

The Yukon Territory Act, 1898

61 Victoria, c. 6 (Canada)

An Act to provide for the Government of the Yukon District

[Assented to 13th June, 1898]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:--

Short title. 1. This Act may be cited as The Yukon Territory Act.

The Yukon Territory defined and constituted. 2. The Yukon Judicial District, as constituted by the proclamation of the Governor in Council bearing date the sixteenth day of August, one thousand eight hundred and ninety-seven, and contained in the schedule to this Act, is hereby constituted and declared to be a separate territory under the name of the Yukon Territory, and the same shall no longer form part of the North-west Territories.

Commissioner. 3. The Governor in Council may, by instrument under the Great Seal, appoint for the Yukon Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory.

Administration of Government. 4. The Commissioner shall administer the government of the territory under instructions from time to time given him by the Governor in Council or the Minister of the Interior.

Council. 5. (1) The Governor in Council by warrant under his privy seal may constitute and appoint such and so many persons from time to time not exceeding in the whole six persons, as may be deemed desirable to be a Council to aid the Commissioner in the administration of the territory, and such persons so appointed to the Council shall before entering upon the duties of their offices take and subscribe before the Commissioner such oaths of allegiance and office as the Governor in Council may prescribe.

Quorum. (2) The majority of the Council including the Commissioner shall form a quorum.

(3) Each judge of the court shall be ex officio a member of the Council, but the total number of members of the Council, including the judges, shall not exceed six.

Powers to make Ordinances. 6. The Commissioner in Council shall have the same powers to make ordinances for the government of the territory as are at the date of this Act possessed by the Lieutenant Governor of the North-west Territories, acting by and with the advice and consent of the Legislative Assembly thereof to make ordinances for

the government of the North-west Territories except as such powers may be limited by order of the Governor in Council.

Disallowance by Governor in Council. 7. A copy of every such ordinance made by the Commissioner in Council shall be dispatched by mail to the Governor in Council within ten days after the passing thereof, and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter, and any such ordinance may be disallowed by the Governor in Council at any time within two years after its passage.

Governor in Council may make certain ordinances. 8. Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order and good government of the territory and of Her Majesty's subjects and others therein, but no ordinance made by the Governor in Council or the Commissioner in Council shall,

Restrictions as to such ordinances. (a) impose any tax or any duty of customs or any excise or any penalty exceeding one hundred dollars, or

(b) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the territory for any offence, or

(c) appropriate any public money, lands or property of Canada without authority of Parliament :

Proviso. Provided that this section shall not apply to any law extending or applying or declared applicable to the territory by any Act of the Parliament of Canada.

Existing laws to remain in force until altered by the proper legislative authority. **9.** 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 said Yukon Territory in so far as the same are applicable thereto until amended or repealed by the Parliament of Canada or by any ordinance of the Governor in Council or the Commissioner in Council made under the provisions of this Act.

Territorial Court constituted. 10. (1) There is hereby constituted and appointed a superior court of record in and for the said territory, which shall be called the Territorial Court.

Judges. The said court shall consist of one or more judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal.

Their qualifications. (2) Any person may be appointed judge of the court who is or has been a judge of a superior or a county court of any province of Canada or of the North-west Territories, or a barrister or advocate of at least ten years' standing at the bar of any such province or of the North-west Territories.

Their disqualifications. (3) A judge of the court shall not hold any other office or emolument under the Government of Canada, or of any province of Canada or of the said territory, but this provision shall not prevent a judge from being eligible for appointment as a member of the Council of the said territory.

Law as to judges and jurisdiction of the court. 11. The law governing the residence, tenure of office, oath of office, rights and privileges of the judge or judges of the court, and the power, authority and jurisdiction of the court shall be the same, mutatis mutandis, as the law governing the residence, tenure of office, oath of office, rights and privileges of the judges, and the power, authority and jurisdiction of the Supreme Court of the North-west Territories, except as the same are expressly varied in this Act.

Sittings of the court. 12. Sittings of the court presided over by a judge or judges shall be held at such times and places as the Governor in Council or the Commissioner in Council shall appoint.

Officers of the court. 13. The Governor in Council may appoint such officers of the court as may be deemed necessary, and may define and specify the duties and emoluments of the officers so appointed

Provisional appointment of judges and officers. 14. The judge of the Supreme Court of the North-west Territories assigned to the Yukon Judicial District at the time this Act comes into force, and the officers of that court for the said district, shall be the judge and officers of the Territorial Court until otherwise provided, but the said judge may at his option, at any time within twelve months after this Act comes into force, resume his office as one of the judges of the Supreme Court of the North-west Territories, his transfer to that court being in such case made by Order of the Governor in Council,

Procedure in criminal cases. 15. The procedure in criminal cases in the Territorial Court shall, subject to the provisions of any Act of the Parliament of Canada, conform as nearly as possible to the procedure existing in like cases in the North-west Territories at the time of the passing of this Act.

Justices of the peace. 16. While in the said Yukon Territory the Commissioner of the territory, each member of the Council thereof, every judge of the court, and every commissioned officer of the Northwest Mounted Police, shall ex officio have, possess and exercise all the powers of a justice of the peace, or of two justices of the peace, under any laws or ordinances, civil or criminal, in force in the said territory, and the Governor in Council may, by commission, appoint such other persons justices of the peace or police commissioners, having each the authority of two justices of the peace within the said territory, as may be deemed desirable.

Jurymen to be British subjects. 17. No person shall be summoned or sworn as a jurymen on any trial in the Territorial Court unless he is a British subject.

Penitentiaries, jails, and places of confinement. 18. (1) Every lock-up, guard-room, guardhouse or place of confinement provided by or for or under the direction of the North-west Mounted Police Force, or the regular military force, or a municipal body, or by the Commissioner or Commissioner in Council of the territory, shall be a penitentiary, jail, and place of confinement for all persons sentenced to imprisonment in the territory, and the Commissioner of the territory shall direct in which such penitentiary, jail or place of confinement any person sentenced to imprisonment shall be imprisoned.

Governor in Council to make rules and regulations as to penitentiaries etc. (2) The Governor in Council shall have power to make rules and regulations respecting the management, discipline and policy of every penitentiary, jail or place of confinement used as such in the territory.

Coroners. 19. All persons possessing the powers of two justices of the peace in the territory shall also be coroners in and for the said territory.

Appointment of necessary officers, fixing of fees, etc. 20. The Governor in Council may appoint such officers as are necessary for the due administration of justice in the territory, may fix the fees or emoluments of such officers and may fix the fees or emoluments of coroners, justices of the peace, jurors, witnesses and other persons attending or performing duties in relation to the administration of criminal justice, and provide the manner in which such fees and emoluments shall be paid.

Provision for case of Commissioner's death. 21. In case of the death of the Commissioner the senior member of the Council shall act as Commissioner until a successor is appointed.

SCHEDULE

ABERDEEN.

[L.S.]

CANADA

VICTORIA by the Grace of God, of the United Kingdom of Great Britain and Ireland.
QUEEN, Defender of the Faith, &c.,

To all to whom these presents shall come or whom the same may in anywise concern.--
GREETING:

A PROCLAMATION

F.L. NEWCOMBE, Deputy of the Minister of Justice, Canada.

WHEREAS it is in and by the Revised Statutes, chapter 50, and intituled "An Act respecting the North-west Territories" in effect enacted, that the Governor in Council may at any time by Proclamation divide the Territories into judicial districts, and give to each such district an appropriate name, and in like manner from time to time, alter the limits and extent of such districts.

And whereas by an Order of Our Governor in Council, bearing date the 16th day of August A.D. 1897, the establishment of a judicial district in the said Territories was authorized, to be known as the Yukon Judicial District, and to be bounded as hereinafter mentioned:

Now Know Ye that We do hereby and by virtue of the authority vested in Us by the said Act, and the said Order in Council respectively establish and set apart a judicial district in the North-west Territories to be named and known as the "Yukon Judicial District," the boundaries of such judicial district to be as follows:--

Beginning at the intersection of the 141st meridian of west longitude from Greenwich with a point on the coast of the Arctic Sea which is approximate north latitude, $69^{\circ} 39''$, and named on the Admiralty charts "Demarcation Point;" thence due south. on said meridian (which is also the boundary line between Canada and Alaska) for a distance of about 650 miles, to a point in latitude about $60^{\circ} 10'$ north, at which it will intersect the disputed boundary between Canada and the United States on the North Pacific coast; thence in an easterly direction, along the said undetermined boundary, for a distance of about 55 miles (in a straight line) to its intersection with the 60th parallel of north latitude; thence due east along the parallel of latitude (which is also the north boundary of British Columbia) for a distance of about 550 miles, to the Liard River, in approximate longitude $123^{\circ} 30''$ west; thence northerly along the middle line of said river, for a distance of about 10 miles till opposite the highest part of the range of mountains which abuts upon the river near the mouth of Black River; thence to follow the summit of said range in a northwesterly direction to the southernmost source of the Peel River; thence to follow northward the summit of the main range of mountains which runs approximately parallel to Peel River, on the west, as far as the intersection of the said range with the 136th meridian; thereafter to run due north to the Arctic Ocean, or to the westernmost channel of the Mackenzie Delta, and along that channel to the Arctic Ocean; thence north-westerly following the windings of the Arctic Coast (termination of the mainland of the Continent), including Herschel Island, and all other islands which may be situated within three (3) geographical miles, to the place of beginning.

Provided, that in respect to that part of the line, between the Liard River and the southernmost source of the Peel River, the summit to be followed is the water-shed summit separating streams entering the Liard River below Black River, or flowing directly into the Mackenzie further north, from streams flowing westward either to the Yukon or to upper branches of the Liard River.

Provided, that in respect to the part of the boundary described as following northward the main range of mountains on the west side of Peel River, the line shall run along the

water-shed between streams flowing eastwardly to the Peel River, and those flowing westwardly to branches of the Yukon, Porcupine, etc., except where such water-shed shall be more than 20 miles distant from the main stream of the Peel. when the highest range within that distance shall be the boundary.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Right Well-Beloved Cousin and Councillor the Right Honourable Sir JOHN CAMPBELL HAMILTON-GORDON, Earl of Aberdeen; Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie, in the Peerage of Scotland; Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom; Baronet of Nova Scotia; Knight Grand Cross of Our most Distinguished Order of Saint Michael and Saint George, etc., etc.. Governor General of Canada.

At Our Government House, in Our City of Ottawa, in Our said Dominion, this sixteenth day of August, in the year of Our Lord one thousand eight hundred and ninety-seven, and in the sixty-first year of our Reign.

By Command,

JOSEPH POPE,

Under-Secretary of State