

Mr. SPROULE. It seems to me there may be a conflict of authority or jurisdiction after a while with regard to the Yukon Territory, if we repeal these laws. I take it that it is under the authority of the present Northwest Territories Act that the Yukon gets its power.

Mr. FITZPATRICK. Originally it was, but we have passed a special Act with respect to the Yukon Territory.

Mr. SPROULE. When?

Mr. FITZPATRICK. In 1898.

Mr. SPROULE. I have the Act of 1898 and it says:

Subject to the provisions of this Act the laws relating to civil and criminal matters and the ordinances as the same exist in the Northwest Territories at the time of the passing of this Act, shall be and remain in force in the Yukon Territory in so far as the same are applicable thereto until amended or repealed by the parliament of Canada.

Are you amending or repealing them? Then the Yukon district is described and it says:

And the same shall no longer form a part of the Northwest Territories.

You have set off the Yukon as a separate district, but it gets its authority from the Northwest Territories Act. Then you provide:

The commissioner shall administer the government of the territory on the instructions from time to time given him by the Governor in Council or the Minister of the Interior.

And then:

The Governor in Council, by warrant under his Privy Seal, may constitute and appoint so many persons from time to time, not exceeding in the whole six persons, as he may deem desirable to be a council and under that council shall act.

Under that authority they have established an educational system. There is nothing set out in the Yukon Territory Act that gives them authority to establish the system which they have established—a dual system of schools similar to that of the Northwest Territories. Under what authority have they established that system, and what laws will apply to the Yukon Territory after we have repealed the balance of these laws except what relate to these two provinces? It seems to me there will be some conflict there.

Mr. FITZPATRICK. I must confess that one educational problem is all that I can deal with at one time. I do not want to be involved in the educational problems of the Yukon. I may say, however, that the Northwest Territories Act is made applicable to the Yukon Territory, subject to repeal, alteration or amendment by the Yukon council. Whatever we may do with the Northwest Territories Act so far as the new

Mr. FITZPATRICK.

provinces are concerned does not affect it so far as the Yukon Territory is concerned.

Mr. SPROULE. You have put the Yukon Territory under a separate authority, and under that authority the Yukon council is acting. When you repeal this law, what will be their position? Will they continue to act as a council under an authority which has been repealed?

Mr. FITZPATRICK. The Yukon Territory will continue, with the provisions of the Northwest Territories Act as they existed before incorporated in the Yukon Territory Act; so that the repeal of the Act as it affects the Northwest Territories does not affect the Yukon Territory at all. I move to strike out the words:

Including the provisions of the Northwest Territories Act and the amendments thereto, notwithstanding the repeal thereof by this Act, from the first, second, third and fourth lines of the first subsection.

Amendment agreed to.

Mr. FITZPATRICK. I move the addition of the following proviso to subsection 2:

Provided that if upon such abolition the legislature constitutes a superior court of criminal jurisdiction, the procedure in criminal matters then obtaining in respect of the Supreme Court of the Northwest Territories shall until otherwise provided by competent authority continue to apply to such superior court, and that the Governor in Council may at any time and from time to time declare all or any part of such procedure to be inapplicable to such superior court.

We have at the present time in the Northwest Territories a system of criminal procedure which is special to the Northwest Territories, differing from that which exists in the older provinces. After the new provinces are organized, they will have it within their power to re-create their courts altogether. I want to make the present exceptional system of criminal procedure applicable to the new courts until such time as they may alter it.

Amendment agreed to, and section 15 agreed to.

On section 8—seat of government—

Mr. FOWLER. I think it would be well if the Minister of the Interior would give the committee some idea of the reasons which actuated him in having the capital placed at Edmonton.

Mr. OLIVER. The reasons are so evident that I do not think it necessary to burden the pages of 'Hansard' or to occupy the time of the House with any statement beyond what has been made during the weary weeks of the debate that has taken place already on this question. If my hon. friend is not familiar with the reasons which prevailed in favour of the location