/60 dated October 21, 1960, and by Order in Council No. 1061/59 (Manitoba) dated August 4, 1959; and

Whereas the said Boundary Commission, during the years 1961 and 1962, caused the survey and demarcation of the said boundary to be completed and has caused the same to be duly shown upon fifteen map sheets entitled “Boundary between Manitoba and Saskatchewan” numbered 30A and 31 to 44 and signed by the Commissioners, which said map sheets have been printed and copies thereof deposited in the office of the Controller of Surveys of this province; and

Whereas it is expedient that the line surveyed, monumented and shown by the Manitoba-Saskatchewan Boundary Commission should be established as the boundary between this province and the Province of Manitoba; and

Whereas by section 3 of *The British North America Act, 1871*, it was enacted that the Parliament of Canada may from time to time with the consent of the Legislature of any province increase, diminish or otherwise alter the limits of that province upon such terms and conditions as may be agreed upon by the said Legislature and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any province affected thereby:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Manitoba-Saskatchewan Boundary Act, 1966*.

BOUNDARIES AND TERRITORIES

Consent of Legislature respecting boundary between Saskatchewan and Manitoba

2 In case the Legislature of the Province of Manitoba also consents thereto with respect to that province, the Legislature of the Province of Saskatchewan hereby consents that the Parliament of Canada do declare the line so surveyed, monumented and shown in the manner referred to in the preamble to the extent thereof, to be the boundary line between this province and the Province of Manitoba, whether or not the same increases, diminishes, or otherwise alters the territory of this province.

BOUNDARIES AND TERRITORIES

STATUTES OF SASKATCHEWAN
27 ELIZABETH II, 1978, CHAPTER 34

An Act of Consent respecting the adoption of the
 Manitoba-Saskatchewan boundary south of the twenty-second base line
 as surveyed by the Manitoba-Saskatchewan Boundary Commission
 during the years 1965 to 1972

[Assented to April 25, 1978]

Preamble

WHEREAS *The Saskatchewan Act, 4 and 5 Edward VII, chapter 42, and The Manitoba Boundaries Extension Act, 1912, 2 George V, chapter 32*, define the boundary between the Provinces of Manitoba and Saskatchewan as the centre of the road allowance between the twenty-ninth and thirtieth ranges of townships lying west of the first Principal Meridian in the system of Dominion lands surveys from its intersection with the international boundary between Canada and the United States of America to its intersection with the second meridian in the system of Dominion lands surveys and thence as the said second meridian to its intersection with the sixtieth degree of north latitude; and

Whereas, in order to survey and demarcate that portion of the second meridian that constitutes the defined boundary between the Provinces of Manitoba and Saskatchewan, a commission to under take the same and designated the Manitoba-Saskatchewan Boundary Commission was appointed and authorized by Order Number 1958-9 of the Privy Council, dated January 2, 1958, by Order Number 1963-683 of the Privy Council, dated May 2, 1963, by Order in Council No. 1871/60 dated October 21, 1960, and by Order in Council No. 1061/59 (Manitoba) dated August 4, 1959; and

Whereas, in order to survey and demarcate certain parts of the remaining portion of the boundary that have not yet been surveyed, and to resurvey, re-establish and restore the monumentation of certain parts of the remaining portion surveyed prior to 1920, the Commission was authorized by P.C. 1964-2040 to undertake the same; and

Whereas the Commission, during the years 1961 and 1962, caused the survey and demarcation of the northerly portion of the boundary defined as the second meridian in the system of Dominion lands surveys to be completed and caused the same to be duly shown upon fifteen map sheets entitled "Boundary between Manitoba and Saskatchewan" numbered 30A and 31 to 44 and signed by the Commissioners, which said map sheets have been printed and copies thereof deposited in the office of the Controller of Surveys of the province; and

Whereas the Legislatures of the Provinces of Saskatchewan and Manitoba, and the Parliament of Canada, have assented on February 25, 1966, March 29, 1966 and December 14, 1966, respectively, to the said boundary shown on those sheets numbered 30A and 31 to 44; and

BOUNDARIES AND TERRITORIES

Whereas the Commission, during the years 1965 to 1972, caused the survey of those parts of the remaining portion of the boundary that had not been surveyed, caused the resurvey, re-establishment and restoration of the monumentation together with the survey of supplementary monumentation of certain parts of the remaining portion surveyed prior to 1920 and, during the years 1975 and 1976, caused the whole said remaining portion to be duly shown upon thirty map sheets entitled "Boundary between Manitoba and Saskatchewan" numbered 1 to 30 and signed by the Commissioners, which said sheets have been printed and copies thereof deposited in the office of the Controller of Surveys of the Province; and

Whereas the said remaining portion may have been moved slightly east and west in areas where former monumentation was destroyed or lost, and it is expedient that the line surveyed, resurveyed, re-monumented, restored and shown by the said Commission should be established as the boundary between this province and the Province of Manitoba; and

Whereas by section 3 of *The British North America Act, 1871* it was enacted that the Parliament of Canada may from time to time, with the consent of the Legislature of any province, increase, diminish or otherwise alter the limits of that province upon such terms and conditions as may be agreed upon by that Legislature and may, with such consent, make provision respecting the effect and operation of any such increase, diminution or alteration of territory in relation to any province affected thereby; and

Whereas the Commission has been empowered to issue instructions and direct the, execution of all resurveys, line clearing or restorative work, including the employment of any professional or other personnel and the purchase of necessary equipment and supplies, that may be necessary from time to time to add supplementary monumentation or to maintain the boundary vista and monuments; and

Whereas the Commission has recommended that each Commissioner maintain a master copy of each atlas sheet depicting the boundary and that, when any survey monuments have been established, restored or maintained, or measurements have been adjusted, each Commissioner, upon the unanimous consent of the Commission, supplement or revise his master copy to show the upgraded and updated survey data, provided that no change in the position of the boundary is involved:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Manitoba-Saskatchewan Boundary Act, 1978*.

Consent of Legislature respecting boundary between Saskatchewan and Manitoba

2 In case the Legislature of the Province of Manitoba also consents thereto with respect to that province, the Legislature of the Province of Saskatchewan hereby consents that the Parliament of Canada do declare the line so surveyed, resurveyed, remonumented, restored and shown in the manner referred to in the preamble to the extent thereof, to be the boundary line between this province and the Province of Manitoba, whether or not the same increases, diminishes or otherwise alters the territory of this province.

BOUNDARIES AND TERRITORIES

Powers of minister *re* future restoration

3 The minister charged by order of the Lieutenant Governor in Council with the administration of this Act may enter into, settle, execute and deliver, on behalf of the province, an agreement with the Province of Manitoba to provide for the establishment, re-establishment, restoration and maintenance of the survey monuments and other physical evidence of the boundary.

Incorporation of future surveys

4 Each Commissioner shall maintain a master copy of each of the boundary map sheets referred to in the preamble and, when survey monuments have been established, restored or maintained, or measurements have been adjusted, under the mandate of the Commission, each Commissioner, upon the unanimous consent of the Commission, shall supplement or revise his master copy of the map sheets to incorporate the upgraded and updated survey data, provided that no change in the position of the boundary has been made.

BOUNDARIES AND TERRITORIES

STATUTES OF SASKATCHEWAN
15 ELIZABETH II, 1966, CHAPTER 89

An Act of Consent respecting the adoption of the
 Saskatchewan-Northwest Territories boundary as surveyed by the
 Saskatchewan-Northwest Territories Boundary Commission during the
 years 1953 to 1962

[Assented to February 25, 1966]

Preamble

WHEREAS The Saskatchewan Act, 4 and 5 Edward VII, Chapter 42, defines the northerly boundary of the Province of Saskatchewan as “the parallel of the sixtieth degree of north latitude”; and

Whereas the District of Mackenzie, Northwest Territories, is described in Order Number 655 of the Privy Council, dated March 16, 1918, as being bounded on the south by the parallel of the sixtieth degree of north latitude; and

Whereas in order to survey and demarcate the boundary between Saskatchewan and the Northwest Territories, a commission to undertake the same and designated the Saskatchewan-Northwest Territories Boundary Commission was appointed and authorized by Order Number 3801 of the Privy Council, dated August 21, 1952, and by Order in Council No. 2521/52 dated November 14, 1952; and

Whereas the said Boundary Commission, during the years 1953 to 1962, caused the survey and demarcation of the said boundary to be completed and has caused the same to be duly shown upon sixteen map sheets entitled “Boundary between Saskatchewan and Northwest Territories” and signed by the Commissioners, which said map sheets have been printed and copies thereof deposited in the office of the Controller of Surveys of this Province; and

Whereas it is expedient that the line surveyed, monumented and shown by the Saskatchewan-Northwest Territories Boundary Commission should be established as the boundary between this province and the Northwest Territories; and

Whereas by section 3 of *The British North America Act, 1871*, it was enacted that the Parliament of Canada may from time to time with the consent of the Legislature of any province increase, diminish or otherwise alter the limits of that province upon such terms and conditions as may be agreed upon by the said Legislature and may, with the like consent, make provisions respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any province affected thereby:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

BOUNDARIES AND TERRITORIES

Short title

1 This Act may be cited as *The Saskatchewan-Northwest Territories Boundary Act, 1966*.

Consent of Legislature respecting boundary between Saskatchewan and Northwest Territories

2 The Legislature of the Province of Saskatchewan hereby consents that the Parliament of Canada do declare the line surveyed, monumented and shown in the manner referred to in the preamble to be the boundary line between this province and the Northwest Territories, whether or not the same increases, diminishes or otherwise alters the territory of this province.

REGINA, SASKATCHEWAN
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