

*Northwest Territories Act*

Motion agreed to and bill read the first time.

NORTHWEST TERRITORIES ACT  
AMENDMENT

Hon. Sir LOMER GOUIN (Minister of Justice) moved the second reading of Bill No. 7 to amend the Northwest Territories Act.

Motion agreed to, bill read the second time, and the House went into committee thereon, Mr. Gordon in the chair:

On section 1—Jurisdiction and powers of stipendiaries.

Sir HENRY DRAYTON: I suppose this merely carries out what the hon. Minister of Justice told us a few days ago was the purpose of the bill. I have not studied it very closely, but I will accept his assurance.

Sir LOMER GOUIN: Exactly. I gave the explanation the other day in introducing the bill. It is to provide for the trial of Eskimos who are now under guard at Herschell Island.

Sir HENRY DRAYTON: I notice that this section provides that a man may serve as a juror although he is not a British subject. Is that not a new thing? Is it not an improper precedent to create?

Sir LOMER GOUIN: It is not a precedent. If my hon. friend will read clause 44 of the Northwest Territories Act, chapter 62 of the Revised Statutes of 1906, he will find that a judge has unlimited jurisdiction in choosing jurors. It provides:

Persons required as jurors for a trial shall be summoned by a stipendiary from among such male persons as he thinks suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors, and shall be sworn by the stipendiary who presides at the trial.

This provision my hon. friend mentions is to remove any doubts which might arise in this case. These men are to be tried in the Yukon district, where there is a provision that no one can serve as a juror unless he is a British subject. In the Northwest Territories there is no such restriction. These are offences that were committed in the Northwest Territories, so the procedure is not being changed; but the trial having to take place in the Yukon district, where there is a restriction, we feel that we should first remove that doubt.

Sir HENRY DRAYTON: I do not follow my hon. friend at all. I understood him to say that he was not creating a precedent. It seems to me now that he is. He says that in the Yukon district it is necessary for a man to be a British subject before he can serve

[Mr. Sales.]

on a Canadian jury. I should think it was necessary everywhere, without any qualification, that before a man has the right to take part in the administration of Canadian justice he must be a Canadian citizen. I should have thought that a primary qualification. My hon. friend says the provision is necessary here because while that general principle applies in the Yukon, it does not apply in the Northwest Territories. I venture to suggest that unless there is an express exception such as we have here, it would apply in the Northwest Territories. What my hon. friend is doing here is saying that in the case of a trial which is to take place in the Yukon, where you have British subjects and the proper machinery for the administration of justice—it is because of that very fact that this bill is being introduced to change the venue of the trial—the procedure in the Northwest Territories, where there might not be those facilities, shall apply. Unless the minister can give us some explanation, I can see no reason why the general rule should be departed from.

Sir LOMER GOUIN: The hon. member says that there is on Herschell Island a population from which we could get British jurymen. It is exactly because we have no such population there that this provision is made. The population of Herschell Island is very small. It is of a transient character and it is only in case British subjects cannot be found that we shall need the provision that it will not be necessary to be a British subject to act on the jury. This, let me say, is the law under the existing Northwest Territories Act, but there is a difference with respect to Yukon district. My hon. friend knows very well that the qualifications with respect to jurors are prescribed by the provincial legislature. This, however, is an exceptional matter inasmuch as we are legislating for an entirely different district, and the Revised Statutes of 1906 for the Northwest Territories gives unlimited jurisdiction to the judge to select any man residing in that territory to act as a juror. But having to try cases outside of the Northwest Territories, we have to make this provision that a man need not be a British subject. I have no desire to insist upon the provision if the committee objects to it. I repeat that it is not an exception we are making, we are simply transferring to that particular district the procedure of the Northwest Territories.

Sir HENRY DRAYTON: As I understand it, this legislation is for the purpose of securing efficient administration, saving money, and the like, and we all want to help my hon. friend in those matters. He is ask-