

REPORT of the Honourable the Minister of Justice, by His Excellency the Governor General in Council on the 6th August 1899

DEPARTMENT OF JUSTICE, OTTAWA, 17 April, 1899

The undersigned has the honour to report that by Section 6 of the Yukon Territory Act the Commissioner of the Territory in Council is given authority to make ordinances for the government of the territory, and by the following section a copy of every such ordinance is to be despatched by mail to the Governor in Council within ten days after the passing thereof, and it is provided that any such ordinance may be disallowed by the Governor in Council at any time within two years after its passage.

The corresponding provision of the British North America Act, and of the North-west Territories Act, requires that a copy of each enactment shall be transmitted to the Secretary of State, and the established practice with regard to all the provinces and the North-west Territories is that the Secretary of State, upon receipt of a certified copy of a statute or ordinance, shall refer the same to the Minister of Justice in order that he may consider and report thereon to Your Excellency in Council. The duty of advising upon the legislative Acts and proceedings of each of the Legislatures of the provinces and the North-west Territories of Canada is imposed upon the Minister of Justice by the Act respecting the Department of Justice, Revised Statutes of Canada, chapter 21.

The undersigned considers that a similar duty devolves upon him with respect to the Ordinances of the Commissioner in Council of the Yukon Territory, and that those ordinances ought to be referred to him upon being received by Your Excellency's Government. If, as may often be the case, questions of policy in which any other department of Your Excellency's Government is specially concerned arise with respect to any of such ordinances, it would be proper for such department to submit the objections and reasons for the consideration of the Minister of Justice, as has always been the practice with regard to the provinces and the North-west Territories; but unless an exception is to be made, which in the opinion of the undersigned is justified neither by the constitution nor the expediency of the case, the reports to Your Excellency upon the Yukon Ordinances ought to be made by the undersigned, and he recommends, therefore, that it be made the duty of the Clerk of the Privy Council, upon receiving from the Commissioner of the Yukon Territory a copy of any ordinance, to transmit the same to the Department of the undersigned for consideration and report.

Respectfully submitted,

DAVID MILLS,

Minister of Justice.