

established with respect to the consideration of provincial statutes and territorial ordinances, and which is specially affirmed with respect to the Yukon Territory by Order in Council of 16th August, 1899.

The other ordinances above mentioned, passed in the year 1898, may, in the opinion of the undersigned, be left to their operation without comment.

As to the ordinances above mentioned, passed during the year 1899, the undersigned observes that in Ordinance No. 7, respecting ferries, and in Ordinance No. 27, intituled 'An Ordinance respecting intoxicating liquors' the word 'license' is, in the copies of these ordinances which have been referred to the undersigned interpreted to mean a person holding a license. Obviously, the intention was to so define the word 'license.' Possibly there may be a mistake in the copies which have been transmitted by the commissioner, but such mistakes should not be allowed to occur, and if the copies transmitted be true copies, this artificial interpretation would probably lead to some difficulty and confusion. The undersigned, therefore, recommends that the matter be called to the attention of the Commissioner in Council so that, if necessary, a proper amendment may be made. And here the undersigned deems it proper to observe generally that he has noticed several other apparent mistakes, probably clerical, in the copies of the ordinances which have been forwarded from the Territory, and he desires to draw attention to the importance and necessity of having these ordinances correctly drafted, engrossed and transcribed.

Ordinance No. 16, without title or date, and Ordinance No. 19, intituled 'An Ordinance respecting Bills of Sale and Chattel Mortgages,' both contain retroactive provisions. The undersigned does not on that account consider it necessary to recommend the disallowance of these ordinances, but he expresses a doubt as to whether the Commissioner in Council, who is merely, in passing these ordinances, executing a delegated power, has authority to legislate retroactively. The undersigned considers, in any case, that retroactive provisions ought, if possible, to be avoided.

Ordinance No. 22, intituled 'An Ordinance respecting the Legal Profession' is *ultra vires*, and ought to be disallowed. This ordinance amends the previous ordinance respecting the legal profession which had, as already stated, been disallowed on 14th April, 1899. It is probable, although the disallowance of that ordinance and the new ordinance of Your Excellency in Council which was enacted in its stead, were immediately communicated to the Commissioner of the Territory, that he had not received such communication before the passage of the amending ordinance now in question. In any case, the amending ordinance cannot have effect because it is in some respects inconsistent with the provisions made by Your Excellency in Council, and Your Excellency having previously, by ordinance, made provisions covering the same ground, the legislative powers of the Commissioner in Council as to the points upon which Your Excellency had so legislated were and are, so long as Your Excellency's ordinance remains in force, necessarily suspended.

Ordinance No. 23 intituled 'An Ordinance respecting the Dawson water front' is probably *ultra vires*, as dealing with Dominion lands, a subject over which the Commissioner in Council has no jurisdiction. It provides among other things that the sheriff of the territory may upon requisition from the commissioner take possession of portions of the Dawson water front and of the bank or shore of the Yukon river, and eject therefrom all persons in possession or occupation thereof, and deliver possession thereof to such person or persons as the commissioner of the territory shall direct. The undersigned would consider it necessary to recommend the disallowance of this Ordinance, by reason of the absence of jurisdiction in the commissioner to pass it, were it not that he assumes it is intended merely to protect the water front and remove trespassers therefrom. In this view of the case, the Ordinance is harmless so far as the public interests of Canada are concerned, and the undersigned considers that it would not be improper to leave the Ordinance to such operation as it may have.

The undersigned sees no reason to comment upon any of the other Ordinances above mentioned, passed during the year 1899. It will be noticed, however, that the