

the council, each judge, and each commissioned officer of the North-west Mounted Police, shall, ex-officio, possess the powers of one or two justices of the peace. Section 17 provides that no person shall be summoned or sworn as a jurymen on any trial in the territorial court unless he is a British subject. Section 18 provides that every lock-up, guard-room, guard-house or place of confinement provided by or under the direction of the North-west Mounted Police force, or the regular military force, or municipal body, or by the commissioner or commissioner in council, shall be a penitentiary, jail, or place of confinement. Section 19 provides that all persons possessing the powers of two justices of the peace shall also possess the powers of coroners. Section 29 is an administrative provision, providing for the power of appointing officers for the administration of justice, and providing how they shall be paid. Section 21 provides that in case of the death of the commissioner the senior member of the council shall act as commissioner until his successor is appointed. The general scheme of the Bill is to adopt as far as possible the principles of the old North-west Territories Act. The only radical departure from that is, I think, that we have not provided for any elective members of the council. I think the House will agree with me that in bringing in a tentative measure for the Government of the district, until matters become more settled, and we know more about what kind of a community we shall have to govern, it would be extremely foolish to undertake to provide for a system of popular representation, especially as all the information we possess goes to show that perhaps nine out of every ten persons in the district are aliens, totally unacquainted with our method of representation, and the population will in all probability be a very nomadic character, at least for the present. It is intended to be a tentative measure, to clothe the Government with power to maintain order and administer the country for a year or two until we shall have a better opportunity of knowing what kind of a community we shall have to provide laws for. As a matter of course, if a permanent population establishes itself in the district, some representative system similar in principle to what was given to the North-west Territories will have to be provided later on.

Mr. DAVIN. The hon. gentleman makes a deviation from the old North-west Territories Act that he has not mentioned. The clause in the old North-west Territories Act corresponding to section 5 here, not merely provided for the number of councillors, but provided that certain persons should be ex-officio members. I do not know that it is a very important detail; but this clause gives the appointment to the Governor in Council, which means practically the Min-

ister of the Interior, whereas the corresponding clause in the North-west Territories Act of 1875 provided for five councillors, including ex-officio three stipendiary magistrates. I have carefully read the Bill, and I consider that it meets the needs of the Yukon district pretty well. But I would ask the hon. gentleman to consider whether it would not be well, for instance, to make the judge and one or more magistrates ex-officio members of this council. In instituting a Government for the Yukon district, the hon. gentleman has a great advantage that was not possessed by the Government of Canada in framing the original Act for the government of the North-west Territories; because he is able to apply to the Yukon district the body of carefully considered law which now exists in the Territories. Nevertheless, I think it would be well for the hon. gentleman to consider whether it is desirable for him to keep in his hands the power to appoint every member of the council. I saw that it was suggested in another place that the Government ought to give some guarantee that the miners would be represented. I am strongly inclined to leave this question entirely to the Government. I do not think, from what we know of the workings of the old council, that it would be very advantageous to put in a clause that would enable miners to elect a man to the council. When the time comes to introduce those elective element into the council governing the Yukon, I hope there will be a possibility of making arrangements that will work better although I think that the transitional method of government in the North-west Territories worked pretty well. Still, there were inconveniences connected with it, and I believe that with the experience of the past, the hon. gentleman, if he wanted to legislate on that particular phase of the government of the new territory, would be able to make a marked improvement. So far as I have been able to study the Bill, it seems to me, with this qualification, to meet the needs of the situation, but I think it would be an advantage if the hon. gentleman would, in committee, change this 5th section so as to have two or three persons who would be ex-officio members of the council because of their position. Even that will minimize the autocratic position of the Commissioner, which is very desirable. Suppose we were to pass the Bill as it is, what will happen? The power of appointing these six persons will be entirely in the hands of the Government, which means absolutely in the hands of the Commissioner, because the Government will appoint those he recommends, or if they do not, will be declaring a want of confidence in their representative, in whom they must have entire confidence, if he is efficiently to govern that country. In the past those men who were ex-officio members of the council were independent of the Lieutenant-Governor, and they were thus