

ORDINANCES  
OF THE  
**YUKON TERRITORY**

---

PASSED BY THE  
YUKON COUNCIL  
(SECOND SESSION)  
IN THE YEAR

**1921**

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GEORGE PATTON MACKENZIE  
GOLD COMMISSIONER

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## CHAPTER 1

### AN ORDINANCE TO PROVIDE FOR THE SALE OF LIQUOR IN GOVERNMENT LIQUOR STORES

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[Assented to September 13, 1921.]

*Whereas*, At the plebiscite held on the eleventh day of July, last, on the question of prohibiting the importation of intoxicating liquor into the Territory for beverage purposes a majority of the electors voted in favour of such importation, and it is deemed expedient, for the better and more satisfactory control of the traffic in such liquor that a system of Government Liquor Stores be established in the Territory:

Preamble.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of said Territory, therefore enacts as follows:

Enacting clause.

1. This Ordinance may be cited as "The Government Liquor Ordinance."

Short title.

#### INTERPRETATION

2. In this Ordinance, unless the context otherwise requires,

Interpretation.

"Beer" includes beer, ale and porter.

"Constable" includes any officer, policeman or constable of the Royal Canadian Mounted Police or any constable or police officer who may hereafter be lawfully appointed by the Commissioner.

"Dentist" means a person duly registered under "The Dental Ordinance" and who is lawfully and regularly engaged in the practise of his profession in the Territory.

“Druggist” means a person duly registered under “The Pharmaceutical Chemists’ Ordinance” and is lawfully and regularly engaged in carrying on the business of a Pharmaceutical Chemist in the Territory.

“Interdicted person” means a person interdicted pursuant to this Ordinance.

“Liquor” includes all fermented, spirituous, and malt liquors, and all combinations thereof, and all liquids which are intoxicating, and any liquid which contains more than two and one-half ( $2\frac{1}{2}$ ) per cent. proof spirits shall be conclusively deemed to be intoxicating.

“Package” means any container or receptacle used for holding liquor.

“Physician” means a person who is registered under “The Yukon Medical Ordinance” and who is lawfully and regularly engaged in the practise of his profession.

“Prescribed” means prescribed by the Ordinance or by the Regulations.

“Prescription” means a memorandum in writing given by a physician in accordance with the provisions of this Ordinance prescribing liquor.

“Public place” includes any place or building to which the public resort or are permitted to have access but shall not include a private guest room in any hotel, road house, rooming or lodging house when occupied by a *bona fide* guest at such hotel, road house, rooming or lodging house and registered as such.

“Regulations” means regulations made under the provisions of this Ordinance.

“Sale” and “Sell” include exchange, barter and traffic.

“Store” and “Liquor Store” mean a Government Liquor Store established under this Ordinance.

“Vendor” means a person appointed as a vendor under this Ordinance.

“Veterinary” means any *bona fide* veterinary, for the time being practising as such in the Territory.

GOVERNMENT LIQUOR STORES

3. (1) The Commissioner shall establish and maintain at such places in the Territory as are considered advisable, stores, to be known as "Government Liquor Stores," for the sale of liquor in accordance with the provisions of this Ordinance and the regulations; and may from time to time fix the price at which liquor shall be sold at such liquor stores respectively.

Establishment of stores for sale of liquor.

(2) The Commissioner may:

(a) Establish all necessary warehouses for the purpose of storing and handling stocks of liquors for the purposes of this Ordinance.

(b) Provide for the construction, acquisition or leasing in the name of the Territorial Government of premises for liquor stores or warehouse purposes and the procuring of their furnishings, fixtures and supplies.

(c) Determine the nature, form and capacity of all packages to be used for containing liquor kept for sale and sold under this Ordinance.

(d) Appoint or designate from time to time any person he may think advisable as an analyst for the purposes of this Ordinance.

4. The Administration of this Ordinance, including the general control, management, and supervision of all such liquor stores shall be vested in the Commissioner.

Administration of Ordinance.

5. (1) The sale of liquor at each Government Liquor Store shall be conducted by a person appointed by the Commissioner under this Ordinance to be known as a "Vendor" who shall under the direction of the Commissioner be responsible for the carrying out of this Ordinance and the Regulations, so far as they relate to the conduct of the store and the sale of liquor thereat.

Conduct of stores.

Vendor.

Appoint-  
ment of  
clerks, etc.

(2) In addition to the appointment of a vendor for each store, the Commissioner may from time to time appoint and employ such clerks and servants as are required for the purpose of this Ordinance, and shall fix the amount of salary or remuneration to be paid to such vendors, clerks and servants respectively.

Salary of  
vendors,  
etc.

Delivery in  
sealed  
packages.

6. (1) All liquor shall be sold and delivered in packages sealed as prescribed by the Regulations, except in the case of beer, and no such package shall be opened nor shall any liquor be consumed in or upon the store premises. No vendor and no clerk or servant in any such store shall allow any liquor to be consumed on the store premises!

No liquor to  
be consumed  
on premises.

Cash to be  
paid before  
delivery.

(2) All liquor sold at any such store shall be paid for in cash before delivery.

Receipt to  
be given.

(3) Each purchaser shall be given a receipt signed by or on behalf of the vendor, showing the name of the purchaser, the person to whom delivered, the kind and amount of liquor purchased and the price paid therefor. Such receipt shall be made out in duplicate and the duplicate copy thereof retained by the vendor and dealt with as provided by the Regulations. Every such receipt shall be signed by the purchaser or person to whom the liquor is delivered.

Purchaser  
to sign.

Sale to  
purchaser  
personally  
or on his  
written  
order.

7. (1) No liquor shall be sold except direct to the purchaser personally or on his written order. Provided that if, in the opinion of the vendor, any such order is not *bona fide* and the liquor sought to be obtained thereunder is not intended for the use of the purchaser whose name is signed to the order, he may decline to fill such order until satisfied of the *bona fides* thereof.

Vendor to  
be satisfied  
as to *bona  
fides* of  
order.

Sale  
prohibited  
in certain  
cases.

(2) No liquor shall be sold, nor shall any liquor be delivered to—

(a) Any person under the age of twenty-one years;

- (b) Any person under the influence of liquor;
- (c) An Indian;
- (d) Any interdicted person.

8. (1) Except as herein otherwise provided no sale or delivery of any liquor shall be made on or from the premises of any Government Liquor Store, nor shall any store be open for the sale of liquor;

Hours of business and closing of stores.

- (a) During a longer period than eight hours in any twenty-four hours, or after the hour of seven o'clock in the afternoon of any day;
- (b) On any holiday;
- (c) On any day on which polling takes place at any Dominion or Territorial election held in the Electoral District in which the store is situated;
- (d) During such other periods or on such other days as the Regulations may provide.

(2) Provided that in case of emergency arising from sickness or accident, a vendor or any clerk employed in any such store may, upon being furnished with a certificate in writing signed by a physician that the liquor is required because of such emergency, sell and deliver not exceeding one quart of liquor to or for the same person, upon any day and at any hour; such certificate shall be retained by the vendor and dealt with as provided by the Regulations.

Exception in cases of emergency arising from accident.

9. Nothing in this Ordinance shall be taken to prevent the administering of liquor personally by or by the direction of any physician to a patient of his whom he has seen or visited professionally, but no liquor shall be administered by or by direction of a physician except to *bona fide* patients in cases of actual need, and when, in the judgment of the physician, the use of liquor as medicine in the quantity administered is necessary. The physician may charge for liquor so administered.

Physician may administer liquor to patients as medicine.

10. Nothing in this Ordinance shall be taken to pre-

Dentist may administer

liquor to patients in certain cases.

vent any dentist, who deems it necessary that any patient being under treatment by him should have liquor administered to him as a stimulant or restorative, from administering to the patient the liquor so needed; but no liquor shall be administered or given by a dentist except to *bona fide* patients actually undergoing treatment by him at the time and in actual need thereof as a stimulant or restorative. The dentist may charge for liquor so administered.

Administering of liquor by veterinary.

11. Nothing in this Ordinance shall be taken to prevent the administering of liquor to any dumb animal by a veterinary in the course of his practice, and the veterinary may charge for liquor so administered, but no veterinary shall himself consume nor shall he give or permit any person to consume as a beverage any liquor purchased for the purposes of this section, and any person who consumes as a beverage any such liquor shall be guilty of an offence against this Ordinance.

Person in charge of hospital or sanitarium may administer liquor in certain cases.

12. Nothing in this Ordinance shall be taken to prevent any person in charge of an institution regularly conducted as a hospital or sanitarium for the care of persons in ill health, from administering liquor to any patient or inmate of the institution who is actually in need of the same for emergency medicinal purpose, or for external application, but no liquor shall be administered by any person under this section except to *bona fide* patients or inmates of the institution of which such person is in charge and in cases of actual need, and every person in charge of any such institution who administers liquor in evasion or violation of this Ordinance shall be guilty of an offence against this Ordinance. Any liquor so administered may be charged for by the institution or person so administering the same.

Quantity which vendor may sell to druggist, dentist, physician, veterinary, or for scientific or mechanical purposes.

13. (1) Notwithstanding anything contained in this Ordinance or the Regulations to the contrary, a vendor may sell:

(a) To any person for mechanical or scientific purposes alcohol not exceeding in quantity one gallon at any one time;



(b) To any druggist, physician, dentist, veterinary or person in charge of an institution referred to in Section 12, such quantity of liquor as may be provided by the Regulations.

(2) Provided that no sale or delivery of liquor shall be made under this section except upon the affidavit of the druggist, physician, dentist, veterinary or person in charge of such institution to whom the sale is made, duly signed and sworn in the form prescribed in the Regulations and containing the allegations required by the Regulations, and no more than one sale and one delivery shall be made on one affidavit.

No sale except on an affidavit as provided by the regulations.

14. Except as provided by this Ordinance, no person shall, within the Territory, by himself, his clerk, servant, or agent, expose or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell, or, in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, or directly or indirectly for gain, give to any other person any liquor.

Sale of liquor forbidden except as provided by Ordinance.

15. No vendor, and no person acting as the clerk or servant or in any capacity for any vendor, shall sell liquor in any other place or at any other time or otherwise than as authorized by this Ordinance and the Regulations.

Vendors and clerks not to sell at any time or place not authorized by the Ordinance.

16. Except as provided in this Ordinance, no person shall, within the Territory, by himself, his clerk, servant, or agent, attempt to purchase, or directly or indirectly or upon any pretence or upon any device purchase, or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, take from any other person any liquor.

Purchase of liquor except as hereby provided forbidden.

17. Except in the case of liquor given to a person under the age of twenty-one years by his parent or guardian in a private dwelling-house for consumption therein for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall sell, give, or otherwise supply liquor to any person

Restrictions as to persons under age.

under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control.

Sale to  
interdicted  
person  
forbidden.

18. Except in the case of liquor administered to him by or by direction of a physician or by a dentist pursuant to this Ordinance, no person shall procure for or sell or give to any interdicted person any liquor.

Liquor not  
be consumed  
in a public  
place.

19. No person shall keep or consume or allow to be kept or consumed any liquor in any public place.

No person  
selling "soft  
drinks" may  
keep liquor  
on his  
premises.

20. If any person engaged in the business of selling non-intoxicating beverages, other than a druggist, keeps or has with his stock of such beverages or on his business premises any liquor as defined by this Ordinance, he shall be guilty of an offence against this Ordinance.

Signs not to  
be displayed.

21. Except in the case of Government Liquor Stores, no owner or occupier of any building shall permit any sign displaying any of the words "bar," "bar-room," "saloon," "tavern," "liquors" or any words describing any liquor that is intoxicating to be upon the outside of or kept up near to or otherwise displayed from the building or any shop or room therein.

Sale of  
"near beer"  
forbidden  
after July  
1st, 1922.

22. From and after the first day of July, 1922, no person other than a Government vendor shall sell or deal in any liquid known or described as beer or near-beer or by any name whatever commonly used to describe malt or brewed liquor.

Sale to the  
Government  
permitted.

23. Nothing in this Ordinance shall apply to or prevent the sale of liquor by any person to the Government.

Sale of  
pharmaceu-  
tical pre-  
parations.

24. (1) Nothing in this Ordinance shall apply to or prevent the sale, purchase, or consumption:

(a) Of any pharmaceutical preparation containing liquor which is prepared by a druggist according to a formula of the British Pharmacopoeia, the Codex Medicamentarius of France, the Pharmacopoeia of the United States, the Dispensatory of the United States, or the Canadian Formulary; or

(b) Of any proprietary or patent medicine within the meaning of "The Proprietary or Patent Medicine Act" of the Parliament of the Dominion; or

(c) Of wood-alcohol or denatured alcohol; or

(d) Of native wines from fruit grown in the Territory.

25. (1) Where a medicinal preparation contains liquor as one of the necessary ingredients thereof, and also contains sufficient medication to prevent its use as an alcoholic beverage, nothing in this Ordinance shall apply to or prevent its composition or sale by a druggist when compounded from liquor purchased by the druggist under the provisions of this Ordinance, nor apply to or prevent the purchase or consumption of the preparation by any person for strictly medicinal purposes.

Medicinal  
prepar-  
ations.

- (2) Where a toilet or culinary preparation, that is to say, any perfume, lotion, or flavouring extract or essence, contains liquor and also contains sufficient ingredient or medication to prevent its use as an alcoholic beverage, nothing in this Ordinance shall apply to or prevent the sale or purchase of that preparation by any druggist or other person who manufactures or deals in the preparation, nor apply to or prevent the purchase or consumption of the preparation by any person who purchases or consumes it for any toilet or culinary purpose.

Toilet and  
culinary  
prepar-  
ations.

- (3) In order to determine whether any particular medicinal, toilet, or culinary preparation referred to in this section contains sufficient ingredient or medication to prevent its use as an alcoholic beverage, the Commissioner may cause a sample of the preparation purchased or obtained from any person whomsoever, to be analyzed by any analyst appointed or designated by the Commissioner for the purpose of this Ordinance; and if it appears from a certificate purporting to be signed by the analyst that he finds the sample so analyzed by him did not contain sufficient ingredient or medication to prevent

Analysis of  
prepar-  
ations.

its use as an alcoholic beverage, the certificate shall be conclusive evidence that the preparation, the sample of which was so analyzed, is not a preparation the sale or purchase of which is permitted by this section, and no proof shall be necessary of the signature or official position of the analyst by whom the certificate is made.

#### INTERDICTION

Order of Interdiction.

26. (1) Where it is made to appear to the satisfaction of any magistrate, that any person resident, or sojourning within the Territory by excessive drinking of liquor, misspends, wastes or lessens his estate or injures his health, or endangers or interrupts the peace and happiness of his family, such magistrate may make an order of interdiction prohibiting the sale of liquor to him until further order, which order shall be forthwith filed with the Territorial Secretary.

Notice of interdiction.

(2) Upon receipt of the Order of Interdiction the Territorial Secretary shall forthwith notify the interdicted person and all vendors of the Order of Interdiction so made and filed prohibiting the sale of liquor to the interdicted person. Such notice may be given by sending same by registered mail to the last known address of the interdicted person and to said vendors.

Magistrate may revoke order.

(3) Any such Order of Interdiction may be revoked by a magistrate upon his being satisfied that the justice of the case so requires, and upon the filing of the order of revocation with the Territorial Secretary the interdicted person shall be restored to all his rights under this Ordinance, and the Territorial Secretary shall forthwith notify all vendors accordingly.

Interdicted person may apply to Judge to have order set aside.

27. (1) Upon application to the Judge of the Territorial Court by any person in respect to whom an order of interdiction has been made under this Ordinance, and upon it being made to appear to the satisfaction of the Judge that the circumstances of the case did not warrant the making of the Order

of Interdiction, or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the Judge may by order set aside the Order of Interdiction; and upon the order of the Judge so setting aside the Order of Interdiction being filed with the Territorial Secretary the interdicted person shall be restored to all his rights under this Ordinance and the Territorial Secretary shall forthwith notify all vendors accordingly.

(2) On every application to a Judge under this section, the applicant shall be given ten clear days' notice of the hearing by notice in writing served upon him and such notice shall be served upon such other persons as the Judge may direct.

Notice.

PENALTIES AND PROCEDURE

28. Every persons who violates any provision of this Ordinance or of the Regulations shall be guilty of an offence against this Ordinance, whether otherwise so declared or not.

Any violation an "offence."

29. Every person who violates any provision of Section 14 or 15 shall be liable, on summary conviction, for a first offence to a penalty of not less than \$200 nor more than \$500, and, in default of immediate payment, to imprisonment for not less than one month nor more than two months; for a second offence to imprisonment, with hard labour, for not less than three months nor more than six months, and for a third or subsequent offence to imprisonment, with hard labour, for not less than twelve months nor more than twenty-one months. If the offender convicted of a violation of any provision of Section 14 is a corporation, it shall for a first offence be liable to a penalty of not less than \$500 nor more than \$1,000, and for a second or subsequent offence to a penalty of not less than \$2,000 nor more than \$4,000.

Penalty for violation of Sections 14 and 15.

30. Every person guilty of an offence against this Ordinance for which no penalty has been specifically provided shall be liable, on summary conviction, for a first

Penalty where none specified. First offence.

offence to a penalty of not less than \$50 nor more than \$100 and, in default of immediate payment, to imprisonment for not less than one month nor more than two months, with or without hard labour; for a second offence to a penalty of not less than \$100 nor more than \$300, and, in default of immediate payment, to imprisonment for not less than two months nor more than four months, with or without hard labour; and for a third or subsequent offence to imprisonment for not less than three months nor more than six months, with or without hard labour, without the option of a fine. If the offender convicted of an offence referred to in this section is a corporation, it shall for a first offence be liable to a penalty of not less than \$500 nor more than \$1,000, and for a second or subsequent offence to a penalty of not less than \$1,000 nor more than \$3,000.

Second offence.

Third offence.

Penalties in case of a corporation.

When Justice may issue search warrant.

31. (1) Upon information on oath by any constable that he suspects or believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, it shall be lawful for any Justice by warrant under his hand to authorize and empower such constable, or any constable named therein, to enter and search the building or premises and every part thereof; and for that purpose to break open any door, lock, or fastening of the building or premises or any part thereof, or any closet, cupboard, box, or other receptacle therein which might contain liquor. It shall not be necessary for any constable to set out in the information any reason or grounds for his suspicion or relief.

Grounds of suspicion need not be stated.

Refusal of admission an offence.

(2) Every person being in the building or premises or having charge thereof who refuses or fails to admit any constable demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such constable, or any such search by him, shall be guilty of an offence against this Ordinance.

Right to search conveyances.

32. Any constable, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and is contained in any vehicle, motor-car, automobile, ves-

sel. boat, canoe, or conveyance of any description, or is unlawfully kept or had, or kept or had for unlawful purposes, on the lands or person of any person, shall have power without warrant to search for such liquor wherever he may suspect it to be, and, if need be, by force, and may search the person himself, and may seize and remove any liquor found and the packages in which the same is kept.

33. Where the constable, in making or attempting to make any search under or in pursuance of the authority conferred by Sections 31 and 32 of this Ordinance, finds in any building or place any liquor which, in his opinion, is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Ordinance, he may forthwith seize and remove the same and the packages in which the same is kept, and may seize and remove any book, paper, or thing found in the building or place which, in his opinion, will afford evidence as to the commission of any offence against this Ordinance, and upon the conviction of the occupant of such house or place or any other person for keeping the liquor contrary to any of the provisions of this Ordinance in such building or place, the Justice making the conviction may in and by the conviction declare the liquor and packages or any part thereof to be forfeited to the Government of the Territory.

Seizure of  
liquor  
unlawfully  
kept.

Forfeiture.

34. Where the constable, in making or attempting to make any search under or in pursuance of the authority conferred by Section 32, finds in any vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance of any description liquor which in his opinion is unlawfully kept, or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Ordinance, he may forthwith seize the liquor and the packages in which the same is contained, and the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance in which the said liquor is so found, and upon the conviction of the occupant or person in charge of the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance, or any other person, for having or keeping the said liquor contrary to any of the provisions of this Ordinance in such vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance, the Justice making the conviction may in and by the conviction declare the liquor

Seizure of  
liquor in  
conveyances.

Forfeiture. or any part thereof so seized and the packages in which the same is contained to be forfeited to the Government of the Territory, and the Justice may in and by the conviction further declare the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance so seized to be forfeited to the said Government.

Seizure of liquor. 35. (1) Where liquor is found by any constable on any premises or in any place in such quantities as to satisfy the constable that such liquor is being had or kept contrary to any of the provisions of this Ordinance, it shall be lawful for the constable to forthwith seize and remove, by force if necessary, any liquor so found, and the packages in which the liquor was had or kept.

Liquor seized to be retained. (2) Where liquor has been seized by a constable under any of the provisions of this Ordinance, under such circumstances that the constable is satisfied that such liquor was had or kept contrary to any of the provisions of this Ordinance, he shall under the provisions of this section, retain the same and the package in which the same was had or kept.

If not claimed in 30 days forfeited. (3) If within thirty days from the date of its seizure no person by notice in writing filed with the Territorial Secretary claims to be the owner of the liquor, the liquor and all packages containing the same shall *ipso facto* be forfeited to the Government of the Territory, and shall forthwith be delivered to the Commissioner.

Claimant to give notice of hearing. (4) If within the said time any claimant appears, it shall be incumbent upon him within that time, and after three days' notice in writing filed with the Territorial Secretary stating the time and place fixed for the hearing, to prove his claim and his right under the provisions of this Ordinance to the possession of such liquor and packages to the satisfaction of any Justice, and on failure upon such hearing to prove and establish his claim and right the liquor and packages shall *ipso facto* be forfeited to the said Government.

On failure to prove claim liquor forfeited.



36. In every case in which any Justice makes any order for the forfeiture of liquor under any of the provisions of this Ordinance, the liquor in question and the packages in which the liquor is kept shall forthwith be delivered to the Commissioner, to be dealt with by him in such lawful manner as he deems proper, and such liquor may be added to the stock of liquor in any Government Liquor Store and disposed of under this Ordinance.

Liquor forfeited to be delivered to Commissioner and dealt with by him.

37. Any constable may, without laying any information or obtaining any warrant, arrest any interdicted person whom he finds in a state of intoxication or with liquor in his possession, or any person whom he finds in a public place in a state of intoxication, and may detain him and without any unnecessary delay bring him before a Justice having jurisdiction in the locality in which the arrest is made, and thereupon the Justice may forthwith proceed to examine the person arrested as to the person from whom, the place where, and the time when he obtained the liquor which caused his intoxication or which was so found in his possession; and if the person arrested refuses, upon examination by the Justice, to state on oath the name or give information of the person from whom, the place where, and the time when he obtained the liquor, he shall be guilty of an offence against this Ordinance, and shall be liable, upon summary conviction, to imprisonment for a period not exceeding three months, with or without hard labour, or until he sooner discloses the name or gives information of the person from whom and the place where and the time when he obtained the liquor. No statement made or information given pursuant to this section by any person so arrested shall be used or be receivable in evidence against him upon any prosecution for an offence arising out of or in respect of the violation of the provisions of any other section of this Ordinance or of the Regulations.

Arrest of interdicted or other person found intoxicated and examination as to source of liquor.

38. Upon the prosecution of any person for an offence against this Ordinance by reason of his being in a state of intoxication in a public place, the person prosecuted shall be a competent and compellable witness, to state on oath the name or give information of the person from whom, the place where, and the time when he obtained the liquor which caused his intoxication; and if he refuses, upon ex-

Person guilty of drunkenness a compellable witness.

amination when called as a witness, to state on oath the name or give information of the person from whom, the place where, and the time when he obtained the liquor which caused his intoxication; he shall, in addition to any penalty otherwise provided by this Ordinance, be liable, upon summary conviction, for his said offence to imprisonment for a period not exceeding three months, with or without hard labour, or until he sooner discloses the name or gives information of the person from whom and the place where and the time when he procured the liquor. No statement made or information given pursuant to this section by any person so prosecuted shall be used or be receivable in evidence against him upon any prosecution for an offence arising out of or in respect of the violation of the provisions of any other section of this Ordinance or of the Regulations.

Interdicted  
person a  
compellable  
witness.

39. Upon any prosecution for an offence against this Ordinance relating to the procuring of liquor for, or the selling or giving of liquor to an interdicted person, the interdicted person shall be a competent and compellable witness; and if he refuses, upon examination when called as a witness, to state on oath the name or give information of the person from whom, the place where, and the time when he obtained the liquor so procured for or sold or given to him, he shall be guilty of an offence against this Ordinance and shall be liable, upon summary conviction, to imprisonment for a period not exceeding three months, with or without hard labour, or until he sooner discloses the name or gives information of the person from whom and the place where and the time when he obtained the liquor. No statement made or information given pursuant to this section by any interdicted person shall be used or be receivable in evidence against him upon any prosecution for an offence arising out of or in respect of the violation of the provisions of any other section of this Ordinance or of the Regulations.

Description  
of offences  
in informa-  
tion, etc.

40. In describing the offence respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, or the consumption of liquor, in any information, summons, conviction, warrant, or proceeding under this Ordinance it shall be sufficient to state

the sale or keeping for sale or disposal, having, keeping, giving, purchasing, or consumption of liquor, simply without stating the name or kind of such liquor or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed, or from whom it was purchased, or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased, or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

41. The description of any offence under this Ordinance in the words of this Ordinance or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision, excuse, or qualification, whether it occurs by way of proviso or in the description of the offence in this Ordinance, may be proved by the defendant, but need not be specified or negatived in the information; but if it is so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Proof of exceptions.

42. In any prosecution under this Ordinance for the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, or consuming of liquor, it shall not be necessary that any witness should depose to the precise description or quantity of the liquor sold, disposed of, kept, had, given, purchased, or consumed, or the precise consideration (if any) received therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge; but the Justice trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and, in default of his rebuttal of such evidence to the satisfaction of the Justice, convict him accordingly.

Evidence on prosecution for unlawful sale, etc.

43. In proving the sale, disposal, unlawful giving, or purchase, or consumption of liquor, it shall not be necessary in any prosecution to show that any money actually passed or any liquor was actually consumed, if the Justice

Proof of offences.

hearing the case is satisfied that a transaction in the nature of a sale, disposal, unlawful giving, or purchase actually took place, or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to or purchased by the person consuming, or being about to consume, or carrying away the same, as against the occupant of the said premises.

Certificate  
of analyst.

44. A certificate purporting to be signed by any person appointed or designated by the Commissioner in writing as an analyst for the purposes of this Ordinance, as to the percentage of alcohol contained in any liquid, drink, liquor, or combination of liquors, when produced in any Court or before any Justice, shall be *prima facie* evidence of the percentage of alcohol contained therein, without proof of the signature or official position of the analyst by whom the certificate is made.

Proof that  
liquor in-  
toxicating.

45. The Justice trying a case shall, in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness described it as intoxicating liquor.

Justice may  
draw  
inferences.

46. Upon the hearing of any charge of selling or purchasing liquor, or of unlawfully having, giving or keeping liquor, contrary to any of the provisions of this Ordinance, the Justice trying the case shall have the right to draw inferences of fact from the kind and quantity of liquor found in the possession of the person accused or in any building, premises, vehicle, motor-car, automobile, vessel, boat, canoe, conveyance, or place occupied or controlled by him, and from the frequency with which liquor is received thereat or therein or is removed therefrom, and from the circumstances attending the alleged unlawful giving or under which it is kept or dealt with.

Prima facie  
evidence of  
sale, etc.

47. If, on the prosecution of any person charged with committing an offence against this Ordinance in selling or keeping for sale or unlawfully giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is

given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then, unless such person proves that he did not commit the offence with which he is so charged, he may be convicted of the offence.

48. (1) The burden of proving the right to have or keep or sell or give or purchase or consume liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving or purchasing or consuming such liquor.

Burden of proof upon the person accused.

(2) The burden of proving that any prescription or administration of liquor is *bona fide* and for medical purposes only shall be upon the person who prescribed or administers such liquor, or causes such liquor to be administered, and the Justice trying a case shall have the right to draw inferences of fact from the frequency with which similar prescriptions are given and from the amount of liquor prescribed or administered, and from the circumstances under which it is prescribed or administered.

Proof of bona fides of prescription or administration of liquor.

49. The proceedings upon any information for an offence against any of the provisions of this Ordinance in a case where a previous conviction or convictions are charged, shall be as follows:

Proceedings where previous conviction charged.

(a) The Justice shall in the first instance inquire concerning such subsequent offence only, and if the accused is found guilty thereof he shall then, and not before, be asked whether he was so previously convicted as alleged in the information, and if he answers that he was so previously convicted he shall be sentenced accordingly, but if he denies that he was so previously convicted or does not answer such question, the Justice shall then inquire concerning such previous conviction or convictions.

(b) Such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting Justice or the Clerk of the Court to whose office the

conviction has been returned, without proof of signature or official character;

(c) In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the Justice by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named, and shall thereupon, upon proof of the due service of such summons, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance;

(d) In case any person who has been convicted of a violation of any provision of this Ordinance is afterwards convicted of a violation of any other provision of this Ordinance, such a conviction shall be deemed a conviction for a second offence within the meaning of this Ordinance, and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.

Information  
for several  
offences.

50. (1) Charges of several offences against this Ordinance committed by the same person may be included in one and the same information, if the information and the summons or warrant issued thereon contain specifically the time and place of each offence.

Conviction  
for several  
offences.

(2) One conviction for several offences, and providing a separate penalty or punishment for each, may be made under this Ordinance although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after information laid for a first offence.

51. (1) In all prosecutions, actions, or proceedings under the provisions of this Ordinance against a corporation, every summons, warrant, order, writ or other proceeding may, in addition to any other manner of service which may be provided or authorized by law, be served on the corporation by delivering the same to any officer, attorney, or agent of the corporation, or by leaving it at any place in the Territory where it carries on any business: Provided that service in any other way shall be deemed sufficient if the Court or Justice by or before whom such summons, warrant, order, writ, or other proceeding was issued or is returnable, or by or before whom any proceeding subsequent to such service is to be had or taken, is of the opinion that the service has been such as to bring the summons, warrant, order, writ, or other proceeding to the notice of the corporation.
- Service on corporations.
- (2) In any prosecution, action, or proceeding under this Ordinance in which it is alleged that a corporation is or has been guilty of an offence against this Ordinance, the fact of the incorporation of that corporation shall be presumed without it being proved by the prosecutor, unless satisfactory proof is produced to the contrary.
- Proof of incorporation.
52. (1) Whenever any corporation is convicted of any offence against or under this Ordinance, and the conviction adjudges a pecuniary penalty to be paid by the corporation, the Justice by his conviction, after adjudging payment of such penalty with costs, may order and adjudge that in default of payment of such penalty forthwith or within a limited time, such penalty shall be levied by distress and sale of the goods and chattels of the corporation.
- Recovery of penalty from corporation.
- (2) In any such case, and in addition to the other remedies provided hereby, a copy of the conviction or order certified to by any Justice, or by the officer in whose custody the same is by law required to be kept, may be filed in the office of the Clerk of the Territorial Court, and the conviction or order shall
- Filing of conviction as a judgment of Territorial Court.

thereupon become a judgment of that Court, and all proceedings may be thereupon taken and had as on any other judgment of that Court.

Other  
rights of  
recovery  
preserved.

(3) Nothing in this section contained shall be construed as in any way affecting, limiting or restricting any proceedings which otherwise may be taken or had for the recovery of fines or penalties.

Liability of  
Officer of  
corporation.

53. Where an offence against this Ordinance is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed shall *prima facie* be deemed to be a party to the offence so committed, and shall be personally liable to the penalties prescribed for the offence as a principal offender; but nothing in this section shall relieve the corporation or the person who actually committed the offence from liability therefor.

Liability of  
occupant of  
premises.

54. Upon proof of the fact that an offence against this Ordinance has been committed by any person in the employ of the occupant of any house, shop, room, or other premises in which the offence is committed, or by any person who is suffered by the occupant to be or remain in or upon such house, shop, room, or premises, or to act in any way for the occupant, the occupant shall *prima facie* be deemed to be a party to the offence so committed, and shall be liable to the penalties prescribed for the offence as a principal offender, notwithstanding the fact that the offence was committed by a person who is not proved to have committed it under or by the direction of the occupant; but nothing in this section shall relieve the person actually committing the offence from liability therefor.

Affidavit  
of merits  
on appeal.

55. No appeal shall lie from a conviction for any violation or contravention of any of the provisions of this Ordinance unless the party appealing shall within the time limited for giving notice of such appeal make an affidavit before any Justice that he did not by himself or by his agent, servant, or employee, or any other person, with his knowledge or consent commit the offence charged in the information; and such affidavit shall negative the charge in the terms used in the conviction, and shall further nega-



tive the commission of the offence by the agent, servant, or employee of the accused, or any other person, with his knowledge or consent; which affidavit shall be transmitted with the conviction to the Court to which the appeal is given. Where the party appealing is a corporation, the affidavit may be made by any officer or director of the corporation having a personal knowledge of the facts.

56. No conviction or order made in any matter arising under this Ordinance, either originally or on appeal, shall be quashed for want of form; and no information, summons, conviction, order or other proceeding shall be held to be bad or quashed on account of its charging two or more offences, or charging an offence disjunctively, or in the alternative.

Conviction not quashed for want of form.

57. No conviction or order made in any matter arising under this Ordinance shall be removed by *certiorari* or otherwise, either at the instance of the Crown or any private person, into the Territorial Court.

Certiorari.

58. Every vendor and every clerk or other person employed in any Government Liquor Store who violates any of the provisions of this Ordinance shall be guilty of an offence against this Ordinance.

Violation by Vendor, etc., an "offence."

REGULATIONS

59. (1) For the purpose of carrying into effect the provisions of this Ordinance according to their true intent or of supplying any deficiency therein, the Commissioner may, subject to the provisions of this Ordinance, from time to time make and prescribe such Regulations as he may deem advisable for regulating, controlling and conducting the Liquor Stores established pursuant to this Ordinance, prescribing the duties of vendors and other employees at Government Liquor Stores, the manner in which and under what restrictions as to quantity or otherwise liquor may be sold and delivered at such store, and the time and manner of accounting by vendors, and may from time to time alter, amend or add to such Regulations.

Commissioner may make regulations.

Regulations  
to be  
published.

(2). All Regulations and all amendments thereto shall forthwith be published once in the Gazette and in two consecutive issues of a newspaper published at Dawson and Whitehorse, respectively, in said Territory, and when so published shall from the date of such Regulations or amendments have the same force and effect as if the same were enacted and in an Ordinance passed by the Commissioner in Council.

#### GENERAL

Destruction  
of liquor  
found  
unsuitable  
for sale.

60. Any liquor which becomes forfeited to the Government under any of the provisions of this Ordinance if found and so declared by the Commissioner to be unsuitable for sale at a Government Liquor Store, shall be destroyed under direction of the Commissioner.

Tax on  
"near  
beer."

61. (1) Every person selling or dealing in any liquid known or described as "beer" or "near beer" or by any name whatsoever commonly used to describe malt or brewed liquor, shall, on or before the first day of October, 1921, file with the Territorial Treasurer a statutory declaration setting forth the nature and quantity of such liquid held by or for him in the Territory at the time of filing such declaration and shall at the same time pay to the Territorial Treasurer an amount equal to two (2) cents for every pint or reputed pint bottle and four (4) cents for every quart or reputed quart bottle of such liquid stated in such declaration, such payment to be as and in lieu of license for the sale of such liquid.

(2) Every person selling or dealing in any liquid described in sub-section (1) by or for whom any such liquid may from time to time be received in the Territory at any time subsequent to making and filing of any such declaration shall within ten days after its arrival in the Territory file with the Territorial Treasurer a similar statutory declaration and statement to include all such liquid so subsequently received and shall therewith pay to the Territorial Treasurer the tax provided by sub-section (1).

(3) Every person who fails to comply with the provisions of this section or who does not make a full and correct statement as required by this section shall be guilty of an offence against this Ordinance.

(4) All moneys paid to the Territorial Treasurer under this section shall form part of the General Revenue Fund of the Territory.

62. All penalties recovered under this Ordinance for any violation thereof, and all moneys resulting from any forfeiture of liquor, or property hereunder, shall form part of the General Revenue Fund of the Territory.

Penalties and moneys to form part of General Revenue Fund.

63. (1) The gross amount of all moneys derived from the sale of liquor by vendors shall be paid to the Treasurer, as provided by the Regulations, and shall be by him deposited in the bank to the credit of the Yukon Consolidated Revenue Fund in a special account to be designated as the "Liquor Account."

Accounting by Vendors.

(2) The funds in said account may be paid out by the Commissioner from time to time in payment for stocks of liquor for Government Liquor Stores, salaries and other expenses of and incidental to the establishing, maintaining and conducting said Liquor Stores. All such payments to be made by cheque on said account signed by the Commissioner and countersigned by the Territorial Treasurer.

Manner of payment out by Commissioner.

(3) The Territorial Treasurer shall, forthwith after the end of the fiscal year as defined by "The Yukon Act" prepare a statement of operations of all such Liquor Stores showing the profit and loss resulting therefrom. All net profits as shown by such statement shall be transferred from such "Liquor Account" to the Yukon Consolidated Revenue Fund and shall be at the disposal of the Commissioner in Council.

Territorial Treasurer to prepare statement.

64. This Ordinance shall come into force on the fifteenth day of September, 1921.

Date of coming into force.

Repeal of  
prohibition  
Ordinance.

65. Chapter 9 of the Ordinances of 1920, being "The Yukon Prohibition Ordinance," and Chapter 10 of the Ordinances of 1920, being "The Liquor Dispensary Ordinance," are hereby repealed.

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## CHAPTER 2

### AN ORDINANCE TO AMEND CHAPTER 23 OF THE CONSOLIDATED ORDINANCES, 1914, RELATING TO THE YUKON COUNCIL.

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*[Assented to September 13, 1921.]*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of said Territory, enacts as follows:

Sec. 7  
repealed.

1. Section 7 of said Chapter 23, as amended by Chapter 6 of the Ordinances of 1919, is hereby repealed and the following substituted therefor:

Members'  
indemnity.

"7. There shall be paid to each member of the Yukon Council in attendance in each session of said Council, a sum not to exceed four hundred dollars, together with his actual travelling expenses. Provided, however, that a deduction at the rate of ten dollars per day shall be made from such sum so payable to any member for every day of each session of the Council and for every meeting of any committee of such Council of which notice has been given and on which such member does not attend.

## CHAPTER 3

### AN ORDINANCE TO AMEND "THE COMPANIES ORDINANCE"

[Assented to September 13, 1921.]

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of said Territory, enacts as follows:

1. Sub-section (3) of Section 26 of said Ordinance, as amended by Chapter 8 of the Ordinances of 1920, is hereby repealed and the following substituted therefor:

Sub-Sec. (3)  
of Sec. 26  
repealed and  
new section.

(3) The Registrar shall, at the cost of the parties applying for registration of a memorandum of Association, publish the certificate of incorporation and a statement showing the objects for which the company named in the certificate has been incorporated, once in the Gazette.

2. Sections 153 and 159 of said Ordinance, as amended by said Chapter 8 of the Ordinances of 1920, are amended by striking out the words constituting the said amendments, respectively, namely, "in four consecutive issues of the Gazette" and inserting in lieu thereof the following: "Once in the Gazette."

Secs. 153  
and 159  
amended.

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