

no such statute; that there were only two statutes; that the temporary act of Rupert's land of 1868 was replaced by the statute of 1875; that this statute of 1875 makes no reference to 1872. If you are referring to the statute of 1875, I want to read for your comments some of the provisions of it.

In section 3 of that statute it is stated:

That the governor general, with the advice of the Queen's Privy Council for Canada, may constitute and appoint such and so many persons from time to time, not exceeding in the whole five persons, of which number the stipendiary magistrates shall be members ex officio, to be a council to the governor.

In other words, under the 1875 act the government could appoint five councillors, of which three might judges. Is that the type of government you suggest for the Northwest Territories today?

Judge SISSONS: No. I have suggested the type we should have.

Mr. TURNER: The statute also provides that:

the ordinance of the Northwest Territories may be disallowed and must be laid before parliament.

That is contained in subsection 8 of section 7. I do not think you would necessarily want that, would you, Mr. Justice Sissons?

Judge SISSONS: I have set out the type of government that I want for the present Northwest Territories, that is the type of government we had in the old Northwest Territories before Alberta—that is 1905. Take 1905 as the base.

Mr. TURNER: You took the date 1872.

Judge SISSONS: Yes, I know, but let us take 1905.

Mr. TURNER: I am suggesting to you that from 1875 you had this kind of government: you had an appointed council; you had the provision that a constituency could only be established if there were 1,000 square miles and 1,000 adults, which would mean that today you would reduce the elected representatives to three if you were to follow that statute; that in section 13(3) of that statute the only persons qualified to vote were bona fide male residents and householders of adult age, not being aliens and unenfranchised Indians, and they had to reside in the electoral district for at least 12 months. That is the type of government that was in the Northwest Territories from 1875.

Judge SISSONS: I want the type of government that was developed from 1872 to 1905; that is the period with which I am best acquainted—just before 1905. If it was that type of government it would consist of the lieutenant governor, an executive council and a legislative assembly. I am not particularly concerned with whether I am right or wrong as to 1872 or 1875; you can change that. I want the kind of government we had in 1902.

Mr. TURNER: Mr. Justice Sissons, if you are backing away from your reference to the Northwest Territories Act of 1872, which was your recommendation to this committee, which is a statute which does not exist, and if you mean in effect legislation of 1875, which was the first Northwest Territories Act, then I suggest you have an appointed council; you have a governor in council with an appointed council which he has appointed, controlling all the funds; you have virtual disfranchisement of the Northwest Territories because of the restrictions in this act to which you refer; you have a statute which has been called "too hastily prepared" on the admission of the minister of the interior of the government of that day; you have the statute called "first of a series of piecemeal changes"—and I am referring to the book called "The Struggle for Responsible Government in the Northwest Territories 1870-1897" by L. H. Thomas.