

was concurred in by the hon. member for South Renfrew (Mr. Graham). I think it unnecessary to add anything to what I stated on that occasion, so far as giving information to the House is concerned. I therefore suggest that we take up the Bill clause by clause.

Bill reported, read the third time and passed.

YUKON ACT AMENDMENT.

Bill (No. 123) to amend the Yukon Act (Mr. Doherty) was read the second time and House went into committee thereon.

On section 11—Territorial court.

Mr. BORDEN. The reasons for this Bill were explained fully by the Minister of Justice (Mr. Doherty) upon the resolution which preceded the introduction. If there is any information I can give I should be pleased to give it.

Mr. LEMIEUX. The right hon. gentleman (Mr. Borden) is right in saying that information as to the Bill was given by the Minister of Justice (Mr. Doherty). The only suggestion I have to offer relates to one of the judges affected by this Bill. I have not the honour of the acquaintance of Mr. Justice Craig, but I know him by reputation as a well qualified judge. But I have the pleasure of knowing Mr. Justice Dugas. I see by the Orders of the Day that resolutions will be introduced to-morrow with a view to increasing the number of judges in the province of Quebec and to provide \$5,000 a year for the new Superior Court judgeship. I do not know in what district the new judge will be appointed, but I suppose it will be the new district of Montcalm. But I know that Judge Dugas, after years of successful practice at the bar, was appointed judge of the Police Court in Montreal. He is highly qualified to fill any of the positions now vacant in the judiciary of Quebec. If Judge Dugas is in good health, as I hope he is, I think the government could avail itself of his services instead of appointing a new judge. The amount to be paid Justice Dugas under this Bill, \$5,000, would be exactly the salary of the new judgeship in Quebec. Mr. Justice Dugas is not an old man by any means, but is full of life, a man of high qualifications and one who was quite eminent as a practising lawyer. My suggestion, of course, is subject to the limitation I have indicated—that Judge Dugas' health is not impaired.

Mr. BORDEN. I do not propose that the Bill shall be read the third time at this sitting, but that, if passed by the committee it shall stand until the Minister of Justice (Mr. Doherty) is able to be present. He will probably be here during the

course of the forenoon sitting. I appreciate what my hon. friend (Mr. Lemieux) has said. The attention of the Minister of Justice will be called to it.

On section 2—Court of Appeal.

Mr. BORDEN. I will explain to my right hon. friend just what the position is. This section repeals sections 46, 47 and 48 of the Yukon Act, chapter 63, Revised Statutes of 1896. These sections are as follows:

46. The territorial court shall sit in banc at such times and places as the commissioner appoints, and the sittings thereof may be adjourned from time to time as may be necessary.

Of course, if the number of judges is reduced to one there can be no sitting in banc.

47. At such sittings the court may hear and dispose of motions for new trials, appeals and motions in the nature of appeals, and any other business or matter within the jurisdiction of the court.

As the court can no longer sit in banc, it is obvious that section requires to be repealed.

48. Two judges shall constitute a quorum of the court in banc; Provided that, where there are only two judges sitting upon an appeal the trial judge or the judge from whose decision the appeal is taken, shall not be one of them.

The same consideration which I have just mentioned applies also to this section. Then, as there is to be no court sitting in banc in the Yukon Territory, it is necessary to make provision for an appeal from the judge, and the proposal of the Minister of Justice, as embodied in this Bill, is that the court of appeal of British Columbia should be constituted as the court of appeal from the judge of the Yukon Territory. This section and the various subsections thereof contain the necessary provisions for that purpose.

On section 4,

Mr. BORDEN. Inasmuch as the territorial court will no longer sit in banc, the amendment which is embodied in this section seems to be necessary. That amendment gives an appeal in all cases from the territorial court to the Supreme Court of Canada.

Sir WILFRID LAURIER. Directly to the Supreme Court, passing by the Court of Appeal of British Columbia.

Mr. BORDEN. My right hon. friend will observe that the judgment of the territorial court sitting in banc was final and conclusive if that court was unanimous; but if the court was not unanimous, then