

of the revised statutes of Canada, as amended by section 18 of chapter 19 of 51 Vic., section 94 of the said chapter 50, as amended by section 15 of chapter 22 of 54-55 Vic., section 95 of the said chapter 50, as provided by section 16, of the said chapter 22 of 54-55 Vic., and sections 96, 97 and 99 of the said chapter 50.

And His Excellency is further pleased to order, declare and enact, that from and after the passage of an ordinance respecting the sale or traffic in intoxicating liquors in the Yukon Territory, no liquors shall be imported into the said Territory, or shall be in the possession of any person therein, unless the same has been imported into the said Territory under a permit, signed by the commissioner of the district, or an officer appointed by the said commissioner for that purpose, under the penalties provided by the sections of the North-west Territories Act as amended as hereinafter mentioned.

JOHN J. MCGEE,
Clerk of the Privy Council.

1900.

Copy of a Report of the Hon. the Minister of Justice, approved by His Excellency the Governor General in Council on the 15th day of June, A.D. 1901.

DEPARTMENT OF JUSTICE, OTTAWA, 28th May, 1901.

To His Excellency the Governor General in Council:

The undersigned has had under consideration the ordinances passed by the Commissioner of the Yukon Territory Council, during the year 1900, and numbered from 1 to 43, inclusive, being all the ordinances for that year which up to the present time, have been referred to the undersigned, and he is of opinion that these may be left to their operation without comment, with the exception of number 32, intituled 'An Ordinance relating to proceedings against officers of the Crown.' This ordinance provides as follows :—

'In the case of any ordinance, regulation, rule, order, decision, direction or instruction given or made by the Governor in Council, the Commissioner in Council of the Yukon Territory, or by any minister of the Crown, or by a commissioner of the Yukon Territory, or by any person who now occupies, or formerly did occupy the position of chief executive officer of the government of Canada in the Yukon Territory, relating to the government of the Territory, or the acts or conduct of any of the officers of the government of the said Territory, nothing which has been done prior to the 1st day of July, 1900, under, in pursuance of, or in consequence of such ordinance, regulation, rule, order, decision, direction or instruction, shall be the subject of, or shall sustain or give rise to, or support any action, suit or petition or proceeding for damages against any person whatsoever.'

With regard to this ordinance correspondence has taken place by direction of the undersigned, between the Deputy Minister of Justice, the Commissioner of the Yukon Territory, and the Deputy Minister of the Interior, a copy of which is submitted herewith. From this correspondence the nature of the objections to the ordinance in question will sufficiently appear, as well as the reason stated in support of it by the Commissioner and the Deputy Minister of the Interior.

The undersigned entertains no doubt that the ordinance is *ultra vires*, so far as it is intended to affect causes of action against Your Excellency's government or the ministers or officers thereof, and further the undersigned is not disposed to approve of retroactive legislation, particularly of a character so general and comprehensive as the present ordinance. It is stated by the Deputy Minister of the Interior, however, that Your Excellency in Council has passed a similar ordinance, but the undersigned assumes that the questions to which he has referred must have escaped consideration