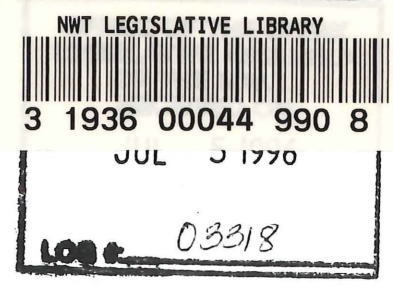


**PHILLIPS
AND
WRIGHT**
BARRISTERS & SOLICITORS



GERARD K. PHILLIPS ■ ADRIAN C. WRIGHT ■ NOEL SINCLAIR

SUITE 1100 PRECAMBRIAN BUILDING, 4920-52ND STREET, YELLOWKNIFE, NORTHWEST TERRITORIES, X1A 3T1
PHONE: (403)873-3335 FAX: (403)873-2773

July 5, 1996

Mr. David Hamilton
Clerk of the Legislative Assembly
of the Northwest Territories
Yellowknife, NT

Dear Sir:

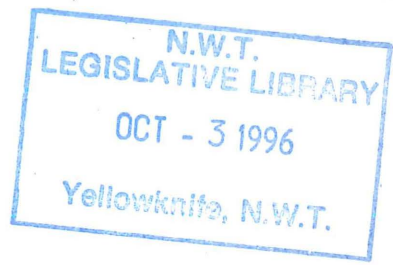
Re: Thebacha Election - 16 October 1995

Enclosed please find a copy of the Election Petition filed by a number of petitioners in the Electoral District of Thebacha. This notice is being given to you pursuant to Section 190(2) of the Elections Act on behalf of the Chief Election Officer, Jean-Pierre Kingsley.

Yours truly,

PHILLIPS AND WRIGHT

ADRIAN C. WRIGHT
ACW/dd
Enclosure



IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF the Elections Act,
R.S.N.W.T. 1988, c. E-2, as amended;

AND IN THE MATTER OF the election of Michael
Miltenberger in the Electoral District of Thebacha
on October 16, 1995.

BETWEEN:

MARY-ELLEN BEAMISH, LOUIE BEAULIEU, JAMES F. BEAVER, SR.,
NORA BEAVER, HOWARD BENWELL, MARION BERLS, JACK BIRD,
BRENDA BOURKE, DORIS BOURKE, MIKE BOURKE,
CHARLIE R. BOURQUE, FRAN BOURQUE, SHANNON COLEMAN,
FRED DANIELS, MATTHEW R. FRASER, SUE FREUND,
BARB HERON, DON HERON, HENRY HERON, KEVIN HERON,
MISTY HERON, TONI HERON, DOROTHY LAVIOLETTE,
FRANK E. LAVIOLETTE, JASON ERNEST LEPINE, CHUCK LOUTITT,
DESIREE LOUTITT, FLORENCE LOUTITT, JOHN LOUTITT, RAE LOUTITT,
SANDRA LOUTITT, BEVERLY MABBITT, VICTOR L. MARIE,
SUSAN McDONALD, LUCILLE NORWEGIAN, MARY NORWEGIAN,
PHILLIP NORWEGIAN, JR., PHILLIP NORWEGIAN, JERRY PAULETTE,
DAVID POITRAS, JUDY POITRAS, MARTHA POITRAS,
TERRY POPPLESTONE, BEVERLY M. SALFI, ALLEN SCHAEFER,
EDNA SCHAEFER, FRED SCHUMANN, NORMAN STARR,
BETTY TOURANGEAU, DON TOURANGEAU, EILEEN TOURANGEAU,
JOHN L. TOURANGEAU, SHIRLEY VANDENBERGHE, GLORIA VILLEBRUN
and LUCIEN VILLEBRUN

Petitioners

- and -

MICHAEL MILTENBERGER,
and the RETURNING OFFICER FOR THE
ELECTORAL DISTRICT OF THEBACHA

Respondents

P E T I T I O N

TAKE NOTICE that the Petitioners hereby apply to the court for:

1. A Declaration that the election of the Respondent, Michael Miltenberger, held October 16, 1995 is void;
2. An Order directing that a new election be held in compliance with the Elections Act, R.S.N.W.T. 1988, c. E-2, as amended;
3. An Order pursuant to section 166(2) of the Elections Act, R.S.N.W.T. 1988, c. E-2, as amended, directing the production of the election documents by the Chief Electoral Officer for inspection by counsel for the Petitioners;
4. Such further orders and directions as this Honourable Court may deem necessary to give effect to the above; and,
5. An Order for costs on a solicitor and client basis.

AND FURTHER TAKE NOTICE that the Petitioners bring this Petition pursuant to the provisions of the Elections Act, R.S.N.W.T. 1988, c. E-2, as amended.

AND FURTHER TAKE NOTICE that the trial of this Election Petition will be heard at a time and place to be appointed by the Court in accordance with the provisions of the Elections Act, R.S.N.W.T. 1988, c. E-2, as amended;

FACTS

The facts upon which this Petition is based are as follows:

1. On or about October 16, 1995, an election was held pursuant to the Elections Act, R.S.N.W.T. 1988, c. E-2, as amended.

2. The Petitioners are electors as defined in the Elections Act.

3. The four candidates for a seat in the Legislative Assembly for the Electoral District of Thebacha, N.W.T., were Allan Heron, Sean Mageean, Jeannie Marie-Jewell and Michael Miltenberger.

4. Michael Miltenberger was declared elected to the Legislative Assembly as the Member for Thebacha.

5. Michael Miltenberger was declared elected by a margin of 36 votes over Jeannie Marie-Jewell. Michael Miltenberger polled 607 votes, Jeannie Marie-Jewell polled 571 votes, Sean Mageean polled 119 votes and Allan Heron polled 96 votes.

6. At the Advance Poll held on October 5, 1995, David Miltenberger cast a vote although he had not been ordinarily resident in the Northwest Territories for twelve months immediately prior to polling day as required by section 27 of the Elections Act.

7. On October 16, 1995, a vote was cast on behalf of Cindy Bartlett, by way of proxy, even though she had taken up residence in Abbotsford, British Columbia, prior to polling day and had ceased to be a resident of the Northwest Territories as of August 31, 1995. Ballots were also cast by way of proxy on behalf of Kim Burkholder, Joseph Burkholder, Melody Flett, Dwight Flett, Patricia Flanagan and Brian Flanagan notwithstanding that on October 16, 1995, they were no longer ordinarily resident in the Northwest Territories.

8. Frank Russell and Margaret Russell voted on October 16, 1995, despite the fact that they were not ordinarily resident in the Territories for a period of at least 12 months immediately before polling day. Frank Russell and Margaret Russell commenced residence in the Territories on or about May 1st, 1995. Frank Russell and Margaret Russell knew or ought to have known that they were not eligible to vote. Ballots were also cast by Armella Mercredi and Joseph

Mercredi and they too had not met the residence requirements of the Election Act.

9. On October 16, 1995, Mrs. Edith Bourke attended at the polling station in order to vote. At that time, she was advised that she was not eligible to vote because she was not on the revised voter's list. She was also denied the opportunity to swear the Oath of an Elector required by the Elections Act.

10. On October 16, 1995, Noline Villebrun was present at the polling station from approximately 9:00 a.m. to 11:00 a.m. She was not authorized to be there for any purpose other than to vote. During the time that she was there, Noline Villebrun approached various voters and spoke to them concerning the casting of their ballots.

11. Noline Villebrun was allowed to remain in the polling station for more than two hours and to speak with prospective voters.

12. On at least one occasion, Noline Villebrun was heard to tell a voter to vote for a particular individual.

13. On other occasions, Noline Villebrun was overheard to be telling voters how to mark their ballots.

14. Noline Villebrun was observed attending inside voting compartments with at least two electors, contrary to section 106 of the Elections Act.

15. At all material times, Noline Villebrun was not authorized to be present in the polling station either as an interpreter nor as a candidate's agent.

16. The Petitioners rely on section 95 of the Elections Act.

DATED at the City of Yellowknife, in the Northwest Territories, this 15TH day of NOVEMBER, 1995 and DELIVERED by Robert A. Philp, Barrister and Solicitor, counsel for the Petitioners, whose address is c/o Philp & Company, Barristers & Solicitors, 10374 - 172nd Street, Edmonton, Alberta, T5S 1G9, and whose agents and address for service are Davis & Company Barristers & Solicitors, Suite 802, Northwest Tower, 5201 - 50th Avenue, Yellowknife, Northwest Territories, X1A 3S9.

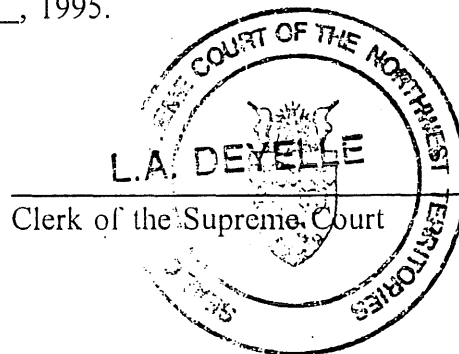
DAVIS & COMPANY

Per:



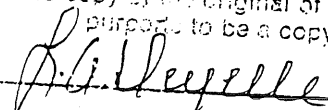
Charles F. McGee,
Agent for Counsel for the
Petitioners

AND IS ISSUED out of the office of the Clerk of the Supreme Court of the Northwest Territories this 16. day of November., 1995.



TO: CLERK OF THE COURT
TO: MICHAEL MILTENBERGER
TO: CHIEF ELECTORAL OFFICER FOR THE N.W.T.
TO: RETURNING OFFICER FOR THE
DISTRICT OF THEBACHA
TO: SEAN MAGEEAN
TO: ALLAN HERON
TO: JEANNIE MARIE-JEWELL

I hereby certify that the foregoing is a true copy of the original of which it purports to be a copy.



L.A. DEYELLE
CLERK OF THE SUPREME COURT

IN THE SUPREME COURT OF THE
NORTHWEST TERRITORIES

IN THE MATTER OF the Elections Act,
R.S.N.W.T. 1988, c. E-2, as amended;
AND IN THE MATTER OF the election of
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DON HERON, HENRY HERON, KEVIN HERON, MISTY HERON, TONI
HERON, DOROTHY LAVIOLETTE, FRANK E. LAVIOLETTE, JASON
ERNEST LEPINE, CHUCK LOUITTT, DESIRÉE LOUITTT, FLORENCE
LOUITTT, JOHN LOUITTT, RAE LOUITTT, SANDRA LOUITTT,
BEVERLY MABBITT, VICTOR L. MARIE, SUSAN McDONALD,
LUCILLE NORWEGIAN, MARY NORWEGIAN, PHILLIP NORWEGIAN,
JR., PHILLIP NORWEGIAN, JERRY PAULETTE, DAVID POITRAS, JUDY
POITRAS, MARTHA POITRAS, TERRY POPPLESTONE, BEVERLY M.
SALFI, ALLEN SCHAEFER, EDNA SCHAEFER, FRED SCHAEFER,
NORMAN STARR, BETTY TOURANGEAU, DON TOURANGEAU, EILEEN
TOURANGEAU, JOHN L. TOURANGEAU, SHIRLEY VANDENBERGHE,
GLORIA VILLEBRUN and LUCIEN VILLEBRUN

Petitioners

- and -

MICHAEL MILTENBERGER,
and the RETURNING OFFICER FOR THE ELECTORAL
DISTRICT OF THEBACHA

Respondents

P E T I T I O N

ROBERT A. PHILIP
Barrister & Solicitor
10374 - 172nd Street
Edmonton, Alberta T5S 1G9

Whose agent and address for service are:

DAVIS & COMPANY
Barristers & Solicitors
Suite 802, Northwest Tower
5201 - 50th Avenue
Yellowknife, NT X1A 3S9

Lawyer: Charles McGee
Phone No.: (403) 873-6455
File No.