

under any ordinance, regulation, rule, order, decision, direction or instruction of the Governor in Council, the Commissioner in Council, any Minister of the Crown, or officer of the government of the territory. This ordinance was considered remarkable, not only as being retroactive and interfering without any explanation with vested rights, but also as attempting to take away right of action against the government of Canada, which the minister conceived was beyond the authority of the Yukon Council to do. I accordingly wrote Commissioner Ogilvie asking for explanations to be considered by the minister before reporting upon the ordinance. The minister has just received Mr. Ogilvie's reply, in which he incloses copy of a letter from you to him of the 1st of August last, inclosing a draft copy of the ordinance, and stating that it was the wish of your minister that it should pass at the earliest convenience of the Yukon Council. Mr. Ogilvie adds that the ordinance was passed upon this request, and that the council did not inquire particularly into the reasons for its passage, and he refers the Minister of Justice to the Minister of the Interior for the explanation sought. I presume this ordinance was intended to apply to some particular case or class of cases, but the minister thinks that perhaps the ordinance goes further than is necessary or was intended, and he entertains no doubt that the Yukon Council has no authority to legislate affecting causes of action against the Dominion government. The minister would like to know, therefore, what are the circumstances calling for this ordinance, and whether your department does not consider that the ordinance should be modified.

I have the honour to be, sir, your obedient servant,

E. L. NEWCOMBE,

*Deputy Minister of Justice.*

*The Deputy Minister of the Interior to the Deputy Minister of Justice.*

DEPARTMENT OF THE INTERIOR, OTTAWA, 28th February, 1901.

*Re Yukon Legislation, 1900.*

SIR,—In reply to your letter of the 6th instant with reference to the Ordinance passed by the Commissioner of the Yukon in Council, No. 32, and intituled 'An Ordinance relating to proceedings against officers of the Crown,' I have the honour to inform you that the above mentioned Ordinance was passed to protect against actions which might be brought in respect of the acts of police officers and others, done under stress of circumstances, which might not possibly be authorized by law, but which were in the general interest of peace and good order in the community. It is considered that it was a wise and proper thing to pass such an Ordinance. The Governor in Council passed a similar one.

It is also considered that the fact that the Yukon council has not authority to legislate in respect of actions against the federal government, would not be sufficient reason for disallowing. That phase of the Ordinance would simply be of no effect.

I have, &c.,

JAS. A. SMART,

*Deputy Minister of the Interior.*