

*Northwest Territories Act*

in regard to the concept of movement forward will be raised by hon. members because, on many of these points, I do not want to take the position that the final word has yet been spoken. Many of us feel that we are breaking into new fields and we are somewhat reluctant to take the position that what we are doing is absolutely right. I think if the debate proceeds in that spirit it will add something to the progress we are making and will give me some ideas, I hope, for future amendments to these acts concerning the two territories so that we can keep pace with the progress in those areas.

**Mr. M. A. Hardie (Mackenzie River):** I said a few words concerning the judicial aspect of the amendments at the resolution stage of this bill, but I should like now to consider for a moment a part of what the minister has said concerning these amendments. He indicated that, by these amendments, he was proposing to give the Northwest Territories council greater autonomy. With regard to the first clause, he said that a definite term of office for council members would be fixed. But in the particular clause dealing with the matter we find the following:

Every council shall continue for three years from the date of the return of the writs for the general election of the elected members thereof and no longer, but the governor in council may at any time dissolve the council and cause a new council to be elected and appointed.

I direct attention to the second part of clause 1, which provides:

—but the governor in council may at any time dissolve the council and cause a new council to be elected and appointed.

In my opinion, this provision does not do what the minister said would be done, namely give a definite term of office to the elected members of council. What this clause will do is to make it possible for the governor in council or the cabinet here in this federal House of Commons, if they so desire, to dissolve the council. If they do not like the colour of the eyes of the members who are elected to council they could the following day or at any time thereafter dissolve the council and cause a new election. I do not think this clause is in keeping with the second amendment with which I wholly agree and which the minister said was a step towards more autonomy.

In the second clause which deals with the convening of the sessions of the council, a change is made from the provision found in the old act which says that the governor in council shall determine the place and time of meetings. Under this new amendment it is the commissioner on the recommendation of the council who does this. In the first

[Mr. Hamilton (Qu'Appelle).]

clause, in order to give greater autonomy and to bring it more in line with the amendment that is proposed in clause 2, instead of reading "governor in council" I think it should be "the commissioner in council" who dissolves the council.

As for the sections that have been changed to make it possible for by-elections to be held, I wholly agree. I thank the minister for listening to the representations that have come from my riding and from myself in this regard. As to all the other amendments that are proposed, I entirely agree with what the minister has said.

**Mr. G. W. Baldwin (Peace River):** Mr. Speaker, coming from and practising law in a riding which is contiguous to the area of the Northwest Territories I have had frequent occasion to consider the question of the administration of justice and the constitution of the courts and I am going to take advantage of the suggestion of the minister to put forward two or three brief suggestions derived from practical experience.

With regard to the question of the amendment dealing with the appointment of judicial officers, may I say this. I read what the minister said the other day and what the hon. member for Mackenzie River (Mr. Hardie) said with regard to the question of concurrent jurisdiction. Apart from the question of autonomy there is a question of mechanics there which may well be considered. Here we have a situation where there is in effect a superior court in the Northwest Territories and there is access to the courts of certain provinces. You might easily find the situation—and I think it has developed—where interim and interlocutory applications might be made to a court outside the Northwest Territories and filed in the court house of record there; you there have a case probably commencing in the territories and then interlocutory applications are made in another place. I think that in due course, from what my experience has been, it would be well to consider the repeal of that particular section.

But even more anomalous than that situation, I think is the one where a superior court has jurisdiction in probate matters and where equally concurrent jurisdiction is given in probate matters to the county courts in some of the provinces. The situation might develop that an order made by a superior court judge in the Northwest Territories could be repealed or revoked or set aside by a county court judge presiding in a probate court in one of the provinces. I think that is not a desirable situation at all.

Finally, I would call the attention of the minister to a situation which has come to my