

COUNCIL OF THE NORTHWEST TERRITORIES

Minutes of the second meeting of the Council held on Wednesday the 14th June, 1922, in the Office of the Commissioner, Mr. W. W. Cory.

PRESENT:

Mr. W. W. Cory	- Commissioner
Mr. R. A. Gibson	- Deputy Commissioner
Mr. J. W. Greenway	- Member of Council
Lt. Col. Cortlandt Starnes	- " "
Mr. Chas. Camsell	- " "
Mr. H. H. Rowatt	- " "
Mr. O. S. Finnie	- Member of Council and Acting Secretary, NWT
Mr. K. R. Daly	- Legal Adviser

1. Minutes of Last Meeting

The minutes of the previous meeting of the Council held on Thursday the 28th April, 1921, were approved on motion by Mr. Gibson, seconded by Lt. Col. Starnes.

2. General Report by Mr. O. S. Finnie

Mr. Finnie submitted a general report covering the operations of the Northwest Territories Branch for the fiscal year ending the 31st March, 1922. The report appears in these Minutes as Appendix "A" and was adopted.

3. Confirmation of Beverage Cancellation Ordinance

Confirmation was given by the Council to the following Ordinance:-

"An Ordinance respecting the Sale of
Alcoholic Beverages in the N.W.T."

The Commissioner of the Northwest
Territories in Council enacts as follows:-

1. This Ordinance may be cited as "The Beverage Cancellation Ordinance."
2. The Beverage Ordinance of August 10th, 1921, is hereby rescinded.

(sgd) W. W. Cory,
Commissioner Northwest Territories.

Ottawa, 2nd June, 1922."

In connection with the foregoing it was explained by Mr. Finnie that "a careful review of the Northwest Territories Act fails to disclose any power given to the Commissioner in Council of the Northwest Territories to pass such an Ordinance as the Beverage Ordinance of the 10th August, 1921." We therefore request the Commissioner to confirm its repeal.

4. Confirmation of Amendment Judicature Ordinances

Confirmation was given by the Council to the following Ordinance:-

"Principal Ordinance..... C.O., 1898, c.21 amd.
Amending Ordinance..... 1899, c.5; 1903, Sess 2. c.6.

The Commissioner by and with the advice and consent of the Council of the Territories enacts as follows:-

1. This Ordinance may be cited as the "Judicature Amendment Ordinance."

2. Section 14 of the Judicature Ordinance is hereby rescinded and the following is substituted therefor:-

"being an advocate of not less than five years standing omitted - immediately after the word "person."

" In each judicial district or "for such other portion of the "Territories as may be deemed "desirable the Commissioner in "Council may appoint a fit and "proper person to be Public "Administrator and Official "Guardian under the name of Public "Administrator".

(sgd) W. W. Cory,
Commissioner - Northwest Territories.

Ottawa, 14th June, 1922."

Pursuant to the provisions of this Ordinance, the Commissioner in Council appointed Mr. H. Milton Martin of Edmonton, Public Administrator in and for the Northwest Territories.

14th June, 1922.

"TO THE COMMISSIONER IN COUNCIL.

The undersigned begs to report that owing to there being a number of estates to settle, it has been found necessary to appoint some person to act as Public Administrator in and for the Northwest Territories.

Mr. H. Milton Martin, Financial Agent of Edmonton, has been highly recommended as a suitable person for this position.

The undersigned therefore recommends that under authority contained in Section 14 of Northwest Territories Judicature Ordinance and Judicature Amendment Ordinance dated 14th June, 1922, Mr. H. Milton Martin be appointed Public Administrator in and for the Northwest Territories.

(sgd) O. S. Finnie,
Director

Approved
(sgd) W. W. Cory,
Commissioner

Certified a true copy of Minute approved by the Commissioner in Council 14th June, 1922.
(sgd) H. E. Hume.

Acting Clerk of the Council.

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5. Confirmation of Amendment Bills of Sale Ordinance.

Confirmation was given by the Council to the following Ordinance:-

10th June, 1922.

"AN ORDINANCE RESPECTING CLERKS FEES, BILLS
OF SALE ORDINANCE NORTHWEST TERRITORIES.

Prin. Ordinance - C.O. 1896 C.43
Amend. " - 1900 C. 12.

The Commissioner by and with the advice and consent of the Council enacts as follows:-

1. This Ordinance may be cited as the "Bills of Sale Amendment Ordinance."

2. Section 33 of the Bills of Sale Ordinance is hereby repealed and the following section is substituted therefor:

33. For service under this Ordinance each clerk aforesaid shall be entitled to receive the following fees;

1. For Filing each instrument and affidavit including the certificate on a duplicate, if any, and for entering the same in a Book as aforesaid, \$2;

2. For Filing assignment of each instrument and for making all proper indorsements in connection therewith, \$2;

3. For Filing certificate of discharge of each instrument and for making all proper entries and indorsements connected therewith, \$2;

4. For searching for each paper, 25 cents;

5. For copies of any document filed under this Ordinance with certificate thereof, 20 cents for every hundred words;

6. For every certificate under section 27 of this Ordinance, \$2, C.O. Chap. 12, S. 33.

(sgd) W. W. Cory,
Commissioner Northwest Territories."

6. Confirmation of Appointment Registration Clerk.

Confirmation was given by the Council to the following Order:-

"AN ORDER RESPECTING REGISTRATION DISTRICTS IN
THE NORTHWEST TERRITORIES AND THE APPOINTMENT
OF REGISTRATION CLERKS.

"NORTHWEST TERRITORIES"

"Notice is hereby given that the Commissioner in Council has designated the Mackenzie District as a Registration District within the meaning of the Bills of Sale, and has appointed the Mining Recorder at Fort Smith to be the Registration Clerk for such Registration District.

The Commissioner in Council has further designated the remaining districts viz; Franklin and Keewatin as Registration Districts within the meaning of the Bills of Sale Ordinance, and has appointed the Director of the Northwest Territories at Ottawa to be Registration Clerk for such Registration Districts."

(sgd) W. W. Cory,
Commissioner - Northwest Territories."

It was explained that consideration could be given later to the appointment of police officers going into any portion of the Territories, as may be found necessary. For the present practically all the business arises on the Mackenzie River.

7. The Council confirmed the appointment of the following Notaries Public in and for the Northwest Territories:-

<u>No</u>	<u>Name</u>	<u>Address</u>	<u>Date of Appointment</u>
1	Oswald Sterling Finnie	Fort Smith, NWT	14th Apl. 1921
2	Lachlin Taylor Burwash	" " "	" " "
3	Stanley Eades Slipper	" " "	" " "
4	Franklin Hugo Kitto	" " "	" " "
5	David Livingstone McKeand	" " "	" " "
6	Harry Edgar Hayward	" " "	" " "
7	Joseph Nap. Emile Pelletier	" " "	" " "
8	Ernest Gladwynne Whitehead	" " "	" " "
9	John A. McDougal	" " "	" " "
10	John Lawrence Williams	" " "	" " "
11	Clifford H. Cuthbertson	" " "	" " "
12	James Joseph McCann	" " "	" " "
13	Paul Emile Trudel	" " "	" " "
14	John Garrett Cory, Barrister at Law	" " "	" " "
15	R. W. McKinnon	Norman	28th May, 1921
16	A. L. Sawle	McPherson	8th June, 1921
17	Gabriel Breynat	Fort Smith	24th Oct. 1921

The Council also confirmed the revocation of the appointment as Notary Public in the following cases:-

Ernest Gladwynne Whitehead
Joseph Nap. Emile Pelletier
Paul Emile Trudel
Harry Edgar Hayward

8. Amendment Northwest Territories Act

The provisions of the Bill now before Parliament to amend the Northwest Territories Act were briefly explained by Mr. Finnie, No action was considered necessary as the matter is still awaiting action by Parliament.

9. Amendment Dominion Lands Act

Some discussion took place as to the method in which the public lands of the Northwest Territories would be administered in future. The Commissioner drew attention to the fact that under the proposed amendment to the Dominion Lands Act, the lands of the Territories will still be under the disposition of the Governor General in Council. It was pointed out that the Council of the Northwest Territories had no jurisdiction as the legislation would be considered by Parliament. However, the Commissioner requested the Commissioner of Dominion Lands for a Memorandum on the subject.

10. Amendment Northwest Territories Game Act

Mr. Finnie briefly explained the purport of the two Proposed amendments. One is to enable the collection of license fees from Indians when employed by fur companies or fur traders. Indians hunting for themselves will not be required to take out a license. Where a Company sends a number of men, for instance, to Victoria Island, the Esquimaux hunt and trap there and on their return dispose of their skins to the Company, it is proposed to require the Company to take out a license for Esquimaux who hunt and trap for them in this way. In some instances the Companies have already forwarded license fees for Esquimaux employed by them in trading or trapping, and have made application for a license. The amendment will cover any cases of this kind.

The second amendment provides for cases where a man after having committed an offence under the Act or the regulations, leaves the Territories. Power is being taken to apprehend a man under such circumstances no matter where he may be found in Canada.

11. Entry Ordinance and Cancellation thereof.

At the meeting of Council held on the 28th April, 1921, the question of the legality of the entry ordinance dated the 18th March, 1921, was raised. Mr. Finnie explained that it has since been established by the Legal Adviser that the Council was not empowered under existing legislation to pass such an ordinance. A rescinding Ordinance was therefore signed by the Commissioner on the 27th October, 1921, as follows:-

"AN ORDER RESPECTING ENTRY INTO THE NORTHWEST
TERRITORIES.

"The Commissioner of the Northwest Territories in Council enacts as follows:-

1. This Ordinance may be cited as "The Entry Cancellation Ordinance."
2. The Entry Ordinance of March 18, 1921, is hereby rescinded."

The foregoing Ordinance of the 27th October, 1921, received confirmation by the Council.

12. Appointment of Mr. K. R. Daly, Acting Registrar

Mr. Finnie brought to the attention of the Council that Mr. Daly had been appointed by Order in Council of the 5th May, 1921, P.C. 1514, as Acting Registrar for the Northwest Territories.

13. Appointment of Messrs. Gibson, Rowatt and Finnie

Mr. Finnie reported the passage of an Order in Council of the 16th June, 1921, P.C. 2033, appointing Mr. R. A. Gibson, Deputy Commissioner, and Messrs. H. H. Rowatt and O. S. Finnie as members of the Council of the Territories.

14. Appointment of Lieutenant Colonel Cortlandt Starnes

Mr. Finnie also submitted the Order in Council of the 9th May, 1922, P.C. 999, accepting the resignation of Colonel A. B. Perry as member of the Council and appointing Lieutenant Colonel Cortlandt Starnes to the vacancy thus created.

15. Powers of the Commissioner in Council to enact Ordinances

Mr. Finnie laid before the Council the Order in Council of the 4th May, 1922, P. C. 857, vesting in the Commissioner in Council of the Northwest Territories the power of making Ordinances for the Government of the Territories as provided in Section 7 and 8, of the Northwest Territories Act, 62 R.S.C. 1906.

16. Seat of Government of Northwest Territories to be at

Ottawa

Mr. Finnie submitted the Order in Council of the 20th May, 1922, P.C. 1087, fixing the seat of Government of the Northwest Territories at Ottawa.

17. Transfer of Administration Northwest Game Act

The Commissioner explained the provisions of the Order in Council of the 20th May, 1922, P.C. 1088, under which the administration of the Northwest Game Act was transferred from the Commissioner of Dominion Parks to the Commissioner of the Northwest Territories, the object being to provide as far as possible for similar regulations governing the Yukon and northern part of the Mackenzie district in order to avoid difficulty in administration.

This difficulty has been found to exist especially at Herschel Island.

18. Under the heading of "New Business" Mr. Finnie submitted a review of the operations of the present

season. It is proposed to create a buffalo reserve or park so as to preserve what is believed to be the only known herd of wood buffalo in their natural habitat. Surveyors are now going over the ground with the object of familiarizing themselves with the entire district and securing sufficient information to enable them to recommend proper boundaries and the area which should be reserved.

Land Settlement Lots

All applications for lots in land settlements have been examined and patent is now under way in most cases. This refers to lots occupied prior to the extinguishment of the Indian title which took place on the 22nd October last. Before that time these lots could not be disposed of, but during the winter, patents have been recommended in nearly all cases where application has been made. Any difficulties arising where there were two or more applicants are being disposed of as rapidly as possible. Timber regulations have been made, and hay and grazing regulations are now under consideration.

Hospitals

A new arrangement has been made with the Roman Catholic Hospital under which a per capita allowance is made for every patient treated in the hospital, amounting to fifty cents per day, also an allowance of \$1.50 per day for each indigent patient. A certain amount of equipment suitable for hospital use was also obtained from the Soldiers' Civil Re-Establishment.

A grant of about \$1500 is also being made for the relief of indigent Esquimaux in the Coronation Gulf District. A report was received through the Mounted Police of certain cases of infanticide traceable to the extreme poverty prevailing in some of the Eskimo settlements of the Coronation Gulf District. A small grant of infants' clothing, etc., is being made through the police in cases where such is considered advisable.

A statement was submitted to the Council relating to the expedition now being fitted out, to be in charge of Mr. J. D. Craig, an officer of the International Boundary Survey Branch of the Department of the Interior, with Captain J. E. Bernier in charge of the ship.

Mr. Gamsell made enquiry regarding the removal of restrictions as to the mining of copper on the Copermine River. At present there is a reservation covering the Territories between Longitudes 105 and 116, and from latitude 65 to the North Pole. This reservation was created because of the fact that extensive copper deposits had been reported on the mainland, also on some of the Islands. As the Government had no knowledge of the precise location or the extent of these deposits, it was decided to close the whole area to entry under the quartz and placer mining regulations, until the matter could be investigated. Mr. Finnie stated that it was desirable to have a traverse of the Copermine River made next year, after which the general reservation could be removed.

As a result of an epidemic of Smallpox last year, a Health Officer was appointed at Norman. Dr. W. A. Richardson, who is in the employ of the Imperial Oil Company, was given this appointment. It was considered advisable to appoint Dr. Richardson, under authority contained in Section 7 of Public Health Ordinance, 1902, as Health Officer for that district extending from Wrigley to Good Hope. The allowance made to him is fifty dollars per month, duties to date from 1st of July, 1922.

Appointment of Stipendiary Magistrate. The appointment of Justice Dubuc as Stipendiary Magistrate is now before the Department of Justice.

The meeting of the Council then adjourned.

(sgd) H. E. Hume,
Acting Secretary

Approved in Council,
12th June, 1924.

(sgd) W. W. Cory,

Commissioner

APPENDIX "A"
NORTHWEST TERRITORIES

Report Ending - 31st March, 1922.

O. S. FINNIE

- Northwest Territories Branch established.
- The oil strike on the Mackenzie River, in August, 1920, approximately 50 miles north of Fort Norman, N.W.T., was given wide publicity by the newspapers and magazines throughout Canada and the United States. All indications pointed to an oil stampede into the Mackenzie District on the opening of navigation in 1921, and it was deemed advisable to establish the Northwest Territories Branch in Ottawa for the purpose of administering the natural resources and transacting Departmental business pertaining to that Territory,
- Despatch of administrative party.
- An administrative party was despatched to Fort Smith via Peace River. This party, consisting of Mining Recorder, Sub-recorders, foreman carpenters, etc., with supplies for the erection of suitable buildings, office equipment and stationery, left Peace River on the 5th May, 1921, in two scows, with thirty tons of supplies, and arrived at Fort Smith, without mishap, on the 26th idem.
- Building materials.
- Arrangements had been made with the Indian Department to secure sufficient logs and lumber for the construction of the buildings at Fort Smith, and on arrival the administrative party found there were no logs or lumber available. Owing to the scarcity of labour the Indian Agent at Fort Smith had not been able to secure the materials.
- Purchase of teams
- It was necessary to purchase two teams, wagons, etc., to transport the freight over the Portage, as the tractors and local teams were kept busy hauling supplies for the Imperial Oil Company, transportation companies, prospectors, etc.
- Mining Recording offices opened.
- Immediate steps were taken to secure logs and lumber for the erection of permanent buildings at Fort Smith and to establish Crown Timber, Land and Mining Recording Offices for the district. The Recording Office at Fort Smith was permanently opened for business on the 1st July, 1921, and subsequently, sub-offices were opened at Fort Norman and Fort Resolution. For the purpose of accepting applications from persons who had travelled from the Pacific Coast, the Mining Recorders at Dawson, New Westminster and Edmonton were made temporary Sub-recorders for the Mackenzie District.
- Dedication of buildings.
- The administration building at Fort Smith was completed on the 15th August, 1921. Settlers, prospectors and tourists were furnished with all possible information regarding the natural resources of the Northwest Territories and every effort was made to facilitate the development of the country.
- Timber Regulations.
- Timber regulations, applicable to the Mackenzie District, were drafted and authorized and steps taken for their enforcement.

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Inspection and
reservation of
settlement lots.

An inspection was made of all settlement lots and the outstanding claims for free grants or purchases were satisfactorily dealt with after the extinguishment of the Indian Title in October, 1921. In each of the settlements one or two lots were reserved for Government purposes in the event of the establishment of land agencies, radio-telegraph stations, aerodromes, etc.

Hospitals,
schools, etc.

During the inspection of the settlements, hospitals, boarding and day schools were visited and as a result the per diem grant was increased for all patients passing through the hospitals in the Mackenzie District.

Eskimo
bounty

The Royal Canadian Mounted Police reported that, in the Coronation Gulf District, there was considerable destruction of Eskimo children, particularly females. When a tribe was on the march, and a female child born, it gave the parents more or less trouble and quite frequently the infant was destroyed. As a result a number of Eskimo tribes were disappearing. This condition led to an appropriation of \$1500 to be expended in the purchase of wearing apparel, flour, needles, thread and similar articles, and will be distributed by the R.C.M.P. to Eskimo parents with children under 5 years, as an inducement to retain and bring up their children. This condition of affairs is limited to the Coronation Gulf District.

Vital
Statistics

The appointment of officials and the forms to be used for registering Births, Marriages and Deaths in the Northwest Territories were taken up with the Bureau of Statistics. New forms, which it is presumed will cover the requirements for some years, are in course of preparation and will be issued during open navigation this year.

Liquor

The annual return up to the 31st December, 1921, showing the number of permits issued by the Commissioner, to import liquor into the Northwest Territories for medicinal purposes, was laid before Parliament on the 22nd March, 1922. The number of permits issued was 81 for 207½ gallons, including 70 gallons of sacramental wine.

Staff

It was decided to maintain the office of the Mining Recorder, Crown Timber and Land Agent at Fort Smith during the winter, and keep open the Sub-mining Recording Office at Norman. At Fort Smith there was a staff of 7 and 2 at Norman. Reports from these outlying points, have reached this office by every available mail. At Norman a very comfortable office and dwelling was erected.

Sawmills

The sawmill at Fitzgerald, owned and operated by the Department of Indian Affairs, was transferred to this Department during the past winter. At the same time the staff of the Mining Recorder, which remained at Fort Smith during the winter, took out a quantity of logs which will be turned into lumber ready for delivery, on the opening of navigation, to settlers and prospectors who have been unable to secure building material

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Sawmills from private sources.

Roads During the winter considerable preliminary work was done on a new highway from the Alberta Boundary to the centre of the settlement at Fort Smith.

Farming Experimental farming operations which were carried on by the Indian Agent at Fort Smith have been discontinued and the stock and implements transferred to the Mining Recorder. A certain amount of land was broken in the fall and seeding operations will, no doubt, be commenced in the spring.

Smallpox Medical Officers, etc. During the summer of 1921 an epidemic of smallpox broke out among the natives in Northern Alberta and the disease spread into the Northwest Territories. With the aid of additional Medical Health Officers, Royal Canadian Mounted Police and the hospitals, the epidemic was successfully combated and finally stamped out. Provision has been made for additional medical assistance in the Norman area.

Banking The Union Bank of Canada opened a Branch at Fort Smith in June, 1921, affording banking facilities for Government offices as well as for the public generally. This convenience was greatly appreciated by the settlers and prospectors.

Aids to Navigation On behalf of the Department of Marine and Fisheries aids to navigation were established on the Athabasca, Slave and Mackenzie Rivers, which proved of great benefit to prospectors and the transportation companies.

Census At the request of the Dominion Statistician the census of the white population (including the Eskimo of Mackenzie Delta) for the Northwest Territories was taken.

Post Office During the temporary absence of the Postmaster at Fort Smith the Mining Recorder acted in that capacity, and a report on mail conditions generally was submitted to the Post Office Department which has resulted in increased mail facilities for 1922.

Northwest Game During the year the administration of the Northwest Game Act was transferred from the Commissioner of Dominion Parks together with the administration of the Wood Bison Reserve near Fort Smith, N.W.T., and the Reindeer herd at Lobster Bay, P.Q. A report covering the past fiscal year will be found under the Dominion Parks Branch.

Expedition to Northern Archipelago In October 1920, the attention of this Department was called to certain circumstances in connection with the Arctic Archipelago, which involved the question of Canadian Sovereignty over Ellesmere Island and other islands in the North. An extensive report and memoranda on the subject were submitted to Council and after considerable discussion it was decided, in November of that year, to outfit an expedition to go North, from Quebec, during the summer of 1921, for the purpose of establishing several Mounted Police Posts in the Northern Islands, with a view to further

insuring Canadian Sovereignty. Arrangements were made with the Department of Marine and Fisheries for the transfer to the Department of the Interior of the C. G. S. "Arctic", which had been for several years on lightship duty in the Gulf of St. Lawrence.

Officers
in
Charge

Mr. J. D. Craig, an officer of the Department of the Interior, was placed in charge of the preparations, and an agreement was entered into with Captain H. C. Pickels of Mahone Bay, Nova Scotia, by which he assumed the captaincy of the "Arctic" and undertook to superintend the repairing and outfitting of the ship for the proposed voyage.

Appropriation

An expenditure of \$30,000 was authorized in January, 1921, to cover the cost, up to the end of the fiscal year, of refitting the steamer, purchasing supplies and paying salaries and travelling expenses, in connection with this expedition. This amount was covered by an item in the supplementary estimates and a further item of \$70,000 was placed in the main estimates to cover expenditures during the fiscal year 1921-22.

Preparations

Repairs and outfitting of the ship were proceeded with, the plant and workmen of the Department of Marine and Fisheries, at Quebec, being placed at the disposal of the Department of the Interior and the work done being paid for by the Department of the Interior at cost.

Expedition
postponed

The outfitting of the ship and preparations generally for the expedition proceeded satisfactorily until about the middle of February when other parties came forward asking aid for a second expedition to the North. Being informed of the expedition already arranged for and being advised that, for reasons of economy, it was impossible for the Government to support two expeditions, these parties made a counter proposition, although this Department considered the arrangements already entered upon were quite satisfactory. The matter came up for consideration from time to time until about the middle of May when it was absolutely necessary, if the expedition were to be undertaken that season, a decision should be arrived at at once. The final decision of Council was that no expedition whatever would be sent North during the season 1921. Preparations ceased immediately and the ship was laid up anticipating a resumption of operations in 1922.

Expenditures

Of the \$100,000.00 expenditure authorized for the expedition, there had been expended up to the end of the fiscal year 1921-22, the sum of \$82,594.93. The greater proportion of this sum was spent on permanent repairs and improvements to the ship and on supplies which are still stored with the Department of Marine and Fisheries at Quebec. Further preparations are now under way with a view to dispatching the C.G.S. "Arctic" to Ellesmere and other northern islands during the summer of 1922.

Council

An amendment to the Northwest Territories Act was assented to on the 4th June, 1921, increasing the number of Councillors from 4 to 6, and authorizing the appointment of a Deputy

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Commissioner in the absence of the Commissioner. By Order in Council, P.C. 2033, dated 16th June, 1921, Mr. Roy Alexander Gibson was designated as Deputy Commissioner and Hugh Howard Rowatt and Oswald Sterling Finnie as two additional Councillors.

Retirement
and
appointment

On the 1st April, Colonel Aylesworth Bowen Perry retired from the Royal Canadian Mounted Police and simultaneously tendered his resignation as a member of the Northwest Territories Council. By Order in Council, P.C. 999, dated 9th May, 1922, the resignation of Colonel Aylesworth Bowen Perry was accepted. Lieutenant-Colonel Cortlandt Starnes, Assistant Commissioner of the Royal Canadian Mounted Police, was added to the Council to fill the vacancy thus created.

The Council as at present constituted is as follows:-

1. W. W. Cory, Esq., C.M.G., Commissioner
2. Roy Alexander Gibson, Deputy "
3. John Wesley Greenway
4. Charles Camsell
5. Hugh Howard Rowatt
6. Oswald Sterling Finnie
7. Cortlandt Starnes

Transfer of
Yukon
Administration
to N. W. T.
Branch

The Yukon Territory and the Northwest Territories were each administered by different Branches of the Department of the Interior. As the two territories adjoin each other and the conditions in one were very much the same as in the other, the Deputy Minister decided that they should both be administered by one Branch. With the exception of mining, therefore, the administration was placed under the N. W. T. Branch. The transfer of books, records, files, etc., was made during the winter of 1921-22 and the formal transfer made on the 1st of April, 1922. As stated, however, this does not include mines. The administration of mining matters, both in the Yukon and the Northwest Territories is still under the Mining Lands and Yukon Branch. All other matters are under the direction of the Northwest Territories Branch.

A statement of the revenue collected during the fiscal year 1921-22 is attached.

8th June, 1922.

P. C. 999

Certified Copy of a Report of the Committee of the
Privy Council, approved by His Excellency
the Governor General on the 9th May, 1922

The Committee of the Privy Council have had before them a report, dated 2nd May, 1922, from the Minister of the Interior, stating that by Order in Council dated 16th June, 1921, (P.C. 2033) a Council of six members was appointed to aid the Commissioner of the Northwest Territories in the administration of the Territories as authorized by R. S. C. 62, S. 6 as amended by 11-12 George V, C. 40, S.1.

The Minister further states that one of these members, Colonel Aylesworth Bowen Perry, Commissioner of the Royal Canadian Mounted Police, has tendered his resignation owing to the fact that he retired from the Force on the 1st of April, 1922.

The Minister recommends that the resignation of Colonel Aylesworth Bowen Perry be accepted and that Lieutenant -Colonel Cortlandt Starnes, Assistant Commissioner of the Royal Canadian Mounted Police, be added to the Council to fill the vacancy thus created.

The Committee concur in the foregoing recommendation and submit the same for approval.

'sgd' Rodolphe Boudreau,
Clerk of the Privy Council.

The Honourable
The Minister of the Interior.

P. C. 857

May 4th, 1922

AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 26th day of April, 1922

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS, for the purposes of administration under Section 7 and 8 of the Northwest Territories Act, Chapter 62 R.S.C. 1906, the Governor in Council is empowered to vest in the Commissioner in Council of the Northwest Territories certain powers which are set forth as follows:

Northwest Territories Act Chapter 62 R.S.C. 1906

- Sec. 7 The Commissioner in Council shall have the same power to make ordinances for the government of the Territories as were on the thirty-first day of August, in the year one thousand nine hundred and five, vested in the Legislative Assembly of the Northwest Territories in relation to such subjects then within the legislative authority of the said Assembly as are from time to time designated by the Governor in Council, 4-5 E. VII. C. 27. s.6.
- Sec. 8 In particular, but not so as to restrict the generality of the provision of the last preceding section, the Commissioner in Council shall have power, subject to the provisions of this Act, and of any other Act of the Parliament of Canada applying to the Territories, to make ordinances for the government of the Territories in relation to such of the classes of subjects next hereinafter mentioned as are from time to time designated by the Governor in Council, that is to say:-
- (a) Direct taxation within the Territories in order to raise a revenue for territorial or municipal or local purposes;
 - (b) The establishment and tenure of territorial offices and the appointment and payment of territorial officers out of territorial revenues;
 - (c) The establishment, maintenance and management of prisons in and for the Territories, the expense thereof being payable out of territorial revenues;

The Honourable

The Minister of the Interior

Municipal -

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- (d) Municipal institutions in the Territories, including the incorporation and powers, not inconsistent with any Act of Parliament of irrigation districts, that is to say, associations of the land owners, and persons interested in the lands, in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands;
- (e) The closing up or varying the direction of any road allowance, or of any trail which has been transferred to the Territories, and the opening and establishing of any new highway instead of any road or trail so closed, and the disposition of the land in any such road or trail;
- (f) Shop, saloon, tavern, auctioneer and other licenses, in order to raise a revenue for territorial or municipal purposes;
- (g) The incorporation of companies with territorial objects, excepting railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies;
- (h) The solemnization of marriage in the Territories;
- (i) Property and civil rights in the Territories;
- (j) The administration of justice in the Territories, including the constitution, organization and maintenance of territorial courts of civil jurisdiction, and procedure in such courts, but not including the appointment of any judicial officers or the constitution, organization and maintenance of courts of criminal jurisdiction, or procedure in criminal matters;
- (k) The mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and all matters relating to the same;
- (l) The defining of the powers, duties and obligations of sheriffs and clerks of the courts and their respective deputies;
- (m) The conferring on territorial courts of jurisdiction in matters of alimony;
- (n) The imposition of punishment by fine, penalty or imprisonment, for enforcing any territorial ordinances.
- (o) The expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territories, as the Commissioner in Council is authorized to expend.
- (p) Generally, all matters of a merely local or private nature in the Territories.

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2. Subject as aforesaid, the Commissioner in Council shall have such powers of repealing, re-enacting or substituting provisions which the Legislative Assembly of the Northwest Territories, on the thirty-first day of August in the year one thousand nine hundred and five, had with respect to corresponding provisions of the Northwest Territories Act and amendments as are from time to time designated by the Governor in Council 54-55 V., c.22 ss.6, and 19; 57-58 V., c. 17 s. 20; 58-59 V., c. 31 ss. 1 and 2; 60-61 V., c. 28, ss.6 and 7; 2. E. VII., c. 24 s. 1; 3 E. VII., c. 40, s. 3; 4-5 E. VII., c. 27, s. 6.

AND WHEREAS the Minister of the Interior reports that the discovery of natural gas and petroleum in the Northwest Territories has caused exceptional activity and further activity is contemplated owing to the possible early development of other natural resources;

THEREFORE His Excellency, by and with the advice and consent of the King's Privy Council for Canada, is pleased to empower and doth hereby authorize and empower the Commissioner in Council of the Northwest Territories to make ordinances for the government of the Northwest Territories as provided in said section 7 in relation to all or any of the subjects hereinbefore enumerated and set forth in section 8 from paragraphs (2) to (p) both inclusive.

'sgd' Rodolphe Boudreau,
Clerk of the Privy Council

P. C. 1087

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 20th day of May, 1922.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of the Interior, and under the provisions of Section 5, Chapter 62, Revised Statutes of Canada, 1906, is pleased to order and doth hereby order that the seat of Government of the Northwest Territories be fixed as the City of Ottawa, County of Carleton, Province of Ontario, which has been the actual seat of such Government since the 24th August, 1905, the date upon which Mr. Fred White of Ottawa was appointed Commissioner of the Northwest Territories.

'sgd' Rodolphe Boudreau,
Clerk of the Privy Council.

The Honourable
The Minister of the Interior

P. C. 1088
PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 20th day of May, 1922.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS the Minister of the Interior reports that the Northwest Game Act has been up to the present time administered under the supervision of the Commissioner of Dominion Parks, Department of the Interior;

AND WHEREAS for purposes of convenient administration, it is deemed advisable to place the administration of this Act under the Commissioner of the Northwest Territories;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of the Interior, is pleased to order that the Order in Council of the 1st May, 1918 (P.C. 1053) and any amendment thereto, shall be and the same is hereby amended by striking out the words - "Commissioner of Dominion Parks", wherever they appear and inserting the words - "Commissioner of the Northwest Territories or officer designated by him."

'sgd' Rodolphe Boudreau,
Clerk of the Privy Council.

The Honourable,
The Minister of the Interior.

OFFICE OF THE COMMISSIONER
NORTHWEST TERRITORIES
CANADA

OTTAWA

29th of May, 1922.

Under and by virtue of the powers vested in me by Order-in-Council approved by His Excellency on the 20th May, 1922, P. C. 1088, I hereby appoint Mr. O. S. Finnie, Director of the Northwest Territories, as the Departmental Officer to administer the Northwest Game Act.

'sgd' W. W. Cory,

Commissioner - Northwest
Territories

P.C.981

Ottawa, April 22nd, 1921.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL.

The undersigned has the honour to acknowledge the receipt from your Excellency in Council of a copy of an ordinance enacted by the Commissioner of the Northwest Territories. It is assumed that the matter has been referred for an opinion as to whether the Commissioner has authority to enact such an ordinance. In the opinion of the undersigned, such legislation is beyond his authority. The authority to legislate is by the Statute committed to him and a council to be appointed by your Excellency in Council, and their authority is limited in this respect to such subjects as are designated by your Excellency in Council under the provisions of the Statute in that behalf.

'sgd' Chas. J. Doherty,

Minister of Justice

File 238 NWT

21st April, 1922.

Memorandum

Mr. Finnie

Re Beverage Ordinance

The above ordinance was approved on the 8th September, 1921, but up to the present time no action has been taken under it.

A careful review of the Northwest Territories Act fails to disclose any power given to the Commissioner in Council of the Northwest Territories to pass such an ordinance. The Act does, however, give power to the Commissioner in Council with regard to "Shop, saloon, tavern, auctioneer and other licenses" as f section 8, Chap. 62 R.S.C. 1906. It is under this subsection that the Liquor License Ordinance and amendments thereto as it now stands in the 1905 Revised Ordinances of the Northwest Territories, was passed. Under Liquor Licenses it is possible to deal with the sale and control of liquor but there is no specific clause in the Act that will allow an ordinance to be made enabling certain persons to take in and sell intoxicants in the Northwest Territories.

The present Liquor License Ordinance is not applicable to the Northwest Territories under the existing conditions. There is no available machinery that could allow a license to be issued so we must necessarily turn to the Act.

Under Section 86 et seq. Chap. 62 R.S.C. 1906 provision is made whereby a person may take in or have liquor in his possession upon obtaining permission in writing of the Commissioner of the Northwest Territories. In view of the above, I am strongly of the opinion that the beverage ordinance is ultra vires and should be cancelled.

'sgd' T. L. Cory

NORTHWEST TERRITORIES

CANADA

10th August, 1921

AN ORDINANCE RESPECTING THE SALE OF ALCOHOLIC BEVERAGES

The Commissioner in Council enacts
as follows:

(1) This Ordinance may be cited as the
"Beverage Ordinance."

(2) The owners of all steamboat
companies operating on the water within the Northwest
Territories and carrying passengers as a regular part
of the business, may sell beer or any other beverage
containing not more than 2½% of proof spirits,
providing the owners of such steamboat companies shall
have obtained a license authorizing such sale from
the Commissioner.

(3) The Commissioner may make
regulations governing returns as to the quantity of
such beer and other beverages sold on each steamboat,
and may set the fee payable for the license
authorizing such sale, and the conditions under which
such license is granted.

(sgd) R. A. Gibson,

Acting Commissioner -
Northwest Territories

AN ORDER RESPECTING ENTRY INTO THE
NORTHWEST TERRITORIES

The Commissioner of the Northwest Territories enacts as follows:-

1. This Ordinance may be cited as the "Entry Ordinance."
2. No person shall enter, or attempt to enter, the Provisional District of Mackenzie, Northwest Territories, without first having satisfied the officer or non-commissioned officer in charge of the Royal Canadian Mounted Police at one of the following places, namely, Edmonton, Peace River, or Fitzgerald in the Province of Alberta, Whitehorse, Dawson or Herschel in the Yukon Territory, or McPherson in the Provisional District of Mackenzie, that he is not likely to become a public charge while in the District.

'sgd' W. W. Cory,
Commissioner - Northwest
Territories

Ottawa, 18th March, 1921.