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**STORAGE**



# ORDINANCES

OF THE

## North-West Territories,

PASSED IN THE SECOND SESSION

OF THE

## FIRST LEGISLATIVE ASSEMBLY,

*Began and holden at Regina on the Sixteenth day of October,  
and closed on the Twenty-second day of November, 1889.*



HIS HONOR

THE HONORABLE JOSEPH ROYAL,

LIEUTENANT-GOVERNOR.

REGINA, N.W.T. :

PRINTED BY R. B. GORDON, PRINTER TO THE GOVERNMENT OF THE  
NORTH-WEST TERRITORIES.

1890.



# CONTENTS.

## ORDINANCES OF 1889.

No.

- 1.—An Ordinance to amend Chapter 7 of the Revised Ordinances respecting Insane Persons.....
- 2.—An Ordinance to amend "The Poisons Ordinance.".....
- 3.—An Ordinance to amend Ordinance No. 5 of 1888 (The Medical Ordinance.).....
- 4.—An Ordinance to amend "The Agricultural Societies Ordinance.".....
- 5.—An Ordinance to amend "The Mechanics' Lien Ordinance.".....
- 6.—An Ordinance to amend Chapter 37 of the Revised Ordinances respecting Auctioneers, Hawkers and Pedlers.....
- 7.—An Ordinance to amend Ordinance No. 6 of 1888 respecting the registration of Births, Marriages and Deaths.....
- 8.—An Ordinance respecting Receipt Notes, Hire Receipts and Orders for Chattels.....
- 9.—An Ordinance to regulate the practice of Dentistry in the Territories.....
- 10.—An Ordinance respecting the expropriation of Lands.....
- 11.—An Ordinance to amend "The Game Ordinance".....
- 12.—An Ordinance to amend "The Unincorporated Towns Ordinance".....
- 13.—An Ordinance to provide for the incorporation of Butter and Cheese Manufacturing Associations.....
- 14.—An Ordinance respecting Justices of the Peace.....
- 15.—An Ordinance to amend "The Herd Ordinance.".....
- 16.—An Ordinance respecting the Personal Property of Married Women.....
- 17.—An Ordinance respecting Hides.....
- 18.—An Ordinance respecting Mortgages and Sales of Personal Property.....
- 19.—An Ordinance to amend "The Municipal Ordinance.".....
- 20.—An Ordinance to amend "The School Ordinance.".....
- 21.—An Ordinance to amend "The Judicature Ordinance.".....
- 22.—An Ordinance to amend "The Brand Ordinance.".....
- 23.—An Ordinance to incorporate "The Calgary Water Power Company Limited.".....
- 24.—An Ordinance to amend "The Interpretation Ordinance.".....
- 25.—An Ordinance to amend Chapter 41 of the Revised Ordinances respecting the Legal Profession.....
- 26.—An Ordinance to amend Ordinance No. 25 of 1880.....
- 27.—An Ordinance to incorporate "The Medicine Hat General Hospital.".....
- 28.—An Ordinance to amend Ordinance No. 25 of 1887 incorporating the Town of Moosomin.....
- 29.—An Ordinance to legalize By-law No. 41 of the Municipality of Indian Head.....
- 30.—An Ordinance to legalize a certain Debenture of Kenlis Protestant Public School District.....
- 31.—An Ordinance to empower certain Boards of School Trustees to compromise for the payment of arrears of taxes.....





**No. 1 of 1889.**

AN ORDINANCE TO AMEND CHAPTER 7 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "AN ORDINANCE RESPECTING INSANE PERSONS."

[*Assented to November 22nd, 1889.*]

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

**1.** Section Two of Chapter 7 of the Revised Ordinances of the North-West Territories is hereby amended by inserting after the word "Prisoner," where it first occurs therein, the words, "to his residence for at least the six months previous to the enquiry, to his calling or profession, to his means of support, to the fact of his being married or not; and also as to whether or not the said prisoner, if committed under the provisions of this Ordinance, will be sent back to his former residence, and at whose cost."

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**No. 2 of 1889.**

AN ORDINANCE TO AMEND CHAPTER 27 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "THE POISONS ORDINANCE."

[Assented to November 22nd, 1889.]

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

**1.** "The Poisons Ordinance" is hereby amended by adding thereto the following Section :—

(1.) None of the provisions of this Ordinance, except Sections 1, 2, 8 and 9, shall apply to that part of the Territories known as the Provisional District of Saskatchewan.

No. 3 of 1889.

AN ORDINANCE TO AMEND ORDINANCE NO. 1  
OF 1888, INTITULED "THE NORTH-WEST TERRI-  
TORIES MEDICAL ORDINANCE 1888."

[Assented to November 22nd, 1889.]

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

1. Section 10 of "The North-West Territories Medical Ordinance, 1888," is hereby amended by striking out the figures "1888" in the second line thereof and inserting in lieu thereof the figures "1890."

**No. 4 of 1889.**

AN ORDINANCE TO AMEND CHAPTER 23 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "THE AGRICULTURAL SOCIETIES ORDINANCE."

[Assented to November 22nd, 1889.]

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

1. Section 9 of Chapter 23 of the Revised Ordinances of the North-West Territories is hereby struck out and the following substituted therefor.

(9.) The officers of the Society shall present at the Annual meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the Society, the amount paid by each being set opposite to his name, the amount awarded in prizes to each kind of live stock, agricultural products, implements, domestic products or other objects respectively, together with such remarks and suggestions upon the agriculture of the district as they are enabled to offer.

2. Section 14 of the said Ordinance is hereby amended by striking out all the words after "acquire" in the said Section, and substituting the following therefor, "hold, sell, mortgage, lease, or otherwise dispose of or encumber real estate and other properties real and personal."

(a.) Such amendment shall be retroactive in its operation, and shall apply to all or any real estate heretofore mortgaged by any Agricultural Society duly incorporated in the North-West Territories.

No. 5 of 1889.

AN ORDINANCE TO AMEND CHAPTER 48 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "THE MECHANICS' LIEN ORDINANCE."

[Assented to November 22nd, 1889.]

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

1. Chapter 48 of the Revised Ordinances of the North-West Territories, intituled "The Mechanics' Lien Ordinance" is hereby amended by adding thereto the following Section.

(1.) Every mechanic or other person, who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement in its properties or for the purpose of imparting an additional value to it, so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, while such lien exists but not afterwards, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right, in addition to all other remedies provided by Law, to sell the chattel or thing in respect of which the lien exists, on giving one month's notice by advertisement in a newspaper published in the locality, in which the work was done, or in case there is no newspaper published in such locality, or within ten miles of the place where the work was done, then by posting up not less than five notices in the most public places within the locality for one month, stating the name of the person indebted, the amount of the debt, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer, and leaving a like notice in writing at the last or known place of residence (if any) of the owner, if he be a resident in such locality, or mailing the same to him by registered letter if his address be known.

(a.) Such mechanic, or other person, shall apply the proceeds of the sale in payment of the amount due to him, and the costs of advertising and sale, and shall upon application pay over any surplus to the person entitled thereto.

**No. 6 of 1889.**

AN ORDINANCE TO AMEND CHAPTER 37 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "AN ORDINANCE RESPECTING AUCTIONEERS, HAWKERS, AND PEDLERS."

[Assented to November 22nd, 1889.]

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

1. Sub-Section (2) of Section 1 of Chapter 37 of the Revised Ordinances of the North-West Territories is hereby amended by inserting the words "Agricultural Implements" after the word "fruit" where it occurs in the ninth line of said Sub-Section.

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## No. 7 of 1889.

AN ORDINANCE TO AMEND ORDINANCE NO. 6 OF 1888, INTITULED "AN ORDINANCE RESPECTING THE REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS."

[Assented to November 22nd, 1889.]

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

1. Section 2 of Ordinance No. 6 of 1888 is hereby amended by adding thereto the words "and fix his salary."

2. It shall be the duty of every Division Registrar appointed under the provisions of Chapter 6 of the Revised Ordinances of the North-West Territories intituled "An Ordinance respecting the Registration of Births, Marriages and Deaths," to keep a duplicate record of all entries for his district thereunder.

3. The Registrar General shall supply each Division Registrar with suitable Index Books to enable the respective Division Registrars to keep an alphabetical index to each class of entries recorded, and shall also provide suitable books for making duplicate records for each Electoral District, or Portfolios, to preserve the same, in the same manner as original returns are disposed of under Section 20 of the said Ordinance.

4. All persons shall be entitled, at all reasonable hours, to search the records of the respective Electoral Districts, and to require and receive extracts duly certified by the Division Registrar : which extracts shall be evidence of the entry specified, and *prima facie* evidence of the facts stated therein in any Court in the Territories, and for every such search or certificate the Division Registrar shall be authorized to collect the following fees from the person requiring the same :



*Vital Statistics.*

13

For searching in the Births Index Book, each name, \$	.25
For searching in the Marriages Index Book, each name.....	.25
For searching in the Deaths Index Book, each name.....	.25
For each certificate when required.....	.50

**5.** The provisions of this Ordinance shall take effect from the date the principal Ordinance came into operation.

**6.** Section 6 of Ordinance No. 6 of 1888 is hereby struck out.

## No. 8 of 1889.

AN ORDINANCE CONCERNING RECEIPT-NOTES,  
HIRE RECEIPTS AND ORDERS FOR CHATTELS.

[Assented to November 22nd, 1889.]

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

1. From and after the First day of February, A.D, 1890, Receipt-notes, Hire-receipts and Orders for Chattels, given by bailees of chattels subsequent to the said date, where the condition of the bailment is such, that the possession of the chattel should pass without any ownership therein being acquired by the bailee, shall not be entitled to any precedence or priority and shall be of no effect whatsoever as against judgments or attachments, in any Court of Record or against any mortgagee or *bona fide* purchaser without notice, unless the said Receipt-note, Hire-receipt, or Order shall have been within thirty days from the date thereof registered in the office of the Registration Clerk of the Registration District, as defined by Chapter 47 of the Revised Ordinances, within which the maker of the said Receipt-note, Hire-receipt or Order is resident, by filing in the office of such Registration Clerk a copy of the said Receipt-note, Hire-receipt or Order for the chattel or chattels, together with the endorsements thereon, verified by affidavit of the owner or his agent as to its correctness and as to the *bona fides* of the transaction; and for filing the same the said Clerk shall be entitled to have and receive at the time of filing a fee of ten cents.

2. The registration or filing of such Receipt-note, Hire-receipt or Order shall have the effect of giving the same precedence and priority as is given to chattel mortgages and bills of sale, according to the date of its registration or filing, and the provisions of Chapter 47 of the Revised Ordinances, intituled "An Ordinance respecting Mortgages and Sales of Personal Property," and amendments thereto, shall apply to such Receipt-notes, Hire-receipts or Orders for the purposes of this Ordinance, in so far as the provisions thereof may

not be incompatible with or repugnant to the provisions of this Ordinance.

3. Any Receipt-note, Hire-receipt or Order registered or filed under the provisions of this Ordinance may be discharged or partially discharged by filing in the office, in which the said Receipt-note, Hire-receipt or Order is registered, the original thereof, or a receipt or certificate that the same, or any part thereof, has been paid, signed by the person to whom such Receipt-note, Hire-receipt or Order was given, his executors or administrators, or by his or their assignee, or by his or their agent or attorney, together with the signature of a witness thereto attesting the genuineness of such receipt or certificate, or in case of an original being filed setting forth that such original was duly returned to the said bailee, upon payment being made of the price or value, or upon the purchase of the chattels mentioned in the said Receipt-note, Hire-receipt or Order.

4. The Registration Clerk of any such Registration District shall, upon payment of a fee of ten cents therefor, upon the production of such original or receipt or certificate, file and index the same in his office with a reference to the number of the Receipt-note, Hire-receipt or Order affected thereby, in the same manner as required in the case of chattel mortgages.

5. The provisions of this Ordinance shall not apply to Hire-receipts, Receipt-notes, or Orders for the value of chattels mentioned in the said Hire-receipts, Receipt-notes or Orders for farming and agricultural implements of less value than thirty dollars.

6. Notwithstanding any condition, proviso or agreement contained in any Receipt-note, Hire-receipt or Order for chattels given by a bailee of chattels, where the condition of the bailment is such that the possession of the chattel should pass without any ownership therein being acquired by the bailee, the maker thereof shall be liable only for the amount due, or to become due by him on such chattel; and such Receipt-note, Hire-receipt or Order shall be of no effect as against judgments, executions or attachments issued out of any Court in the Territories, or against any mortgagee or *bona fide* purchaser for a greater amount than that actually due or to become due on the said Receipt-note, Hire-receipt or Order.

**No. 9 of 1889.****AN ORDINANCE TO REGULATE THE PRACTICE OF DENTISTRY IN THE NORTH-WEST TERRITORIES.**

[Assented to November 22nd, 1889.]

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

1. No person shall practice the profession of Dentistry or Dental Surgery in the North-West Territories without having first received a certificate as hereinafter provided, entitling him to practice Dentistry and Dental Surgery.

2. Such certificate shall be issued by the Clerk of the Legislative Assembly, upon production to him of a diploma of graduation in Dental Surgery from the faculty of any Canadian Dental College or the faculty of any Canadian University, having a special Dental Department, or from any such institution duly authorized by the laws of Great Britain or any of her dependencies, or a license to practice Dental Surgery issued by any of the Provinces of the Dominion of Canada, or a diploma or license from a foreign dental institution, which required, at the time of the issue of such diploma or license, attendance at a regular course of lectures and an apprenticeship of not less than two and one half years, or to any person who has been in regular practice in the North-West Territories, as a Dentist and Dental Surgeon, for a period of one month immediately preceding the passing of this Ordinance, and it shall be the duty of the person claiming to be entitled to the certificate required by this Section to produce to the said Clerk evidence, satisfactory to him, of his being entitled thereto.

Provided always, that nothing herein contained shall be construed to require physicians, surgeons, or others to take out such certificate for the purpose of qualifying them to extract teeth.

3. Before any such certificate is granted, the applicant

shall pay in to the General Revenue Fund of the Territories the sum of \$25.00, unless he is a person, who, at present and for the one month immediately preceding the passing hereof, has been in the actual practice of Dentistry and Dental Surgery in the North-West Territories, and in such case he shall pay into said Fund the sum of \$5.00.

4. After the period of six months from the passing of this Ordinance, any person, not holding a valid certificate issued by the said Clerk as aforesaid, who practices Dentistry or Dental Surgery, except extracting teeth, shall be guilty of an infraction of this Ordinance and, upon conviction by any Justice of the Peace within the Territories in a summary manner, pay a fine not less than \$20, nor more than \$100, in the discretion of the said Justice, and costs.

5. No person, who has not received the certificate required by this Ordinance, shall recover in any Court of law any fees or money for any services rendered, or materials provided by him in the practice of Dentistry or Dental Surgery, except for extracting teeth.

6. Such certificate may be in the following form: —

CERTIFICATE TO PRACTICE DENTISTRY AND DENTAL  
SURGERY IN THE NORTH-WEST TERRITORIES.

No.

This is to certify that  
has complied with the Ordinance respecting the practice of Dentistry and Dental Surgery in the North-West Territories, and has satisfied me that he is entitled to the rights and privileges of the said Ordinance.

Given under my hand this                      day of                      18  
at Regina in the North-West Territories.

Clerk of Legislative Assembly of the  
North-West Territories.

And any such certificate purporting to be signed by the Clerk of the Legislative Assembly of the North-West Territories shall be *prima facie* evidence of such signature.

**No. 10 of 1889.****AN ORDINANCE RESPECTING THE EXPROPRIATION OF LANDS.***[Assented to November 22nd, 1889.]*

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

**1.** This Ordinance may be cited as “The Expropriation Ordinance.”

**2.** In this Ordinance, the expression “Public Work” shall mean the laying out, construction and improvement of public highways and the acquisition of land for school purposes.

**POWER TO TAKE LAND, &c.**

**3.** The Lieutenant-Governor in Council may, by engineers, superintendents, agents, workmen and servants,—

(a.) Enter into and upon any land to whomsoever belonging, and survey and take levels of the same, and make such borings, or sink such trial pits, as he deems necessary for any purpose relative to the public work ;

(b.) Enter upon and take possession of any land, the appropriation of which is, in his judgment, necessary for the use, construction, maintenance or repair of the public work, or for obtaining better access thereto :

(c.) Enter with workmen, carts, carriages and horses upon any land, and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land required for public work, or for the purpose of digging up, quarrying and carrying away earth, stones, gravel or other material, and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom, for the making, constructing, maintaining or repairing the public work ;

(d.) Make and use all such temporary roads, to and from such timber, stones, clay, gravel, sand or gravel pits as are required by him for the convenient passing to and from the works during their construction and repair :

(e.) Enter upon any land for the purpose of making proper drains to carry off the water from the public work or for keeping such drains in repair ;

(f.) Divert or alter, as well temporarily as permanently the course of any brook, rivulet, roads, streets or ways, or raise or sink the level of the same, in order to carry them over or under, on the level of or by the side of the public work, as he thinks proper : but before discontinuing or altering any public road, another convenient road in lieu thereof shall be substituted ; and the land theretofore used for any road, or part of a road, so discontinued, may be transferred by the Lieutenant-Governor to, and shall thereafter become the property of, the owner of the land of which it originally formed a part :

(g.) Divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telephone, or electric light wire or pole.

4. Whenever it is necessary, in the building, maintaining or repairing of the public work, to take down or remove any wall or fence of any owner or occupier of land, or premises adjoining the public work, or to construct any back ditches or drains for carrying off water, such wall or fence shall be replaced as soon as the necessity which caused its taking down or removal has ceased ; and after the same has been so replaced, or when such drain or back ditch is completed, the owner or occupier of such land or premises, shall maintain such walls or fences, drains or back ditches, to the same extent as such owner or occupier might be by Law required to do if such walls or fences had never been so taken down or removed, or such drains or back ditches had always existed.

5. Whenever any gravel, stone, earth, sand or water is taken, as aforesaid, at a distance from the public work, the Lieutenant-Governor in Council may cause to be laid down the necessary sidings, water pipes or conduits, or tracks over or through any land intervening between the public work and the land on which such material or water is found, whatever the distance is ; and all the provisions of this Ordinance shall apply and may be used and exercised to obtain the right of way from the

public work to the land on which such materials are situate; and such right may be acquired for a term of years, or permanently, as the Lieutenant-Governor in Council thinks proper : and the powers in this Section contained may, at all times, be exercised and used in all respects, after the public work is constructed, for the purpose of repairing and maintaining the same.

6. Whenever for the purpose of procuring sufficient lands for gravel pits, or for constructing, maintaining and using the public work, any land may be taken under the provisions of this Ordinance, and by purchasing the whole of any lot or parcel of land, of which any part may be taken under the said provisions, the Lieutenant-Governor in Council can obtain the same at a more reasonable price, or to greater advantage than by purchasing such part only as aforesaid, he may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same is separated from the public work, and may sell by tender or public auction and convey the same, or any part thereof, from time to time, as he deems expedient ; but the compulsory provisions of this Ordinance shall not apply to the taking of any portion of such lot or parcel which is not, in the opinion of the Lieutenant-Governor in Council necessary for the purposes aforesaid.

7. Land taken for the use of Her Majesty shall be laid off by metes and bounds ; and when no proper deed or conveyance thereof to Her Majesty is made and executed by the person having the power to make such deed or conveyance, or when a person interested in such land is incapable of making such deed or conveyance, or when for any other reason the Lieutenant-Governor in Council deems it advisable so to do, the Lieutenant-Governor may apply for and obtain from the Judge of the Supreme Court of the Territories, usually exercising jurisdiction in the Judicial District within which the land is situate, an originating summons returnable before him in Chambers at such time as he may appoint.

The proceedings upon and incidental to any such summons shall be in conformity with the provisions of " The Judicature Ordinance."



8. In any case in which there is no guardian or other person to represent any person under any disability, a Judge of the Supreme Court of the Territories may, after due notice to the persons interested, appoint a guardian or person to represent for the purposes hereof such person so under such disability, with authority to give such acquittance.

9. The Court or a Judge in making any order under the provisions of this Ordinance shall give such directions as to the disposal, application or investment of such compensation money as it deems necessary to secure the interests of all persons interested therein.

10. Any contract or agreement made hereunder, and any conveyance or other instrument made or given in pursuance of such contract or agreement, shall be good and valid to all intents and purposes whatsoever.

11. Every such contract or agreement made before the deposit of plans and description, and before the setting out and ascertaining of the land required for the public work, shall be binding at the price agreed upon for the same land, if it is afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land has, in the meantime, become the property of a third person.

#### WARRANT FOR POSSESSION.

12. If any resistance or opposition is made by any person to any person entering upon and taking possession of any lands under the provisions of this Ordinance, a Judge of the Supreme Court of the North-West Territories, may, on proof of the execution of a conveyance of such lands to Her Majesty, or agreement therefor, and after notice to shew cause given in such manner as he prescribes, issue his warrant to the Sheriff of the District, within which such lands are situate, directing him to put down such resistance or opposition, and to put the Lieutenant-Governor, or some person acting for him, in possession thereof: and the Sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance and opposition, and shall put the Lieutenant-Governor, or such person acting for him,

in possession thereof ; and shall forthwith make return to the Supreme Court of such warrant, and of the manner in which he executed the same.

#### COMPENSATION.

**13.** The compensation money agreed upon or adjudged for any land or property acquired or taken for, or injuriously affected by the construction of any public work shall stand in the stead of such land or property : and any claim to or incumbrance upon such land or property shall, as respects Her Majesty, be converted into a claim to such compensation money, or to a proportionate amount thereof, and shall be void as respects any land or property so acquired or taken, which shall, by the fact of the taking possession thereof, or the filing of the plan and description, as the case may be, become and be absolutely vested in Her Majesty.

**14.** If the compensation money agreed for or adjudged does not exceed one hundred dollars, it may be paid to the person who, under this Ordinance, can lawfully convey the land or property or agree for compensation to be made in the case, saving always the rights of any other person to such compensation money as against the person receiving the same.

**15.** Every person who has any estate or interest in any land or property acquired or taken for, or injuriously affected by the construction of any public work, or who represents or who is the husband of any such person, shall upon demand made therefor by or on behalf of the Lieutenant-Governor in Council furnish to the Lieutenant-Governor a true statement, showing the particulars of such estate and interest and of every charge, lien or incumbrance, to which the same is subject, and of the claim made by such person in respect of such estate or interest.

#### LANDS VESTED IN HER MAJESTY.

**16.** All lands and property acquired for any public work shall be vested in Her Majesty and, when not required for the public work, may be sold or disposed of under the authority of the Lieutenant-Governor in Council, and any portion thereof not required for the public work may be sold by tender or public auction or leased under the authority aforesaid :

and the proceeds of all such sales and leases shall be accounted for as public money.

**17.** In any case in which land or property is acquired or taken for or injuriously affected by the construction of any public work, the Lieutenant-Governor in Council shall forthwith cause to be served on the person or persons, who at the date when such land or property was so acquired, taken, or injuriously affected, a notice stating the sums of money which the Lieutenant-Governor in Council is ready to pay to such person or persons as compensation therefor.

If any party entitled to compensation, as aforesaid, is dissatisfied with the amount so offered, he shall within fifteen days after the service of such notice, notify the Lieutenant-Governor of such dissatisfaction, otherwise he shall be taken to have accepted the amount as offered.

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No. 11 of 1889.

AN ORDINANCE TO AMEND CHAPTER 25 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "THE GAME ORDINANCE."

[Assented to November 22nd, 1889.]

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

1. Subsection 1 of Section 3 of "The Game Ordinance" is hereby amended by inserting after the word "snipe" the words "and plover."

2. Subsection 3 of Section 3 of the said Ordinance is hereby struck out and the following subsections substituted therefor.

(3.) Any kind of wild duck, between the 15th day of May and the 1st day of September.

(4.) Any kind of wild goose, between the 15th day of May and the 15th day of August.

3. Section 4 of the said Ordinance is hereby amended by adding to the end thereof the words, "or birds mentioned in this Ordinance."

4. Section 7 of the said Ordinance is hereby amended by inserting after the word "hares" the words "and the animals (beaver excepted) mentioned in the next preceding Section."

5. Section 12 of the said Ordinance is hereby amended by adding at the beginning thereof the words "Every offence against the provisions of this Ordinance with respect to buffalo shall be punishable by a fine not exceeding one hundred dollars," and by inserting after the word "any" where it first occurs therein, the word "other," and by striking out the words "and recoverable" and inserting in lieu thereof the words "and any such fine shall be recoverable."

6. Section 14 of the said Ordinance is hereby repealed, and the following substituted therefor.

(14.) The Lieutenant-Governor upon application being made to him by any person, as hereinafter provided, may grant such person written permission to procure birds or eggs for scientific purpose during the close season.

(1.) Every such application shall state the kind and number of birds, or eggs required, and the special scientific purpose for which such birds or eggs are intended and every such application shall be verified by affidavit or declaration of the applicant.

7. Section 16 of the said Ordinance is hereby repealed.

8. No person shall kill or take any buffalo in any part of the Territories.

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**No. 12 of 1889.****AN ORDINANCE TO AMEND ORDINANCE NO. 2 OF 1888, INTITULED "THE UNINCORPORATED TOWNS' ORDINANCE."**

[Assented to November 22nd, 1889.]

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

**1.** In unincorporated towns no person shall keep on his premises a greater quantity of coal oil or kerosene than three barrels thereof or five cans of five gallons each thereof. Beyond these quantities, all coal oil or kerosene, in barrels, shall be kept underground, at least twenty feet distant from any building. The barrels shall be covered with earth to a depth of at least six inches. The entrance door, if any, and all woodwork connected therewith shall be covered with sheet iron, zinc or tin.

Coal oil or kerosene in cans, beyond five cans of five gallons each, shall be kept underground or in a substantial building above ground, which shall be at least twenty feet distant from any other building.

**2.** No person shall keep on his premises a larger quantity of gunpowder in wooden kegs than twenty-five pounds ; or in tins than an aggregate quantity of thirty pounds. Quantities of gunpowder greater than aforesaid shall be stored in a substantial building, which, if composed entirely or in part of wood, shall be covered with iron or other metal, or in an excavation, which shall be covered with earth or otherwise protected with some unflammable substance.

**3.** No person shall erect or have on his premises a dwelling, stable, or other outhouse built in whole or in part of manure, hay or straw, or place on the roof of any building any manure, hay or straw, unless the said dwelling, stable, outhouse or building is distant not less than one hundred feet from any other building; provided always that this shall not apply to thatched roofs or to the banking up of any building with manure between the months of October and May in any year.

No. 13 of 1889.

AN ORDINANCE TO PROVIDE FOR THE INCORPORATION OF BUTTER AND CHEESE MANUFACTURING ASSOCIATIONS.

[Assented to November 22nd, 1889.]

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

1. At any time hereafter any five or more persons, who desire to associate themselves together for the purpose of manufacturing butter or cheese, may make, sign, and acknowledge in duplicate before a Notary Public or Justice of the Peace, and file in the office of the Lieutenant-Governor a declaration in writing in the form mentioned in the Schedule to this Ordinance or to the same effect, and such declaration shall state the name of one of the persons signing the same, as having been appointed provisional secretary of the Association.

2. Upon the filing of the declaration the members of the Association shall become a body corporate by the name therein described, with power to hold such lands as are required for the convenient management of their business, but no such declaration shall be filed unless shares to the extent of \$1,000 have been subscribed by the persons signing such declaration, and evidence of such subscription shall be filed with such declaration by statutory declaration of the provisional secretary, showing what amounts have been taken by the subscribers respectively, and what amounts have been paid on account of their respective subscriptions and whether in cash or otherwise.

3. The Lieutenant-Governor shall endorse on the other duplicate declaration, if sent or delivered to him for that purpose, a certificate of the other duplicate having been filed in his office, with the date of filing, and every such declaration with such certificate signed by the Lieutenant-Governor shall be *prima facie* evidence of the facts stated therein, and of the incorporation of the Association.

4. Within one month after the filing of such declaration as aforesaid, a meeting of the members of the Association shall be called by notice to be mailed or delivered to each member by the provisional secretary at least ten days before the day of meeting, and at such meeting, or at any adjournment thereof, the members of the Association shall agree upon and frame a set of rules for the regulation and management of the Association, which may declare and provide among other things :

(1.) The amount of the whole capital stock of the Company, if it is to be limited, and amount of each share.

(2.) The highest number of shares which may be allotted to any one person.

(3.) The mode and terms of payment of shares and manner of making calls thereon, and the mode and conditions of the transfer of the shares.

(4.) Conditions on which new members may be admitted.

(5.) A mode of convening general and special meetings.

(6.) Provision for audit of account.

(7.) Appointment of directors and other officers and their respective duties, and a provision for filling vacancies caused by death, resignation and other causes, and a copy of all such rules signed by the secretary shall forthwith be filed in the office of the Lieutenant-Governor, with a statutory declaration by the secretary that the same is a true copy of the rules adopted, and such rules shall not take effect until filed as aforesaid, and they shall be framed and filed before the Association shall carry on any operations.

5. All rules made by the Association may be repealed, altered or amended at a regular meeting called for that purpose ; provided, no new or amended rules shall have any force or effect until a copy, verified by statutory declaration of the president or other head officer, or of the Secretary of the Association, to be a true copy of such new or amended rules passed by the Association at a meeting specially called as aforesaid, has been filed in the office of the Lieutenant-Governor.

6. The Association shall cause a book to be kept by the secretary, or by some other officer especially charged with that duty, wherein shall be kept a duplicate of the said declaration in Section 1, and of all rules filed as aforesaid in the office of



the Lieutenant-Governor, and all members of the Association shall sign the said declaration in said book.

7. Any person desiring to become a member of or a stock holder in the said Association, after incorporation as aforesaid, may, subject to the provisions of said rules, sign the said declaration in the said book, and shall thereupon become such member, and shall be entitled to the rights and privileges thereof, and shall become liable as such member as fully as though he had signed the declaration prior to the incorporation of the Association.

8. No Association shall be incorporated under a name identical with that by which any other existing Association has been registered, or so nearly resembling such name as to be likely to deceive the public.

9. Any declaration, so to be filed, may designate any one or more places in the Territories, where business is to be carried on.

10. The rules of every Association incorporated under this Ordinance shall bind the Association and members thereof. And all moneys, payable by any member to the Association in pursuance of said rules, shall be deemed to be a debt due from such member to the Association.

11. The capital of the Association shall be in shares of such denomination, as mentioned in the rules.

12. All elections at meetings of shareholders shall be by ballot, and each member shall have one vote for each share held by him, in respect of which he is not in default for any calls made thereon.

13. Any dispute between members, or between members and the Association established under this Ordinance, or any person claiming through or under a member or under the rules of the Association, and the directors, treasurer, or other officers thereof, relating to matters coming within the business of the Association, may be decided by arbitration in manner directed by the rules of the Association, and the decision so made shall be binding and conclusive on all parties without appeal.

**14.** The liability of the shareholders shall be limited, that is to say, no shareholder in such Association shall be in any manner liable for or charged with the payment of any debt or demand due by the Association beyond the amount unpaid in respect of his share or shares subscribed for, and any shareholder having fully paid up the amount of his said share or shares shall be absolved from all further liability.

**15.** Every Association formed under this Ordinance shall, not later than the thirty-first day of January in each year, make a return to the Lieutenant-Governor of its affairs during the year ending the 31st day of December preceding.

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SCHEDULE.

FORM OF DECLARATION.

North-West Territories. )  
To Wit : : )

We

do hereby certify that we desire to form a company or association, pursuant to the provisions of the Ordinance to provide for the Incorporation of Butter and Cheese Manufacturing Associations.

The corporate name of the Association is to be \_\_\_\_\_ and the objects for which the Association is to be formed are \_\_\_\_\_

The capital stock of the Association is to consist of shares of \_\_\_\_\_ dollars each, and the number of shares shall be \_\_\_\_\_ (or limited only as may be provided by the rules of the Association). \_\_\_\_\_ has been appointed provisional secretary of the said Association, and his post office address is \_\_\_\_\_

And the name of the place (or places), where the operations of the said Association are to be carried on, is (or are) \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_  
before me personally appeared \_\_\_\_\_

to me known to be the individuals described in the foregoing declaration, and they severally, before me, signed the said declaration and acknowledged that they signed the same for the purposes therein mentioned.

A. B.  
Justice of the Peace, or Commissioner for  
taking affidavits, or Notary Public.

**No. 14 of 1889.**

**AN ORDINANCE RESPECTING JUSTICES OF THE PEACE.**

[Assented to November 22nd, 1889.]

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

**1.** Every Justice of the Peace, before he takes upon himself to act as a Justice of the Peace, shall take and subscribe the oath following before any person appointed by the Lieutenant-Governor to administer oaths and declarations. That is to say:—

I (A. B.) of \_\_\_\_\_ in the \_\_\_\_\_ district of \_\_\_\_\_ (as the case may be) do swear that I will well and truly, serve our Sovereign Lady Queen Victoria, in the office of Justice of the Peace, and that I will do right to all manner of people after the laws and usages of these Territories, without fear or favor, affection or ill will. So help me God.

**2.** Every oath of office or allegiance taken by a Justice of the Peace shall forthwith, after the same is taken, be transmitted or delivered by the Justice of the Peace to the Lieutenant-Governor, and shall be filed in his office.

## No. 15 of 1889.

### AN ORDINANCE TO AMEND CHAPTER 11 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "THE HERD ORDINANCE."

[Assented to November 22nd, 1889.]

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

1. Section 6 of "The Herd Ordinance" is amended by striking out the word "shall" where it occurs and inserting the word "may."

And by striking out all the words after "appraised," and inserting the following : "or he may at once impound the same, notifying the poundkeeper that damages are or are not claimed, and, if claimed, the amount thereof."

2. Section 8 of the said Ordinance is amended by inserting between the words "shall" and "notify" the words "in writing, stating the number and kind of animals distrained and the amount of damages claimed, and whether impounded or not, and, if impounded, the name of the poundkeeper."

3. Section 9 of the said Ordinance is amended by inserting between the words "district" and "and" the words "and shall" notify in writing the distrainer and such owner of the time, when they shall meet to make the appraisalment."

4. Section 10 of the said Ordinance is amended by adding thereto the following words :

"But such fees shall not be chargeable to the owner of the said animals so distrained if the amount of such appraisalment is less by one-sixth than the amount of damages claimed by the owner in the first instance."

5. Section 11 of said Ordinance is hereby struck out and the following substituted therefor :

(11.) Within twenty-four hours, Sunday excepted, after the damages are so appraised, and the animals distrained have not been impounded, unless the amount of the damages and fees, for which the owner is liable, are paid or tendered to the distrainor, he shall cause the same to be put in the nearest pound in the same district, there to remain until the same are sold as hereinafter directed, or until the damages and the fees for which the owner is liable, and costs of keeping such animals, together with the poundkeeper's fees are paid, and if such animals are put in any pound, the distrainor shall deliver the certificate of the appraisers to the keeper of such pound, and also a statement in writing, showing in detail the charges for keeping said animals.

6. Section 13 of the said Ordinance is amended by adding after the word "Justices" the words "if such fees are due by the owner to the distrainor."

7. Section 18 is amended by adding thereto the following sub-section:—

(2.) To the Justice of the Peace for appointing appraisers, \$1.

8. The following form of appointment of appraisers may be used:

In the matter of the distress of A. B. animals by  
C.D.

I hereby appoint E. F. of G. H. of  
and J. K. of three appraisers to appraise the damages  
in the above matter pursuant to "The Herd Ordinance."

Justice of the Peace.

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**No. 16 of 1889.****AN ORDINANCE RESPECTING THE PERSONAL  
PROPERTY OF MARRIED WOMEN.**

[Assented to November 22nd, 1889.]

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

1. A married woman shall, in respect of her personal property have all the rights and be subject to all the liabilities of a *feme sole* and may alienate and by will, or otherwise, deal with personal property, as if she were unmarried, subject to the following proviso:—

(1.) Provided always that this Ordinance shall not affect any act done or any right or right of action existing, accruing, accrued or established at the time of or prior to the passing of this Ordinance.

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## No. 17 of 1889.

## AN ORDINANCE RESPECTING HIDES.

[Assented to November 22nd, 1889.]

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

1. No person shall purchase or kill any head of neat cattle until the same is distinctly marked or branded, or both; and every person engaged in slaughtering neat cattle in any such stock district shall keep a record of all cattle so slaughtered, naming the person or persons of whom purchased, and his or their place of residence, and the age, sex, brands and marks of neat cattle slaughtered, which record shall at all times be open for the inspection of the public.

2. All purchasers of hides shall keep a record of all hides of neat cattle purchased by them which record shall state the name or names of the person or persons from whom purchased, and his or their place of residence, and all brands and marks on said hides, which record shall at all times be open to the inspection of the public.

3. Every butcher slaughtering neat cattle shall keep the hides of such cattle at his place of slaughtering for a period of not less than seven days, and such hides shall be open to the inspection of the public.

4. All persons, other than butchers, who occasionally slaughter neat cattle for beef, shall exhibit the hide or hides of such beef at the time and place the beef is offered for sale.

5. It shall be unlawful for any person other than the owner or his agent or employee to skin or remove from the carcass the skin or hide of any neat cattle found dead.

6. All persons, other than butchers, who occasionally slaughter neat cattle for beef, either for home consumption

or for other purposes, shall keep the hide or hides of such animals slaughtered intact for the period of thirty days, subject to the inspection of the public. Provided however, that any such hide or hides may at any time, before the expiration of the said term of thirty days, be sold to any person or persons required by Section 2 of this Ordinance to keep a record of hides purchased by them.

7. Any person contravening any of the provisions of this Ordinance shall be liable to a penalty not exceeding one hundred dollars, which said penalty, together with the costs of prosecution, may be recovered in a summary way before a Justice of the Peace.

8. The provisions of this Ordinance shall only apply to such portions of the Provisional District of Alberta now or hereafter to be set apart as stock districts under the provisions of "The Brand Ordinance."

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**No. 18 of 1889.**

AN ORDINANCE TO AMEND AND CONSOLIDATE AS AMENDED CHAPTER 47 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "AN ORDINANCE RESPECTING MORTGAGES AND SALES OF PERSONAL PROPERTY."

[*Assented to November 22nd, 1889.*]

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

1. For the purposes of registration of mortgages and other transfers of personal property in the Territories, the following shall be registration districts :—

(a.) The registration District of "Moosomin," comprising that part of the Provisional District of Assiniboia, as the same is defined by the order of the Privy Council of Canada passed on the eighth day of May, A.D., 1882, eastward of the eleventh range of townships west of the Second Meridian ;

(b.) The registration district of "Regina," comprising that part of the said Provisional District of Assiniboia, west of the registration district of Moosomin, and east of the west line of the twenty-third range of townships west of the Second Meridian ;

(c.) The registration district of "Medicine Hat," comprising all that portion of the said Provisional District of Assiniboia west of the registration district of Regina ;

(d.) The registration district of "Macleod," comprising all that part of the Provisional District of Alberta as defined by the said order of the Privy Council lying south of township seventeen ;

(e.) The registration district of "Calgary," comprising all that part of the said Provisional District of Alberta lying between townships sixteen and forty-three ;

(f.) The registration district of "Edmonton," comprising all that portion of the said Provisional District of Alberta lying north of township forty-two :

(g.) The registration district of "Battleford," comprising all that portion of the Provisional District of Saskatchewan as defined by the said order of the Privy Council lying west of the fifth range of townships west of the Third Meridian;

(h.) The registration district of "Prince Albert," comprising all that portion of the said Provisional District of Saskatchewan lying east of the Battleford registration district.

Provided that the Lieutenant-Governor in Council may, from time to time, by proclamation, as the settlement of the Country and the convenience of the public requires, subdivide any registration district (by setting off any portion of it, to be described in such proclamation) into a new registration district, and declare by what local name the same shall be known and designated, and where the Registration Office therein shall be kept.

2. For the registration districts of Moosomin, Regina, Macleod, Calgary and Prince Albert, the Clerks of the Supreme Court respectively shall be Registration Clerks, and for the registration districts of Medicine Hat, Edmonton and Battleford, such persons as the Lieutenant-Governor may appoint shall be Registration Clerks, who respectively shall keep their offices at Medicine Hat, Edmonton and Battleford, and upon the formation of any new registration district by the Lieutenant-Governor in Council, as aforesaid, the Lieutenant-Governor in Council shall appoint a Registration Clerk for the same. The division of any registration district as aforesaid shall not affect mortgages or other instruments filed before such division.

3. Every mortgage or conveyance intended to operate as a mortgage of goods and chattels made in the Territories, which is not accompanied by an immediate delivery and an actual and continued change of possession of the things mortgaged, shall, within fifteen days from the execution thereof, be registered as hereinafter provided, together with the affidavit of a witness thereto, of the due execution of such mortgage or conveyance and also with the affidavit of the mortgagee, or one of several mortgagees, or the agent of the mortgagee or mortgagees, if such agent is aware of all the circumstances connected therewith, and is properly authorised by power in writing to take such mortgage, in which case a copy of such authority shall be attached thereto; such last mentioned affidavit stating that the mortgagor therein

named is justly and truly indebted to the mortgagee in the sum mentioned in the mortgage, that it was executed in good faith and for the express purpose of securing the payment of money justly due or accruing due, and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagor or of preventing the creditors of such mortgagor from obtaining payment of any claim against him; and every such mortgage or conveyance shall operate or take effect upon, from and after the day and time of the execution thereof.

4. In case of an agreement in writing for future advances for the purpose of enabling the borrower to enter into and carry on business with such advances, and in case of a mortgage of goods and chattels for securing the mortgagee repayment of such advances, or in case of a mortgage of goods and chattels for securing the mortgagee against the endorsement of any bills or promissory notes or any other liability by him incurred for the mortgagor, not extending for a longer period than one year from the date of the mortgage, and in case the mortgage is executed in good faith, and sets forth fully by recital, or otherwise, the terms, nature, and effect of the agreement and the amount of liability intended to be created, and in case such mortgage is accompanied by the affidavit of a witness thereto of the due execution thereof, and by the affidavit of the mortgagee, or one of several mortgagees, or in case the agreement has been entered into and the mortgage taken by an agent, duly authorized by writing to make such agreement and take such mortgage, in which case a copy of such authority shall be attached thereto, and if the agent is aware of the circumstances connected therewith, then, if accompanied by the affidavit of such agent, such affidavit, whether of the mortgagee or his agent, stating that the mortgage truly sets forth the agreement entered into between the parties thereto, and truly states the extent of the liability intended to be created by such agreement and covered by such mortgage, and that such mortgage is executed in good faith and for the express purpose of securing the mortgagee repayment of his advances or against the payment of the amount of his liability for the mortgagor, as the case may be, and not for the purpose of securing the goods and chattels mentioned therein against the creditors of the mortgagor nor to prevent such creditors from recovering any claims which they may have against

such mortgagor, and in case such mortgage is registered as hereinafter provided, within fifteen days from the execution thereof, the same shall be as valid and binding as mortgages mentioned in the third Section of this Ordinance.

5. Every sale, assignment and transfer of goods and chattels not accompanied by an immediate delivery, and followed by an actual and continued change of possession of the goods and chattels sold, shall be in writing, and such writing shall be a conveyance under the provisions of this Ordinance, and shall be accompanied by an affidavit of a witness thereto of the due execution thereof, and an affidavit of the bargainee, or one of several bargainees, or of the agent of the bargainee or bargainees, duly authorized in writing to take such conveyance (a copy of which authority shall be attached to the conveyance), that the sale is *bona fide* and for good consideration, as set forth in the said conveyance, and not for the purpose of holding or enabling the bargainee to hold the goods mentioned therein against any creditors of the bargainer: and such conveyance and affidavits shall be registered as hereinafter provided within fifteen days from the execution thereof, otherwise the sale shall be absolutely void as against the creditors of the bargainer and as against subsequent purchasers or mortgagees in good faith.

6. Such registration shall only have effect in the registration district, wherein such registration has been made.

7. In case such mortgage or conveyance and affidavits are not registered as hereinbefore provided, or in case the consideration for which the same is made is not duly expressed therein, the mortgage or conveyance shall be absolutely null and void as against creditors of the mortgagor, and against subsequent purchasers or mortgagees in good faith for valuable consideration.

8. All the instruments mentioned in this Ordinance, whether for the mortgage or sale, assignment or transfer of goods and chattels, shall contain such sufficient and full description thereof, that the same may be readily and easily known and distinguished, except in the case of assignments for the general benefit of creditors, in which case the description shall be sufficient, if it is in the following words:

“All my personal property which may be seized and sold under execution,” or words to that effect.

**9.** The proper registration officer for instruments, being mortgages and transfers of personal property, shall be the clerk of the registration district in which the property described in the mortgage or transfer is at the time of the execution of the instrument; such registration clerks shall file all such instruments presented to them respectively for that purpose, and shall endorse thereon the time of receiving the same in their respective offices, and the same shall be kept there for the inspection of all persons interested therein, or intending or desiring to acquire any interest in all or any portion of the property covered thereby.

**10.** Every such clerk shall number each instrument or copy filed in his office, and shall enter in alphabetical order in a book to be provided by him the names of all the parties to such instrument, with the number endorsed thereon opposite to each name; and such entry shall be repeated alphabetically under the name of every party thereto.

**11.** Every mortgage filed in pursuance of this Ordinance shall cease to be valid as against the creditors of the persons making the same, and against subsequent purchasers or mortgagees in good faith for valuable consideration, after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the said term of one year, a statement exhibiting the interest of the mortgagee, his executors, administrators or assigns, in the property claimed by virtue thereof, and a full statement of the amount still due for principal and interest thereon, and of all payments made on account thereof, is again filed in the office of the registration clerk of the district, where the property is then situate, with an affidavit of the mortgagee or of one of several mortgagees, or of the assignee or one of several assignees, or of the agent of the mortgagee or assignee, or mortgagees or assignees, duly authorized for that purpose, as the case may be, stating that such statements are true, and that the said mortgage has not been kept on foot for any fraudulent purpose, which statement and affidavit shall be deemed one instrument.

**12.** Such statement and affidavit shall be in the following form or to the like effect:

STATEMENT exhibiting the interest of C. D. in the property mentioned in the chattel mortgage dated the \_\_\_\_\_ day of \_\_\_\_\_ A. D., 18 \_\_\_\_\_, made between A. B., of \_\_\_\_\_ of the one part, and C. D., of \_\_\_\_\_ of the other part, and filed in the office of the registration clerk of \_\_\_\_\_ district (as the case may be,) on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, and of the amount due for principal and interest thereon, and of all payments made on account thereof.

The said C. D. is still the mortgagee of the said property and has not assigned the said mortgage (or the said E. F. is the assignee of the said mortgage by virtue of an assignment thereof from the said C. D. to him, dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_), or as the case may be.

No payments have been made on account of the said mortgage, [or the following payments, and no other, have been made on account of the said mortgage :

18 \_\_\_\_\_.—Jan. 1.—Cash received.....\$ \_\_\_\_\_ ]  
 The amount still due for principal and interest on the said mortgage is the sum of \_\_\_\_\_ dollars, computed as follows :  
 [Here give the computation.]

C. D.

NORTH-WEST TERRITORIES. }  
 To WIT. }

I, \_\_\_\_\_ of \_\_\_\_\_ the mortgagee named in the chattel mortgage mentioned in the foregoing [or annexed] statement [or assignee of \_\_\_\_\_ the mortgagee named in the chattel mortgage mentioned in the foregoing [or annexed] statement, as the case may be], make oath and say :

1. That the foregoing [or annexed] statement is true.
2. That the chattel mortgage mentioned in the said statement has not been kept on foot for any fraudulent purpose.

Sworn before me at  
 in the North-West Territories, }  
 this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ }

**13.** Another statement in accordance with the provisions of Section 11, duly verified as required by that Section, shall be filed in the office of the registration clerk of the district where the property is then situate, within thirty days next preceding the expiration of the term of one year from the day of the filing of the statement required by the said Section 11, and in default thereof such mortgage shall cease to be valid as against the creditors of the person making the

same, and as against purchasers and mortgagees in good faith for valuable consideration, and so on from year to year, that is to say, another statement, as aforesaid, duly verified, shall be filed within thirty days next preceding the expiration of one year from the day of the filing of the former statement, and in default thereof such mortgage shall cease to be valid as aforesaid.

14. The affidavit required by the eleventh Section of this Ordinance may be made by any next of kin, executor or administrator of any deceased mortgagee, or by an assignee claiming by or through any mortgagee, or any next of kin, executor or administrator of any such assignee; but if the affidavit is made by any assignee, next of kin, executor or administrator of any such assignee, the assignment, or the several assignments through which such assignee claims, shall be filed in the office in which the mortgage is originally filed, at or before the time of such re-filing by such assignee, next of kin, executor or administrator of such assignee.

15. A copy of such original instrument, or of a copy thereof, so filed as aforesaid, including any statement made in pursuance of this Ordinance, certified by the registration clerk in whose office the same has been filed, shall be received in evidence in all Courts, but only of the fact that such instrument or copy and statement, were received and filed according to the endorsement of the clerk thereon, and of no other fact; and in all cases the original endorsement by the said clerk, made in pursuance of this Ordinance upon any such instrument or copy, shall be received in evidence only of the fact stated in such endorsement.

16. Where any mortgage of goods and chattels is registered under the provisions of this Ordinance, such mortgage may be discharged by the filing in the office, in which the same is registered, of a certificate signed by the mortgagee, his executors or administrators, in the form given in the schedule hereto, or to the like effect.

17. The officer with whom the chattel mortgage is filed, upon receiving such certificate, duly proved by the affidavit of a subscribing witness, shall, at each place where the number of such mortgage has been entered with the name of any

of the parties thereto, in the book kept under Section 10 of this Ordinance, or wherever otherwise in the said book the said mortgage has been entered, write the words, "Discharged by certificate number (stating the number of the certificate);" and to the said entry such officer shall affix his name, and he shall also endorse the fact of such discharge upon the instrument discharged, and shall affix his name to such endorsement.

**18.** In case any registered chattel mortgage has been assigned, such assignment may, upon proof by the affidavit of a subscribing witness, be numbered and entered in the alphabetical chattel mortgage book in the same manner as a chattel mortgage, and the proceedings authorized by the two next preceding Sections of this Ordinance may and shall be had upon a certificate of the assignee, proved in manner aforesaid.

**19.** In the event of the permanent removal of goods and chattels mortgaged as aforesaid, from the registration district in which they were at the time of the execution of the mortgage to another registration district, before the payment and discharge of the mortgage, a certified copy of such mortgage, under the hand of the registration clerk in whose office it was first registered and of the affidavit and documents and instruments relating thereto, filed in such office, shall be filed with the registration clerk of the district to which such goods and chattels are removed within three weeks from such removal, otherwise the said goods and chattels shall be liable to seizure and sale under execution, and in such case the mortgage shall be null and void as against subsequent purchasers and mortgagees in good faith for valuable consideration, as if never executed.

**20.** Unless it is otherwise specially provided therein, goods and chattels assigned under a mortgage or conveyance intended to operate as a mortgage of goods and chattels shall be liable to be seized or taken possession of by the grantee for any of the following causes:—

(1.) If the grantor shall make default in payment of the sum or sums of money thereby secured at the time therein provided for payment or in the performance of any covenant or agreement contained in the mortgage or conveyance



intended to operate as a mortgage and necessary for maintaining the security.

(2.) If the grantor shall without the written permission of the grantee either remove or suffer the goods, or any of them, to be removed from the registration district within which they are situate.

(3.) If the grantor shall suffer the said goods or any of them to be distrained for rent, rates, or taxes or shall suffer the said goods or any of them to be liable to seizure for rent by reason of default of the grantor in paying the same when due.

(4.) If execution shall have been levied against the goods of the grantor under any judgment at Law.

(5.) If the grantor shall attempt to sell or dispose of or in any way part with the possession of the said goods.

**21.** Any Judge of the Supreme Court of the Territories, on being satisfied that the omission to register a mortgage, or other transfer of personal property, or any statement and affidavit of renewal thereof within the time prescribed by this Ordinance, or the omission or mis-statement of the name, residence or occupation of any person, was accidental or due to inadvertence, may, in his discretion, order such omission or mis-statement to be rectified by the insertion in the register of the true name, residence or occupation, or by extending the time for such registration on such terms and conditions (if any) as to security, notice by advertisement or otherwise, or as to any other matter, as he thinks fit to direct.

**22.** Except as to cases provided in Section 4 of this Ordinance, a mortgage or conveyance intended to operate as a mortgage of goods and chattels may be made in accordance with the form in the schedule of this Ordinance.

**23.** Where, under any of the provisions of this Ordinance, the time for registering or filing any mortgage, bill of sale, instrument, document, affidavit or other paper expires on a Sunday or other day, on which the office in which the registering or filing is to be made or done, is closed, and by reason thereof the filing or registering cannot be made or done on that day, the registering or filing shall, so far as regards the time of doing or making the same, be held to be

duly done or made if done or made on the day on which the office shall next be open.

**24.** An authority for the purpose of taking or renewing a mortgage or conveyance intended to operate as a mortgage, or sale, assignment or transfer of goods and chattels, under the provisions of this Ordinance, may be a general one to take and renew all or any mortgages or conveyances to the mortgagee or bargainee.

**25.** For services under this Ordinance, each clerk aforesaid shall be entitled to receive the following fees :

(1.) For filing each instrument and affidavit, and for entering the same in a book as aforesaid, fifty cents ;

(2.) For filing assignment of each instrument, and for making all proper endorsements in connection therewith, fifty cents ;

(3.) For filing certificate of discharge of each instrument and for making all proper entries and endorsements connected therewith, fifty cents ;

(4.) For searching for each paper, twenty-five cents ;

(5.) For copies of any document filed under this Ordinance, ten cents for every hundred words ;

(6.) For every certificate, fifty cents.

**26.** All affidavits and affirmations required by this Ordinance shall be taken and administered by any Commissioner for taking affidavits, Justice of the Peace or Notary Public in or out of the Territories, or Registration Clerk, and the sum of twenty-five cents shall be paid for every oath thus administered.

**27.** The Registration Clerks under this Ordinance shall keep their respective offices open between the hours of ten in the forenoon and four in the afternoon on all days, except Sundays and holidays, and except on Saturdays, when the same may be closed at one o'clock in the afternoon, and during office hours only shall registrations be made.

**28.** Chapter 47 of "The Revised Ordinances of the North-West Territories" is hereby repealed.

**29.** This Ordinance may be cited as "The Bills of Sale Ordinance."

SCHEDULE.

(Vide Section 22.)

FORM OF MORTGAGE.

This Indenture made the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 18  
between A. B. of \_\_\_\_\_ of the one part and C.D, of \_\_\_\_\_  
of the other part, Witnesseth

That in consideration of the sum of \$ \_\_\_\_\_ now paid to A.B. by  
C. D., the receipt of which the said A.B. hereby acknowledges [*or  
whatever else the consideration may be*] he, the said A.B., doth hereby  
assign to the said C. D., his executors, administrators and assigns,  
all and singular the several chattels and things specifically described as  
follows [*in the schedule hereto annexed*] by way of security for the pay-  
ment of the sum of \$ \_\_\_\_\_ and interest thereon at the rate of \_\_\_\_\_  
per cent. per annum [*or whatever else may be the rate*] and the said A.  
B. doth further agree and declare that he will duly pay to the said C.  
D. the principal sum aforesaid, together with the interest then due  
on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. [*or whatever else  
may be the stipulated time or times for payment*]. And the said A. B. doth  
agree with the said C.D. that he will [*here insert terms as to insurance,  
payment of rent, collateral securities, or otherwise, which the parties may  
agree to for the maintenance or defeasance of the security.*]

Provided always, that the chattels hereby assigned shall not be liable  
to seizure or to be taken possession of by the said C.D. for any cause  
other than those specified in Section 20 of "The Bills of Sale Ordinance,"  
except as is otherwise specially provided herein.

In Witness whereof the said A.B. has hereunto set his hand and  
seal.

Signed and sealed by the said A.B. in the presence of me, E.F.

[*Add name, address and occupation of witness.*] .

## SCHEDULE.

(Vide Section 16.)

## FORM OF DISCHARGE OF MORTGAGE.

To the Registration Clerk of \_\_\_\_\_ District.

I, A. B., of \_\_\_\_\_ do certify that  
 has satisfied all money due on, or to grow due on, a certain chattel  
 mortgage made by \_\_\_\_\_ to \_\_\_\_\_  
 which mortgage bears date the \_\_\_\_\_ day of \_\_\_\_\_  
 A. D. 18 \_\_\_\_\_ and was registered (or in case the mortgage has been  
*renewed under Sections eleven and twelve, was renewed*) in the office of the  
 Registration Clerk of the District of \_\_\_\_\_  
 on the \_\_\_\_\_ A. D. 18  
 as number \_\_\_\_\_ (here mention the day and date of registration of  
*each assignment thereof, and the names of the parties, or mention that such  
 mortgage has not been assigned, as the fact may be*) and that I am the  
 person entitled by Law to receive the money ; and that such mortgage  
 is therefore discharged.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18

Witness [*stating residence and occupation.*]

**No. 19 of 1889.**

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "THE MUNICIPAL ORDINANCE."**

*[Assented to November 22nd, 1889.]*

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

1. Section 21 of the said Ordinance is hereby struck out, and the following substituted in lieu thereof :—

(21) The persons qualified to vote at any election for Municipal Councils, after the first election, shall be the men, unmarried women and widows, being British subjects over 21 years of age, who are assessed upon the last revised assessment roll of the Municipality for income or personal property for \$200.00 or upwards, or who are named upon the said assessment roll as either occupants or owners of real property held in their own right (or in the case of married men held by their wives) for \$200.00 or upwards, and whose names appear on the voters' list founded upon such roll.

(a.) Provided always that a Municipality may by By-law, declare that no person shall be entitled to vote, who has not on or before a day to be named therein paid all taxes due by him to such Municipality, either for the current year, or all arrears of taxes, or both.

2. In Municipalities which have passed a By-law under the provisions of Section 21 of the said Ordinance, on or before the day of nomination of candidates, if the collector's roll has been returned to the Treasurer of the Municipality, the Treasurer shall prepare and verify on oath, or if the collector's roll has not been so returned, the collector shall prepare and verify on oath, a correct alphabetical list of :—

(a.) All persons, who being on the voters' list by reason of their income only, have not paid their Municipal taxes on such income, on or before the 14th day of December preceding the election ;

(b.) All persons on the voters' list who have been assessed

for real or personal property, but have not paid their Municipal taxes on or before the 14th day of December preceding the election.

Where a Municipality is divided into wards, such a list of defaulters shall be made for each ward.

**3.** No person, who has been returned by the Treasurer or Collector as in default for non-payment of taxes under the preceding Section, shall be entitled to vote in respect of income or real or personal property, unless at the time of tendering of the vote he produces and leaves with the officer holding such election a certificate from the Treasurer or Collector of the Municipality showing that the taxes, in respect of which default has been made, have since been paid; and such officer shall file such certificate, receive the vote, and note the same on the defaulters' list.

**4.** Section 68 of the said Ordinance is hereby amended as follows :—

(a.) By adding to subsection 32 of the said Section, the following words :—

“ And for fixing the sum to be paid for a license for exercising any or all such callings within the Municipality, and the time the license shall be in force.”

(b.) By adding to subsection 33 of the said Section the following words :—

“ And for fixing the sum to be paid for a license therefor, and the time the license shall be in force.”

(c.) By inserting between the word “licensing” and the word “livery” of subsection 34 of said Section the words “regulating and governing,” and after the word “sale-stable” inserting the words “feed-stable,” and by adding at the end of the said subsection the following words :—

“ And for fixing the sum to be paid for a license for exercising any or all such callings within the Municipality, and the time the license shall be in force.”

(d.) By inserting after the word “amusement” of subsection 34 of said Section the following words :—“places where liquid refreshments are sold.”

**5.** Section 154 of the said Ordinance is hereby amended by inserting after the word “error,” where it occurs, the following words :—

“ Or whose name has been omitted from the last revised

assessment roll, (provided that the taxes are first paid on the property or income in respect of which he claims a vote.)”

6. Section 155 of the said Ordinance is hereby amended by inserting after the word “list,” where it occurs, the following words:—

“And the name of the proper party, if any, substituted therefor.”

7. Section 162 of the said Ordinance is hereby amended by striking out the words “majority of ratepayers entitled to vote,” where they occur therein, and substituting therefor the words “two-thirds of the duly qualified ratepayers voting.”

8. Section 159 of the said Ordinance is hereby amended by inserting between the word “privileges” and the word “conferred,” where they occur, the following words:—“as to procedure.”

9. The said Ordinance is further amended by striking out the word “two,” where it first occurs in Section 232 thereof, and by substituting therefor the word “one” and by adding to the said Section the following words:—

“And the amount of any taxes subsequently paid by the said purchaser upon the said land.”

10. Section 233 is hereby amended by adding thereto the words “or to be liable for any taxes thereon.”

11. The said Ordinance is further amended by striking out the words “two years,” where they occur in Section 235 thereof, and substituting therefor the words “one year.”

12. Section 264 of the said Ordinance is hereby amended by inserting therein after the words “North-West Territories” the following words:—

“notwithstanding such Justice may be a member of the Council or a ratepayer in the Municipality interested in such prosecution.”

13. The said Ordinance is hereby further amended by inserting therein immediately after Section 269 the following Section.

269 a. The Council of every town may pass By-laws for the following purposes:—

(1.) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement or work, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited; and there shall be the same right of appeal in any such assessment of the Court of Revision and from the Court of Revision to the Judge of the Supreme Court as is provided for in other cases of assessment by this Ordinance, and the proceedings thereon shall be the same as in such other cases, except where different provisions are hereinafter made. It shall be deemed to have been and to be a sufficient compliance with the preceding paragraph of this sub-section if the Council shall have passed or shall pass a general By-law or general By-laws providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvements or work, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited and it shall not be deemed to have been or to be necessary to pass a special By-law for the purposes above mentioned in each particular instance.

(2.) For assessing and levying by means of a special rate the costs of any public improvement or work, such as deepening any stream or watercourse or draining any locality or making, enlarging or prolonging any common sewer or opening, widening, prolonging, altering, macadamizing, grading, levelling, laying, paving or planking any street, lane, alley, public way, or place or sidewalk or any bridge forming part of a highway therein or curbing, sodding, or planting any street, lane, alley, square or other public place or reconstructing as well as constructing any work thereby provided for.

Nothing contained in the preceding sub-sections shall be construed to apply to any such work of ordinary repair or maintenance, but all works constructed under the said preceding sub-sections shall thereafter be kept in a good and



sufficient state of repair at the expense of the Municipality generally.

(a.) The special rate to be so assessed and levied to be an annual rate according to the frontage thereof upon the real property fronting or abutting upon the street or place, whereon or wherein such improvement or work is proposed to be done or made: Provided always, that no such rate shall be assessed or levied except upon a petition presented to the said Council of at least two-thirds of the owners of such real property, representing at least one-half the value of such real property: But when such petition has been so presented, it shall be lawful for the said Council in the same or a succeeding year to carry on the proposed work, improvement or service to completion, before making the assessment therefor, and such petition so presented shall stand good as authority for undertaking any such work, improvement or service and making such assessment or assessments and passing all necessary By-laws, whether the same shall have been or shall be undertaken and completed by the Council, to whom such petition is presented or by the Council in any succeeding year.

(3.) For regulating the time or times and manner in which the assessments to be levied under this Section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums.

**14.** For the purpose of enabling Councils to avoid the necessity of making supplementary assessments, or refunding in case of over-assessment, and of ascertaining the exact cost of any work or improvement done or constructed as a local improvement under the provisions of this Ordinance, they may and they hereby are authorized and empowered to make agreements with any bank or any person or body corporate for temporary advances or loans, until the completion of the work or improvement, for meeting the cost thereof, and they may and they hereby are authorized and empowered in their option to make a special assessment for the cost thereof, after the work or improvement shall have been completed, and to pass the necessary By-law authorizing the issue of debentures to repay the amount of the temporary loan or advance.

(2.) Every By-law for borrowing money shall provide for the repayment of the loan and the maturing of debentures to be issued pursuant to such By-law within the probable life of the work or improvement, for which such debt has been incurred, as certified by the engineer or other officer appointed by the Council for that purpose.

(3.) If in any case a debt has been incurred by the Municipality for any work or improvement done, or constructed under the provisions of this Ordinance, and after the incurring of the said debt, the special assessment for such work or improvement or the By-law providing for borrowing money therefor be set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in the making of such assessment or the passing of such By-law, it shall be lawful for the Council, and they are hereby authorized to cause a new assessment or assessments to be made and to pass a new By-law so often as may be necessary to provide funds for the payment of the debt so incurred to do such work or improvements.

**15.** No By-law passed by the Council of any Town, under the provisions of the two next preceding Sections, shall be required to be advertised or published by the said Council in any newspaper, but a written or printed or partly written and partly printed notice of the Sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners, or the agents of the owners, of each parcel of real estate included in such By-laws and assessments ;

(a.) Every such notice shall contain a general description of the property in respect to which the same is given, the nature of the proposed improvements, work or service, the estimated total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the Assessor, or other proper officer, to be appointed by the Council for the purpose, and be mailed to the address of the person entitled to the notice, at least fifteen days before the day appointed for the Sittings of the said Court, and ten days notice shall also be given by publication in some newspaper, having a general circulation in the neighborhood in which the said property is situated, of the time and place of the meeting of the said Court, which notice shall specify

generally what such assessment is to be for and the total amount to be assessed.

**16.** The Council of any Town may pass all By-laws necessary, from time to time, to raise loans and borrow moneys required for any local improvements or works, on the credit of such Town at large; and it shall not be necessary to obtain the assent of the ratepayers of such Town to the passing of any such By-law, under the provisions of this Ordinance, any provision to the contrary notwithstanding: Provided always, that nothing in this Section contained shall be construed, as authorizing an extension of the general debt of such Town beyond the limits thereof fixed by any Ordinance limiting the same.

**17.** Section 132 of the said Ordinance is hereby amended by inserting the words "or Justice of the Peace" after the word "Treasurer."

**18.** When a portion of the tax on any land has been due for and in the second year, or for more than two years, preceding the current year, the said lands may be sold under the provisions of this Ordinance, unless otherwise directed by a By-law of the Municipality.

**19.** Section 219 of the said Ordinance is hereby amended by striking out the words "against which arrears of taxes remain unpaid in his office," after the word "lands" where it first occurs, and inserting therefor the words "liable to be sold for arrears of taxes."

**20.** The Justice, or other authority, before whom a prosecution is had for an offence against a Municipal By-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the By-law, as he thinks fit, with the costs of prosecution.

**21.** Section 271 of the said Ordinance is hereby amended by expunging the words "the preceding," and inserting the figures "269" after the word "section."

**22.** Section 273 of the said Ordinance is hereby amended by expunging the words "the three preceding," and by inserting after the word "clauses" the figures "269," "271," "272."

**23.** Whenever any Municipal Council has any authority to direct, by By-law or otherwise, that any matter or thing should be done, by any person, or corporation, such Council may also, by the same or another By-law, direct that in default of its being done by the person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs, by action or distress, and in case of non-payment thereof, the same shall be recovered in like manner as Municipal taxes.

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**No. 20 of 1889.**

AN ORDINANCE TO AMEND CHAPTER 59 OF THE  
REVISED ORDINANCES OF THE NORTH-  
WEST TERRITORIES, INTITULED "THE SCHOOL  
ORDINANCE."

[*Assented to November 22nd, 1889.*]

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

**1.** Sub-section (d) of Section 38 of the said Ordinance is hereby amended by adding thereto the following words:—

"Together with the total assessed value of their real and personal property, according to the last revised assessment roll of the district."

**2.** Section 48 of the said Ordinance is hereby amended by adding thereto the following subsection:—

(17.) To provide wholesome and pure drinking water for the use of the children during school hours.

**3.** Sub-section 6 of Section 60 of the said Ordinance is hereby amended by adding thereto the following words:—

"And such report shall be accompanied by an affidavit, stating the facts contained therein to be true."

**4.** Section 74 of the said Ordinance is hereby amended by adding thereto the following sub-section:—

(19.) To produce all registers, time-tables and other books used in connection with their school, when demanded by any member of the Board of Education, Inspector of Schools, or Justice of the Peace in and for the Territories.

**5.** Section 79 of the said Ordinance is hereby amended by striking out the words "six weeks," where it occurs in the second line thereof, and substituting therefor the words

“two months,” and by striking out the word “two” in the third line thereof, and substituting therefor the word “one.”

**6.** Sub-division (e) of sub-section (2) of Section 96 of the said Ordinance is hereby amended by striking out the words “place of residence,” and substituting therefor the words “Post Office address.”

**7.** Section 126 of the said Ordinance is hereby amended by striking out the word “assessment” in the first and second lines thereof, and substituting therefor the word “collector’s.”

**8.** Section 147 of the said Ordinance is hereby amended by striking out the words “a majority,” in the tenth and eleventh lines thereof, and substituting therefor the words “two-thirds,” and by inserting after the word “ratepayers” in the eleventh line the words “voting thereon.”

**9.** Sub-section (5) of Section 151 of the said Ordinance is hereby amended by striking out the word “resident,” in the first line of the oath appended thereto.

**10.** Section 175 of the said Ordinance is hereby amended by inserting the words “in Council” after the words “Lieutenant-Governor” in the first line thereof, and by adding thereto the following sub-section :

(1.) The Lieutenant-Governor in Council may at any time appoint a Commissioner to inspect the financial arrangements of any School District.

**11.** Section 177 of the said Ordinance is hereby amended by striking out the words “pupils, in regular attendance at any one such school,” in the third and fourth lines thereof and substituting therefor the words “children of resident ratepayers ;” and by inserting after the word “education” in the tenth line of said Section, the following words, “and the daily average attendance at the high school branch of such schools is at least ten.”

**12.** The Lieutenant-Governor may from time to time alter the corporate name of any School District, upon the

petition of the majority of the ratepayers of such district, by proclamation in the Official Gazette.

**13.** In School Districts situated either wholly or in part within the limits of a Town Municipality, the Board of Trustees shall be increased to five in number, and the election of the additional number of such Trustees shall be in the manner following:—

(1.) At the first annual school meeting held after the passing of this Ordinance to fill the vacancy, which occurs yearly under the provisions of Section 32 of "The School Ordinance," the ratepayers present shall elect three Trustees who shall be declared to hold office as provided by said Section 32;

(2.) At subsequent annual elections of Trustees in such School Districts, the provisions of Section 43 of "The School Ordinance" shall, *mutatis mutandis*, apply.

**14.** In organized School Districts no person shall be entitled to vote at any school meeting or for the election of a Trustee, or Trustees (*as the case may be*), who has not paid all taxes in arrear, due by him to such School District.

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**No. 21 of 1889.**

AN ORDINANCE TO AMEND CHAPTER 58 OF THE  
REVISED ORDINANCES OF THE NORTH-WEST  
TERRITORIES, INTITLED "THE JUDICATURE  
ORDINANCE."

[Assented to November 22nd, 1889.]

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

1. "The Judicature Ordinance" is hereby amended as follows.

2. The following subsection is added to Section 283.

(1) Where more than one newspaper is published in the same locality, the notice of sale may be published in either one.

3. Section 399 is amended by adding after the word "nature" the words "or an exemplification thereof."

4. The Appendix to the said Ordinance is hereby amended by inserting the following, between the tables of Sheriff's and Clerk's fees :

The Class "A" to apply to all matters in which the claim made exceeds \$100.00, and proceedings by interpleader, replevin, garnishments or for the recovery of possession of real estate.

The Class "B" to apply to claims other than mentioned in Class "A."

WITNESSES AND JURORS.

Witnesses and Jurors may be allowed the following fees :—

For every day necessarily absent from residence, in going to, staying at, and returning from trial	\$ 1.00
When residence is within two miles of place of trial	2.00
When over two miles	10
For every mile necessarily travelled by other means than railway	10
When railway used, actual fare paid.	
Professional men, when acting professionally, in addition to mileage as other witnesses, per day	5.00

INTERPRETERS.

Interpreters may, when used, be allowed the same mileage as witnesses, and for each day actually engaged as Interpreters	2.00
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**5.** Sections 2 and 4 of this Ordinance shall be held to have extended from the date upon which "The Judicature Ordinance" had effect.

**6.** In all claims and demands of debt, account, or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$100, the procedure shall be as follows:—

(1.) The plaintiff shall enter with the Clerk a copy (and if necessary copies) of his account, claim, or demand in writing in detail, and thereupon a summons shall be issued in the form "A" in the Appendix hereto.

(2.) The plaintiff shall furnish to the Clerk his proper Post Office address and particulars of his claim or demand, and the Clerk shall annex the particulars to the summons.

(3.) Within ten days after the service of the summons, the defendant, if he wishes to dispute the claim, shall file with the Clerk a notice that he disputes the said claim. Where the subject matter of the defence is set-off or counter-claim, the defendant shall file with his notice of dispute the particulars thereof.

(4.) A defendant shall state in his notice of dispute his proper Post Office address.

**7.** The service of all process mentioned herein shall be personal, unless otherwise ordered by the Court or a Judge.

**8.** The Judge shall, from time to time, as he shall decide, appoint a day and place for the trial of the said actions.

**9.** The Clerk of the Court, upon such day and place being appointed as mentioned in the last Section, shall send by registered letter prepaid to all of the parties to any action ready for trial addressed according to the Post Office address given by such parties a notice (Form B) stating the time and place appointed for trial.

**10.** The Clerk of the Court shall be entitled for the services required by this Ordinance to fees mentioned in the schedule hereto, and, where not provided for, to the lowest scale of fees as in the schedule to "The Judicature Ordinance."

**11.** In all actions coming within the provisions of this Ordinance, a Judge may allow to the successful party an Advocate's fee not to exceed \$10.00 which said fee, and the necessary witness fees and disbursements in the action, shall be the only costs allowed against any unsuccessful party.

**12.** Notice of trial shall be posted :

(a.) If the party resides in the Judicial District, whence the summons issued, twenty clear days before the day appointed for trial.

(b.) When the party resides in a Judicial District other than that in which the summons issued, twenty-five clear days before the day appointed for trial.

(c.) When the party resides outside the Territories, such notice shall be given, as the Judge shall direct, and such direction shall be given when leave for service out of the Territories is granted.

**13.** Actions brought under the provisions of this Ordinance shall be tried and determined in a summary way.

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## APPENDIX.

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### FORM A.

In the Supreme Court of the North-West Territories.  
District.

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith &c., &c., &c.

To \_\_\_\_\_ of (giving Defendant's address)

You are notified that \_\_\_\_\_ has entered an action against you for the recovery of the claim or demand; a statement of which is filed in Court and annexed to this summons;

And you are notified that if you dispute the said claim either in whole or in part, you do within \_\_\_\_\_ days from the service of this writ on you, exclusive of the day of such service, cause to be entered for you in the office of the Clerk of this Court a notice of dispute :

And take notice that if you enter such notice of dispute you will receive from the Clerk of the Court by registered letter directed to the address given by you in your notice of dispute \_\_\_\_\_ days' notice of the time and place at which this action will be tried.

And take notice that in default of your so doing, judgment may be entered against you without further notice to you.

Issued at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 18

FORM B.

NOTICE OF TRIAL.

In the Supreme Court of the North-West Territories,  
District.

BETWEEN

and

Plaintiff,

Defendant.

You are hereby notified to be and appear at the Sittings of this Court  
to be holden at \_\_\_\_\_ on the \_\_\_\_\_ day of  
A.D. 18 . . . at the hour of \_\_\_\_\_ o'clock in  
noon, when this action will be tried.

And take notice that if you do not so appear judgment may be given  
against you by default with costs.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of 18

To  
the above named

\_\_\_\_\_  
Clerk of the Court.

SCHEDULE.

CLERKS FEES.

Notice to Plaintiff of trial to be paid by Plaintiff when entering action.....	\$ .25
Notice to Defendant of trial to be paid by Defendant when filing dispute.....	\$ .25
(The necessary postage also to be paid by each party as above.)	
For setting case down and attending trial (to be paid by Plaintiff in first instance.).....	\$ 1 00

## No. 22 of 1889.

## AN ORDINANCE TO AMEND CHAPTER 19 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES INTITULED "THE BRAND ORDINANCE."

[Assented to November 22nd, 1889.]

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

1. Chapter 19 of the Revised Ordinances of the North-West Territories, intituled "The Brand Ordinance," is hereby amended by adding thereto the following Sections:

(1.) All Stock Districts in the Territories heretofore proclaimed or in existence, except such as have been proclaimed under the provisions of Section 3 of the said Ordinance, are hereby abolished.

(2.) The Recorders of Brands for the existing Stock Districts numbered one and two shall forthwith transmit to the Recorder of Brands, to be appointed under the said Ordinance, all books, documents and records in their possession relating to the recording of Brands.

(3.) The provisions of this Ordinance shall come into force on the first day of January, A.D. 1890.

No. 23 of 1889.

AN ORDINANCE TO INCORPORATE "THE CALGARY WATER POWER COMPANY, (LIMITED.)"

[Assented to November 22nd, 1889.]

Whereas Peter Anthony Prince, John Enoch Prince, Frank H. Moon, Delos R. Moon and Isaac K. Kerr have petitioned for an Ordinance incorporating them as a Joint Stock Company under the name of "The Calgary Water Power Company, Limited," and it is deemed expedient to incorporate them for the purposes hereinafter appearing ;

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

1. The said Peter Anthony Prince, John Enoch Prince, Frank H. Moon, Delos R. Moon, and Isaac K. Kerr, and such other persons and corporations, as shall hereafter become shareholders, are hereby constituted a body corporate and politic under the name of "The Calgary Water Power Company Limited."

2. The capital stock of the said Company shall be \$100,000.00, divided into 1000 shares of \$100.00 each, and such capital stock may be from time to time, as the works of the Company require, increased by a vote of not less than three-fourths in value of the shareholders present in person or represented by proxy at a meeting of the Company to be called for that purpose to an amount not exceeding three hundred thousand dollars.

3. The said P. Anthony Prince, John Enoch Prince, Frank H. Moon, Delos R. Moon and Isaac K. Kerr shall be, and are hereby constituted the first Directors of the said Company, (three of whom shall be a quorum), and shall hold office as such until the first election of Directors hereafter, and shall have power forthwith to open stock books and procure subscription for the Company's stock.

4. The chief place of business of the said Company shall be at Calgary, in the North-West Territories, or such other place in the North-West Territories, as the said Company may hereafter choose for that purpose.

5. The Company may make, accept, endorse or execute cheques, promissory notes, bills of exchange, warehouse receipts and other negotiable instruments: Provided however, that nothing in this Section shall be construed to authorise the Company to issue any note or bill payable to bearer on demand or intended to be circulated as money or as the note or bill of a bank.

6. The Directors of the Company may from time to time at their discretion borrow moneys for the purposes of the Company, and secure the repayment of the moneys so borrowed or any other moneys owing by the Company in such manner and on such terms and conditions as they shall see fit, and whether by mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

7. "The Companies' Ordinance" being Chapter 30 of the Revised Ordinances, including the several clauses thereof, entitled "special clauses for joint stock water, and gas companies" are incorporated with and form a part of this Ordinance, and shall apply to the said Company except only in so far as they are inconsistent with the fact of the said Company being incorporated by Ordinance and not by Letters Patent or with the express provisions of this Ordinance: Provided that the Company shall exercise the said powers with reference to gas works and water works only by and with the consent of the Municipal Corporation within which they undertake any such works, upon such terms and conditions as may be agreed upon between the Company and such Corporation and ratified by By-law of the Corporation.

8. In case the Company for their purposes require the acquisition of any part of Sections 17, 21 and 22, in Township 24, Range 1, West of the Fifth Meridian, or injuriously to affect any portion thereof or any buildings, erections, improvements or any rights or property of other persons thereon, the Company shall have a right to enter upon any such land, as they may deem necessary, to examine

and to make an examination and survey thereof, doing no unnecessary damage and paying the actual damage done, if any, and, if on an application to a Judge of the Supreme Court of the North-West Territories as hereinafter provided, they obtain authority, they shall be at liberty to take, acquire, hold, and use such lands or injuriously affect such lands, buildings, erections, or improvements or such portions thereof respectively as the said Judge shall deem expedient for the completion and efficient operation of the works proposed by the Company.

9. Upon an application being made to the Judge, as aforesaid, the Company may commence proceedings in the said Court in the said Judicial District by an originating summons, and the Judge may, if he shall see fit, direct that, in addition to the service of such summons in the ordinary way, public notice thereof shall be given by advertisement.

10. If the Judge is of opinion that the allowance of the application will conduce to the public good and is proper and just under all the circumstances of the case, he shall make an order describing the lands affected thereby and empowering the Company to execute their powers in respect thereof or such of them as he may deem expedient, and on such conditions as he may determine.

(2.) Such order shall state the object for which the land is to be expropriated, and shall name a time for the proposed undertaking to be completed, or so much thereof under weigh as the Judge may direct; it being further provided therein that if the terms of the order are not substantially complied with, the land expropriated thereby shall revert to the original owner, and the Judge shall make an order to that effect. In the case of the land so reverting, the Company shall be liable for all damages sustained by the original owner by reason of such expropriation.

11. The Judge may make any order he may deem expedient and shall assess the sum or sums to be paid as the value of the lands to be acquired or as the damages for lands injuriously affected which ought to be paid by the Company, and shall make such order as to costs as to him may seem just.

12. The sum or sums so assessed together with the costs

awarded, if any, shall be paid to the person entitled thereto according to the order, or shall be paid into Court as the Judge shall so direct, and such payments shall be made before the powers aforesaid, or any of them, shall be exercised and within sixty days after the order is made, and in default the Company shall be debarred from all benefit under the said order, and the same may be proceeded upon by the other parties thereto for the purpose of enforcing payment of the costs, if any, payable by the Company.

**13.** Upon payment by the Company of the moneys ordered to be paid by them in the manner directed by the order, the Judge may issue an order, subject to the provisions hereinbefore contained, vesting in the Company any land or any interest in or right in respect of any land, in respect of which such moneys shall have been paid as purchase money or compensation.

**14.** The Company shall have full power to haul and cut, buy and sell, and manufacture sawlogs, timber, lumber, and all products thereof, and all articles of which wood forms a component part, and for that purpose to operate all kinds of mills and shops and generally carry on a general lumbering and manufacturing business in all its branches and all other business kindred thereto, connected therewith, or incident thereto; to operate woollen mills, grist mills, flour mills and other mills for the preparing of any and all kinds of grain and other produce, and to carry on a general business in these departments of trade; to operate shops and factories for working in all kinds of material, whether wood, metals or otherwise; to operate pulp mills and paper factories; to operate and develop the resources of mines; to crush, smelt, reduce, amalgamate and render marketable the ore; to erect, lay down, establish, and operate water works; to lay down and operate tramways for hauling and removing logs, timber, lumber, and all kinds of material and supplies, whether by horse, steam, water, or other motive power; to sell, let or license horse, steam, water or other motive power and the right to use the same.

**15.** The Company shall have full power to construct, maintain, complete and operate works for the production of steam, heat, hot air, or hot water for purposes of power and heating, or for the production, sale and distribution of



electricity, for purposes of light, heat and power, and may conduct the same by any means, through, under, along, or over streets, highways, and public places; but as to such streets, highways and public places only upon and subject to such agreement in respect thereof as shall be made between the Company and the Municipal Corporation within whose jurisdiction the same are situate and under and subject to any By-law or By-laws of the Council of the Municipality passed in pursuance thereof.

**16.** For the purpose of effectuating the powers conferred upon the Company by the last preceding Section the several clauses of "The Companies' Ordinance" entitled "Special clauses for Joint Stock Water and Gas Companies" shall be read as providing for the passage and supply of steam, hot air or hot water, for the purposes of heating and power, or of electricity for the purposes of light, heat and power, as well as of the passage and supply of water or gas, the words "steam," "hot air" or "hot water" and "electricity" being for the purposes aforesaid inserted along with the words "gas or water" or "gas and water" or "gas," and the words "wires or conductors" being read after the words "mains and pipes" or "mains or pipes," wherever the said words occur in the said clauses.

**17.** Every person claiming compensation from the Company under the authority of Section 98 of "The Companies' Ordinance" shall proceed by originating summons in the Judicial District in which the Company's Head Office is situated.

**18.** For all, or any of the purposes aforesaid, but subject to any provisions hereinbefore expressed, the Company shall have full power to acquire the whole or any estate or interest in, sell, mortgage, lease or otherwise encumber or dispose of any lands, timber limits, mines, minerals, mining rights, interests, or other properties, real or personal in possession or in action.

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**No. 24 of 1889.**

AN ORDINANCE TO AMEND CHAPTER 1 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "THE INTERPRETATION ORDINANCE."

[*Assented to November 22nd, 1889.*]

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

1. Sub-section 6 of Section 8 of Chapter 1 of the Revised Ordinances of the North-West Territories is amended by striking out the last seven words thereof, and substituting therefor the following words, "two Members of the Legislative Assembly to be selected from time to time by the Assembly, and who shall hold office until their successors are appointed, and who in the first instance shall consist of the following members of the Assembly, namely:—Thomas Tweed, Esquire, Member for the Electoral District of Medicine Hat; and John Ryerson Neff, Esquire, Member for the Electoral District of Moosomin.

**No. 25 of 1889.**

**AN ORDINANCE TO AMEND CHAPTER 41 OF THE  
REVISED ORDINANCES OF THE NORTH-WEST  
TERRITORIES.**

[*Assented to November 22nd, 1889.*]

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

1. Section 1 of Chapter 41 of "The Revised Ordinances of the North-West Territories" is hereby repealed and the following substituted therefor :

(1.) Unless a permanent resident in the Territories, and enrolled and duly qualified to act as an Advocate as hereinafter provided, no person shall act as an Advocate or practice at the Bar in the Supreme or any other Court of Civil Jurisdiction in the Territories, or as such sue out any writ or process, or commence, carry on, solicit, or defend any action, suit, or proceeding in the name of any person, or in his own name, in any such Courts.

2. Sub-section 1 of Section 2 of said Chapter 41 is hereby amended by adding after the word "person" in the first line thereof, the words "a permanent resident in the Territories."

3. No Advocate shall wilfully and knowingly act as the professional agent of any person not duly enrolled and qualified to act as an Advocate, or suffer his name to be used in any such agency on account of or for the profit of an unqualified person, or send any process to such person, or do any other act to enable such person to practice in any respect as an Advocate, knowing him not to be duly qualified.

4. In case any person, unless himself a plaintiff or defendant in the proceeding, commences, prosecutes, or defends

in his own name or that of any other person, any action or proceeding in any Court of Civil Jurisdiction in the Territories, or acts as Counsel or Advocate in any such action or proceeding without being enrolled as aforesaid, he shall be incapable of recovering any fee, reward, or disbursements on account thereof, and such offence shall be a contempt of the Court in which such proceeding has been commenced, carried on, or defended, and punishable accordingly.

5. Section 4 of said Ordinance is hereby amended by adding thereto, at the end thereof, the following words:—

“And the Supreme Court, or (except as is hereinafter otherwise provided) any Judge thereof, shall possess and may exercise the same powers and jurisdiction over and in respect of such Advocates as, at the time of the passing hereof, is possessed by the Supreme Court of Judicature in England over and in respect of Solicitors of the said last-mentioned Court.”

6. If by reason of the default or misconduct of any such Advocate an application shall be made to a Judge of the Supreme Court to exercise the summary jurisdiction of said Court over or in respect of such Advocate by striking such Advocate off the roll of Advocates, or otherwise, such Judge shall not order or direct that such Advocate be struck off the roll of Advocates for such default or misconduct, but may, in his discretion, direct that such Advocate shall be suspended and disqualified from practising as such until the end of the then next sittings of the Court in banc, and in the event of making such order shall report the evidence and proceedings on such application and his judgment or order thereon to the Court in banc at such sittings, and the Court in banc shall thereupon consider such evidence and proceedings and may hear the parties or their Counsel in the same manner as if such application had originally been made to the Court in banc, and make such order thereon as it may deem fit.

7. The Supreme Court may strike the name of any Advocate off the roll of Advocates for default by him in payment of moneys received by him as an Advocate, or for any breach of the provisions of this Ordinance, or for any of the causes for which a Solicitor of the Supreme Court of Judicature in England may be struck off the roll of Solicitors in that Court.

8. Whenever any Advocate is struck off the roll of Advocates, the Registrar of the Supreme Court shall certify the same under his hand and the seal of the Court to the Clerk of the Legislative Assembly, who shall attach such certificates, and shall make a note opposite the name of such person on said roll of his having been struck off the same.

9. Section 5 of said Chapter 41 is hereby repealed.

10. No action shall be brought for the recovery of fees, charges or disbursements for business done by an Advocate, as such, until one month after a bill thereof, subscribed with the proper hand of such Advocate, his executor, administrator or assignee, (or, in the case of a partnership, by one of the partners, either with his own name, or with the name or style of such partnership), has been delivered to the party to be charged therewith, or sent by the post to, or left for him at his counting-house, office of business, dwelling-house, or last known place of abode, or has been enclosed in or accompanied by a letter subscribed in like manner, referring to such bill.

11. Upon the application of the party chargeable by such bill within the month, the Supreme Court, or a Judge thereof, shall, without money being brought into Court, refer the bill and the demand thereon to be taxed by the proper officer of the Court for the Judicial District, in which any of the business charged for in the bill was done, and the Court or Judge making such reference shall restrain the bringing any action for such demand pending the reference.

12. In case no application is made within the month, then the Court or Judge, upon the application of either party, may order a reference with such directions and conditions as he may deem proper: and may, upon such terms as may be thought just, restrain any action for such demand pending the reference.

13. No such reference shall be directed upon application made by the party chargeable with such bill after a verdict has been obtained or after twelve months from the time such bill was delivered, sent or left as aforesaid, except under special circumstances, to be proved to the satisfaction of

the Court or Judge to whom the application for the reference is made.

**14.** In case either party to such reference, having due notice, refuses or neglects to attend the taxation, the officer to whom the reference is made, may tax the bill *ex parte*; and in case the reference is made upon the application of either party, and the party chargeable with the bill attends the taxation, the cost of the reference shall be paid according to the event of the taxation, except that if a sixth part is taxed off, the costs shall be paid by the party by whom or on whose behalf such bill was delivered; and if less than a sixth part is taxed off, then by the party chargeable with such bill, if he applied for or attended the taxation.

**15.** Every order for such reference shall direct the officer, to whom the reference is made, to tax the costs of the reference, and to certify what, upon the reference, he finds to be due to or from either party in respect of such bill, and of the costs of the reference, if payable.

**16.** Such officer may certify specially any circumstances relating to the bill or taxation, and the Court or Judge may thereupon make such order as may be deemed right respecting the payment of the costs of taxation.

**17.** In case the reference is made, when the same is not authorized except under special circumstances, as hereinbefore provided, the Court or Judge, in making the same, may give any special directions relative to the costs of the reference.

**18.** Where no bill has been delivered, sent or left as aforesaid, and where the bill if delivered, sent or left, might have been referred as aforesaid, the Supreme Court, or a Judge thereof, may order the delivery of a bill, and may also order the delivery up of deeds or papers in the possession, custody, or power of the Advocate, his assignee or representatives in the same manner as has heretofore been done in cases where any such business had been transacted in the said Court.

**19.** In proving a compliance with this Ordinance it shall not be necessary in the first instance to prove the contents

of the bill delivered, sent or left, but it shall be sufficient to prove that a bill of fees, charges, or disbursements, subscribed in the manner aforesaid, or enclosed in or accompanied by such letter as aforesaid, was delivered, sent or left in manner aforesaid ; but the other party may show, that the bill so delivered, sent or left, was not such a bill as constituted a *bona fide* compliance with this Ordinance.

**20.** A Judge of the Supreme Court, on proof to his satisfaction that there is probable cause for believing that the party chargeable is about to quit the Territories, may authorize an Advocate to commence an action for the recovery of his fees, charges or disbursements against the party chargeable therewith, although one month has not expired since the delivery of a bill as aforesaid.

**21.** Where any person not being chargeable as the principal party is liable to pay or has paid any bill, either to the Advocate, his assignee or representative, or to the principal party entitled thereto, the person so paying his assignee or representative may make the like application for a reference thereof to taxation as the party chargeable therewith might himself have made, and in like manner, and the same proceedings shall be had thereupon, as if the application had been made by the party so chargeable.

**22.** In case such application is made, when under the provisions hereinbefore contained a reference is not authorized to be made except under special circumstances, the Court or Judge, to whom the application is made, may take into consideration any additional special circumstances applicable to the person making it, although such circumstances might not be applicable to the party chargeable with the bill, if he was the party making the application.

**23.** For the purpose of such reference upon the application of the person not being the party chargeable, or of a party interested as aforesaid, the Court or Judge may order the Advocate, his assignee or representative, to deliver to the party making the application a copy of the bill upon payment of the costs of the copy.

**24.** No bill previously taxed shall be again referred, unless

under the special circumstances of the case the Court or Judge, to whom the application is made, thinks fit to direct a re-taxation thereof.

**25.** The payment of any such bill as aforesaid shall in no case preclude the Court or Judge, to whom application is made, from referring such bill for taxation, if the application is made within twelve months after payment, and if special circumstances of the case, in the opinion of the Court or Judge, appear to require the same, upon such terms and subject to such directions as to the Court or Judge seem right.

**26.** All applications made to refer any bill to be taxed, or for the delivery of a bill, or for the delivering up of deeds, documents and papers shall be made *In the matter of (such Advocate)*; and upon the taxation of any such bill, the certificate of the officer by whom the bill is taxed, shall, unless set aside or altered by order of a Judge, or by decree or order of Court, be final and conclusive as to the amount thereof, and payment of the amount certified to be due and directed to be paid may be enforced according to the practice of the said Court.

**27.** Section 3 of this Ordinance shall not come into operation until the First day of May, 1890.

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**No. 26 of 1889.**

AN ORDINANCE TO AMEND ORDINANCE NO. 25 OF 1889, INTITULED "AN ORDINANCE TO AMEND CHAPTER 41 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES."

[Assented to November 22nd, 1889.]

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

1. Section 3 of Ordinance No. 25 of 1889 is hereby amended by adding after the word "Advocate," where it occurs the second time, the words "under the provisions of Section 1 of this Ordinance."

2. Notwithstanding the provisions of the said Ordinance, an Advocate who, on or before the first day of January, A.D. 1890, was enrolled, but who may not be a permanent resident in the Territories, may appear as Counsel and practice at the Bar in the Supreme Court, or any other Court of Civil Jurisdiction in the Territories, but he shall not be entitled to tax or collect any fee therefor.

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**No. 27 of 1889.****AN ORDINANCE TO INCORPORATE "THE MEDICINE HAT GENERAL HOSPITAL."***[Assented to November 22nd, 1889.]*

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

**1.** George McCuaig, John Niblock, William Cousins, William T. Finlay, Thomas Tweed, The Reverend James Herald, Robert James Rice, Michael Leonard, The Reverend Chancellor Teeter, Nelson R. Wessel, Leonard Dobbin, James Horner, R. E. Starks, Christopher D. Kevin, George Noble, The Reverend Walter G. Lyon, Samuel Hayward, Sir John Lister Kaye, Peter Robertson, and The Reverend Damien Graton, and such other persons, as may from time to time become Members of the Corporation to be hereby incorporated, shall be and are hereby constituted a body politic and corporate by and under the name of "The Medicine Hat General Hospital."

**2.** The said Corporation by the name of "The Medicine Hat General Hospital" shall have perpetual succession and a common seal, and by such name may, from time to time and at all times, purchase, acquire, receive, accept, build, hold, possess and enjoy for them and their successors, any lands, tenements, hereditaments and real and moveable property and estate within the Territories, together with such grants, devises, gifts and bequests, as may be made by and received from the Government of the Dominion of Canada, the Territories, or any other Corporation, person or persons whatsoever for the sole use and benefit of said Hospital: Provided always that the annual value of such real estate so held as aforesaid does not at any one time exceed the sum of ten thousand dollars.

**3.** The affairs of the said Corporation shall be managed by a Board of Directors consisting of twenty members, and

the said George McCuaig, John Niblock, William Cousins, William T. Finlay, Thomas Tweed, Reverend James Herald, Robert James Rice, Michael Leonard, Reverend Chancellor Teeter, Nelson R. Wessel, Leonard Dobbin, James Horner, R. E. Starks, Christopher D. Kevin, George Noble, Reverend Walter G. Lyon, Samuel Hayward, Sir John Lister Kaye, Peter Robertson, and Reverend Damien Graton shall constitute the first Board of Directors, and shall continue to hold office and act as such Directors until their successors are appointed as hereinafter provided.

4. The Board of Directors shall every year at their first Meeting after Election appoint from among themselves a Chairman, Secretary and Treasurer.

5. The said Board of Directors shall have power to meet, from time to time, for the transaction of the affairs of the said Corporation, of whom five shall form a quorum; and in the absence of the Chairman or Secretary any Director present may be appointed to act for the time being as such Chairman or Secretary.

6. The said Board of Directors shall have power to make by-laws, rules and regulations, not being contrary to Law or to the provisions of this Ordinance, with power to amend, or repeal, from time to time, the same, for all purposes relating to and bearing upon the well-being and interests of said Corporation.

7. All annual Subscribers, who shall have paid such sum, as may be fixed by the by-laws of the said Board of Directors, and whose names shall appear in a book kept for that purpose, shall be Members of the said Corporation and shall have the right to take part in the Annual Meeting of said Corporation.

8. A donation at any time of Fifty Dollars or upwards shall entitle the donor to life membership of the Corporation.

9. All Members, who shall have paid their annual subscriptions, as provided in Section 7, shall be eligible for election as Directors.

**10.** There shall be a General Annual Meeting of the Members of said Corporation on the third Monday of December in each year at an hour and place to be named by the Directors, and notice thereof shall be given by the Secretary by written notice and be published in one or more of the newspapers published in the Town of Medicine Hat, or if no newspaper is published there, then in some other newspaper published in the Territories, at least six days previous to the day of such meeting. *Y. and S. No 31 of 1895*

**11.** Provided that if from any cause such General Meeting shall not be held on the said third Monday of December, the Directors and Officers of said Corporation, then in office, shall continue in office until such General Annual Meeting is held, and their successors duly appointed, as hereinafter provided. *Y. and S. 1891-2*

**12.** If such General Annual Meeting shall from any cause not be held on the day hereinbefore appointed for the same, then it shall be lawful for the Directors then in office to decide upon another day for the holding of a General Annual Meeting, which day shall be within two months after the time when the same should have been held: such meeting shall be called in the same manner, as it was called on the proper day, and at such meeting all business may be transacted and all things done in the same manner, as the same would have been transacted and done, if such meeting had been held on the day aforesaid.

**13.** A full report shall be submitted by the Directors to the said General Meeting, for its consideration and approval, showing the condition of the affairs of said Corporation, including the Treasurer's report, the Steward's report, receipts and disbursements, and all other matters bearing on the interests of the said corporation, also a list showing the names of Members.

**14.** The Members present at the Annual Meeting shall proceed to elect the Directors for the ensuing year by ballot, and the twenty Members, receiving the highest number of votes, shall be the Directors for the ensuing year.

**15.** The said Annual General Meeting shall elect an

Auditor for the ensuing year, and the Board of Directors at their first meeting thereafter shall also appoint an Auditor; and it shall be the duty of said Auditors to examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction for the year previous; and they shall prepare an abstract of the receipts, expenditures and liabilities of the Corporation, and shall submit the same to the Directors on or before the said Annual Meeting.

**16.** It shall be the duty of the said Corporation on or before the first day of January in each year to transmit to the Lieutenant-Governor, for the information of the Council of the North-West Territories, a return of the affairs of such Corporation, showing in detail the assets and liabilities, and the number of sick persons received and attended to during the preceding year in the said General Hospital.

**17.** The Directors of such Corporation shall, if they have been requested so to do by the Lieutenant-Governor in Council, and provided they are in receipt of public funds of the Territories, keep in such Hospital, at such time and for such period, as may be determined by the Lieutenant-Governor in Council, an adequate supply of vaccine matter for the following purposes, viz.:—

(a.) For the vaccination, by a qualified person attached to such Hospital, at the expense of the same, of all poor persons, and, at their own expense, of all other persons, who may attend at such Hospital, for that purpose during one day in every week; the fee to be charged for such vaccination not in any case to exceed seventy-five cents, and to be used and applied for the benefit of the Hospital.

**18.** The said Corporation may for its purposes acquire by gift or otherwise a Certificate of Title in and to Lots numbered One, Two, Three, Four, Five, Six, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen and Twenty, in Block numbered Nine, as laid out and designated on the registered plan of Medicine Hat.

And, having obtained such Certificate and the consent

in writing of the owners of the other Lots in said Block numbered nine, the said Corporation may stop up and use and enjoy absolutely that portion of the Lane as it now exists in said Block, provided that the Corporation shall lay off and substitute as a Lane, for the benefit of themselves and the other owners in said Block, the northerly twenty feet of Lots numbered Six and Fifteen.

**19.** The said Corporation shall in its management be always non-denominational.

**20.** This Ordinance may be cited as "The Medicine Hat General Hospital Ordinance."

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**No. 28 of 1889.**

AN ORDINANCE TO AMEND ORDINANCE NO. 25  
OF 1887, INTITULED "AN ORDINANCE TO IN-  
CORPORATE THE TOWN OF MOOSOMIN."

[*Assented to November 22nd, 1889.*]

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

1. The numbers 24 and 25 in Section 2 of the said Ordinance are hereby struck out.

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**No. 29 of 1889.****AN ORDINANCE TO LEGALIZE BY-LAW NO. 41  
OF THE MUNICIPALITY OF INDIAN HEAD.**

[Assented to November 22nd, 1889.]

Whereas the Chairman and Council of the Municipality of Indian Head have by their petition represented that a By-law to raise by way of loan the sum of \$2,000, for the purpose of erecting a Town Hall for the said Municipality, was, on the Eleventh day of August, A.D. 1888, submitted to a vote of the ratepayers of the said Municipality, and that a majority of the resident ratepayers of the said Municipality voting thereon cast their votes in favor of the said By-law, but the said By-law was not carried by a majority of the ratepayers entitled to vote thereon: that the said By-law was duly passed by the Municipal Council of the said Municipality on the Tenth day of November, A.D. 1888, and entitled "By-law No. 41 of the Municipality of Indian Head to raise by way of loan the sum of Two Thousand Dollars;"

That the Council of said Municipality have issued the debentures authorized to be issued under said By-law and have incurred liabilities in respect thereof to nearly the full amount authorized to be raised by said By-law;

That doubts have arisen as to the validity of said By-law and owing to the existence of such doubts the purchaser refuses to complete his contract for the purchase of said debentures:

Wherefore the said Chairman and Council pray that an Ordinance may be passed legalizing said By-law and the debentures issued thereunder:

And whereas, a majority of the ratepayers of said Municipality have petitioned that an Ordinance may be passed legalizing said By-law and debentures:

And whereas, it is expedient to grant the prayer of said petition:



Therefore, be it enacted by the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, as follows:—

1. The said By-law of the Municipality of Indian Head entitled "By-law No. 41 of the Municipality of Indian Head to raise by way of loan the sum of Two Thousand Dollars," and all the debentures now issued, or that may hereafter be issued under and in pursuance of said By-law, are, and the same are hereby declared to be legal, valid and binding upon the said Municipality of Indian Head, any Law, Statute, or Ordinance to the contrary notwithstanding, and notwithstanding any omission or defect in point of form or otherwise in the said By-law, or in the passing thereof or in the the said debentures or any of them.

2. Notwithstanding anything in said By-law contained, the Council of said Municipality of Indian Head shall raise, levy and collect in each year hereafter, during the continuance of said By-law, upon the rateable property in the said Municipality, a sum sufficient to pay the interest upon said loan and the sinking fund provided by said By-law.

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**No. 30 of 1889.**

AN ORDINANCE TO LEGALIZE A CERTAIN DEBENTURE OF THE "SCHOOL DISTRICT OF KENLIS PROTESTANT PUBLIC SCHOOL DISTRICT, NO. 6 OF THE NORTH-WEST TERRITORIES."

[Assented to November 22nd, 1889.]

Whereas, on the first day of March, 1886, the Board of Trustees of the "School District of Kenlis Protestant Public School District No. 6 of the North-West Territories," having previously complied with the several conditions required by the School Ordinance precedent to the right to issue a debenture, issued a debenture in the following form :—

\$850.00

DEBENTURE NO. 1.

SCHOOL DISTRICT

of

KENLIS PROTESTANT SCHOOL DISTRICT NO. 6.

The Trustees of Kenlis Protestant School District No. 6, promise to pay the bearer at the Bank of Montreal, in the City of Winnipeg, Province of Manitoba, the sum of eight hundred and fifty dollars of lawful money of Canada, in ten equal annual instalments from the date hereof, with interest at the rate of eight per cent. per annum, on the terms and in the amounts specified in the coupons attached hereto.

(Signed) THOMAS L. HUBBS,  
Chairman.

(Signed) B. W. GARRATT,  
Trustee.

Dated this first day of March, A.D., 1886.

And whereas, a doubt has arisen as to the legality of the said debenture, owing to the Corporate Seal of the said School District not having been affixed thereto :

And whereas, the Trustees of the said School District have petitioned that an Ordinance may be passed, legalizing, confirming and declaring valid the said debenture ;

And whereas, it is expedient to grant the prayer of said petition :

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

1. The debenture of the "School District of Kenlis Protestant Public School District, No. 6, of the North-West Territories," recited above in the preamble to this Ordinance and intituled "Debenture Number 1," is hereby legalized confirmed and declared to be valid.

**No. 31 of 1889.****AN ORDINANCE TO EMPOWER CERTAIN BOARDS OF SCHOOL TRUSTEES TO COMPROMISE FOR THE PAYMENT OF ARREARS OF TAXES.**

[Assented to November 22nd, 1889.]

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

1. The Board of Trustees of "The School District of Medicine Hat Protestant Public School District No. 76 of the North-West Territories" is hereby empowered to compromise, on such terms as may be agreed upon, with the Trustees of the Townsite of Medicine Hat for the payment of arrears of taxes.

2. The Board of Trustees of "The Grenfell Protestant Public School District No. 150 of the North-West Territories" is hereby empowered to compromise, on such terms as may be agreed upon, with the Trustees of the Townsite of Grenfell for the payment of arrears of taxes.

3. The Board of Trustees of the "School District of Broadview Protestant Public School District No. 5 of the North-West Territories" is hereby empowered to compromise, on such terms as may be agreed upon, with the Trustees of the Townsite of Broadview for the payment of arrears of taxes; and, so far as regards the said Broadview Protestant Public School District No. 5 of the North-West Territories, this Ordinance shall be retro-active.

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## INDEX.

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*The Numerals refer to Pages.*

Advocates .....	71
Ordinance respecting amended.....	71
Ordinance No. 25 of 1889 amended.....	77
Agricultural Societies.....	
Ordinance amended.....	8
Animals Herding of.....	
Ordinance amended.....	32
Auctioneers, Hawkers and Pedlers.....	
Ordinance amended.....	11
Births, Marriages and Deaths, Registration of.....	
Ordinance amended.....	12
Brands.....	
Ordinance amended.....	64
Butter and Cheese Manufacturing Associations.....	
Ordinance to provide for incorporation of.....	27
By-law No. 41 of Municipality of Indian Head.....	
Ordinance to legalize.....	84
By-law of Kenlis Protestant Public School District.....	
Ordinance to legalize.....	86
Calgary Water Power Company.....	
Ordinance to incorporate.....	65
Chattels, Orders for, Receipt Notes, Hire Receipts.....	
Ordinance respecting.....	14
Civil Justice.....	
Ordinance amended.....	60
Deaths, Births and Marriages, Registration of.....	
Ordinance amended.....	12
Dentistry.....	
Ordinance to regulate practice of.....	16
Expropriation of Lands.....	
Ordinance respecting.....	18
Game.....	
Ordinance amended.....	24
Hawkers, Pedlers and Auctioneers.....	
Ordinance amended.....	11

Herd.....	32
Ordinance amended.....	
Hides.....	35
Ordinance respecting.....	
Hire Receipts, Orders for Chattels, and Receipts Notes.....	14
Ordinance respecting.....	
Hospital, Medicine Hat General.....	78
Ordinance to incorporate.....	
Incorporation.....	
Calgary Water Power Company.....	65
Medicine Hat General Hospital.....	78
Town of Moosomin; Ordinance amended.....	83
Butter and Cheese Manufacturing Associations.....	27
Insane Persons.....	5
Ordinance amended.....	
Interpretation.....	70
Ordinance amended.....	
Indian Head.....	84
By-law No. 41 of Municipality legalized.....	
Judicature Ordinance.....	60
Ordinance amended.....	
Justices of the Peace.....	31
Ordinance respecting.....	
Kenlis Protestant Public School District.....	86
Ordinance to legalize By-law.....	
Lands, Expropriation of.....	18
Ordinance respecting.....	
Legal Profession.....	71
Ordinance amended.....	
Ordinance No. 25 of 1889 amended.....	77
Marriages, Deaths and Births, Registration of.....	12
Ordinance amended.....	
Married Women, Personal Property of.....	34
Ordinance respecting.....	
Mechanics' Lien.....	9
Ordinance amended.....	
Medical Ordinances of 1888.....	7
Ordinance amended.....	
Medicine Hat General Hospital.....	78
Ordinance to incorporate.....	
Moosomin, Incorporation of Town of.....	83
Ordinance amended.....	
Mortgages and Sales of Personal Property.....	37
Ordinance respecting.....	

Municipal.....	
Ordinance amended.....	49
Orders for Chattels, Receipt Notes and Hire Receipts.....	
Ordinance respecting.....	14
Ordinance 25 of 1889, amended.....	77
Pedlers, Auctioneers, Hawkers and.....	
Ordinance amended.....	11
Personal Property of Married Women.....	
Ordinance respecting.....	34
Personal Property, Mortgages and Sales of.....	
Ordinance respecting.....	37
Poisons.....	
Ordinance amended.....	6
Receipt Notes, Hire Receipts and Orders for Chattels.....	
Ordinance respecting.....	14
Registration of Births, Marriages and Deaths.....	
Ordinance amended.....	12
Schools.....	
Ordinance respecting amended.....	57
School Trustees, to compromise for payment of arrears of taxes...	
Ordinance to empower certain.....	88
Societies Agricultural.....	
Ordinance amended.....	8
Unincorporated Towns.....	
Ordinance amended.....	26
Water Power Company, the Calgary.....	
Ordinance respecting.....	65

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