



ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL
IN THE YEAR

1955

FIRST, SECOND AND THIRD SESSIONS

F. H. COLLINS
COMMISSIONER

Printed and Published for the Government of the Yukon Territory under
Authority of Chapter 75 of the Consolidated Ordinances of 1914.

BY
H. J. TAYLOR, Queen's Printer



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TABLE OF CONTENTS

FIRST SESSION

| Chap. | | Page |
|-------|---|------|
| 1. | An Ordinance to Provide for the Protection of Children | 1 |
| 2. | An Ordinance Respecting Public Aid to Hospitals | 23 |
| 3. | An Ordinance Respecting Compensation for Fatal Accidents | 27 |
| 4. | An Ordinance to Facilitate the Enforcement of Maintenance Orders | 31 |
| 5. | An Ordinance Respecting Witnesses and Evidence | 39 |
| 6. | The Collection Ordinance | 70 |
| 7. | An Ordinance Respecting Vocational Training Agreements Between the Yukon Territory and the Government of Canada | 77 |
| 8. | An Ordinance Respecting Liability in Actions for Damages for Negligence where more than one Party is at Fault | 80 |
| 9. | An Ordinance Respecting the Exportation of Furs | 82 |
| 10. | An Ordinance to Provide for the Imposition and Collection of a Tax on Persons Attending Places of Amusement | 88 |
| 11. | An Ordinance Respecting Employment Agencies | 93 |
| 12. | An Ordinance Respecting Trespassing and Straying of Animals | 95 |
| 13. | An Ordinance Respecting the Practice and Procedure in Civil Matters in Police Magistrate's Courts | 101 |
| 14. | An Ordinance Respecting Dogs | 106 |
| 15. | An Ordinance to Provide for Allowances to Disabled Persons | 111 |
| 16. | An Ordinance Respecting the Profession of Pharmaceutical Chemist | 115 |
| 17. | An Ordinance Respecting the Investigation of Accidents by Fire | 135 |
| 18. | An Ordinance to Repeal Certain Ordinances | 137 |
| 19. | An Ordinance to Amend the Interpretation Ordinance | 138 |
| 20. | An Ordinance to Amend the Marriage Ordinance | 139 |
| 21. | An Ordinance to Amend the Motion Pictures Ordinance | 141 |
| 22. | An Ordinance to Amend the Judicature Ordinance | 142 |
| 23. | An Ordinance to Amend the Gasoline and Diesel Oil Tax Ordinance | 152 |
| 24. | An Ordinance to Amend the Adoption Ordinance | 153 |
| 25. | An Ordinance to Amend the Yukon Game Ordinance | 154 |
| 26. | An Ordinance to Amend the Workmen's Compensation Ordinance | 155 |
| 27. | An Ordinance to Authorize the Commissioner of the Yukon Territory to Extend the Boundaries of the City of Whitehorse and to Make an Agreement with the City of Whitehorse | 160 |
| 28. | An Ordinance to Authorize the Commissioner to Lend Money to the City of Whitehorse for the Construction of Municipal Works | 166 |
| 29. | An Ordinance to Provide for the Imposition and Collection of a Poll Tax | 170 |

| Chap. | Page |
|---|------|
| 30. An Ordinance to Authorize the Commissioner of Yukon Territory to Enter into an Agreement with the City of Whitehorse Respecting the Construction of a Waterworks System and Sewage System in the City of Whitehorse and in the New Subdivision Adjacent to such City, and to Authorize the Commissioner to enter into a Contract for the Construction of such Waterworks System and Sewage System | 177 |
| 31. An Ordinance Respecting the Practice of Professional Engineering | 191 |
| 32. An Ordinance to Amend the Government Liquor Ordinance | 207 |
| 33. An Ordinance to Amend the Motor Vehicles Ordinance | 208 |
| 34. An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray Expenses of the Public Service of the Territory | 209 |
| 35. An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory | 217 |

SECOND SESSION

| | |
|--|-----|
| 1. An Ordinance to Authorize the Commissioner to Borrow a Sum not exceeding Seven Hundred and Eighty Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Execute an Agreement Relating Thereto | 221 |
| 2. An Ordinance to Authorize the Commissioner to Borrow a Sum not exceeding \$750,000 from the Government of Canada to enable the Yukon Territory to contribute a sum not exceeding that amount towards the Construction of a Hospital at Whitehorse | 232 |
| 3. An Ordinance to Approve an Agreement Respecting a Territorial School at Whitehorse made between the Government of Canada and the Commissioner of Yukon Territory | 236 |
| 4. An Ordinance to Authorize the Commissioner to Enter into an Agreement with La Communaute des Soeurs de Charite de la Providence and the Catholic Episcopal Corporation of Whitehorse for the Erection of a School at Whitehorse and to Authorize a Grant to Assist in the Erection of such School | 240 |
| 5. An Ordinance to Approve an Agreement Respecting the Maintenance of the Road between Whitehorse and Mayo in the Yukon Territory between the Government of Canada and the Commissioner of the Yukon Territory | 245 |
| 6. An Ordinance Respecting the Attachment of Debts | 247 |
| 7. An Ordinance to Amend an Ordinance Respecting the Council of the Yukon Territory | 254 |
| 8. An Ordinance for Granting to the Commissioner Certain Additional Sums of Money to Defray the Expenses of the Public Service of the Territory | 255 |

THIRD SESSION

| | | |
|-----|--|-----|
| 1. | An Ordinance Respecting Cemeteries and Burial Sites | 261 |
| 2. | An Ordinance Respecting Masters and Servants | 275 |
| 3. | An Ordinance Respecting Trustees and Executors and the Administration of Estates | 278 |
| 4. | An Ordinance to Provide for the Maintenance of Children of Unmarried Parents | 302 |
| 5. | An Ordinance Respecting Lands of the Yukon Territory | 309 |
| 6. | An Ordinance Respecting Newspapers | 312 |
| 7. | An Ordinance Respecting the Practice of Chiropractic | 314 |
| 8. | An Ordinance Respecting the Practice of Optometry | 323 |
| 9. | An Ordinance Respecting Garage Keepers | 331 |
| 10. | An Ordinance to Repeal Certain Ordinances | 339 |
| 11. | An Ordinance Respecting Transfers of Land to Joint Owners | 342 |
| 12. | An Ordinance Respecting Steam Boilers and Pressure Vessels | 343 |
| 13. | An Ordinance Respecting Ferries | 356 |
| 14. | An Ordinance Respecting the Imposition and Collection of a Tax on Motor Vehicle Fuel | 361 |
| 15. | An Ordinance to Amend the Amusement Tax Ordinance | 367 |
| 16. | An Ordinance to Amend the Interpretation Ordinance | 368 |
| 17. | An Ordinance to Amend the Landlord and Tenant Ordinance | 369 |
| 18. | An Ordinance to Amend the Marriage Ordinance | 370 |
| 19. | An Ordinance to Amend the Protection of Children Ordinance | 371 |
| 20. | An Ordinance to Amend the Conditional Sales Ordinance | 374 |
| 21. | An Ordinance to Amend the Evidence Ordinance | 376 |
| 22. | An Ordinance to Amend the Workmen's Compensation Ordinance | 377 |
| 23. | An Ordinance to Amend the Old Age Assistance and Blind Persons Allowance Ordinance | 383 |
| 24. | An Ordinance to Amend the Government Liquor Ordinance | 384 |
| 25. | An Ordinance to Amend the Yukon Territorial Public Service Ordinance | 385 |

ORDINANCES
OF THE
YUKON TERRITORY

Passed in the eighth session of the sixteenth Council of the Yukon Territory begun and holden at the City of Whitehorse on the sixteenth day of March, 1955, and prorogued on the second day of April, 1955.

CHAPTER 1

1955 (First Session)

AN ORDINANCE TO PROVIDE FOR THE
PROTECTION OF CHILDREN*(Assented to April 2nd, 1955.)*

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

SHORT TITLE

1. This Ordinance may be cited as the *Protection of Children Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "child" means a person under the age of eighteen years; "Child".
- (b) "children's aid society" or "society" means a children's aid society declared to be a body corporate pursuant to this Ordinance and any children's aid society incorporated under any other Ordinance prior to the coming into force of this Ordinance; "Children's aid society".
- (c) "foster home" means a private home approved by the Superintendent or by a children's aid society for the purpose of the placement of a child therein, irrespective of whether any payment is made to the home for maintenance of the child; "Foster home".
- (d) "justice" means a police magistrate or any two justices of the peace or any person having the authority and jurisdiction of two justices of the peace; "Justice".
- (e) "officer" means a person appointed by a children's aid society for the purpose of enforcing or carrying out the provisions of this Ordinance; "Officer".

CHAP. 1

PROTECTION OF CHILDREN

- "Parent". (f) "parent" includes a guardian;
- "Probation officer". (g) "probation officer" means a probation officer for juvenile delinquents appointed under the *Juvenile Delinquents Act* or under any Ordinance of the Territory;
- "Street". (h) "street" includes any highway or public place, whether a thoroughfare or not; and
- "Superintendent". (i) "Superintendent" means the Superintendent of Child Welfare appointed under this Ordinance.

SUPERINTENDENT

Appointment of Superintendent. 3. The Commissioner may appoint an officer to be called the Superintendent of Child Welfare who shall hold office during pleasure.

Other officers and employees. 4. The Commissioner may appoint such persons to assist the Superintendent in the performance of any of his duties under this Ordinance as he deems necessary.

Duties of Superintendent. 5. The Superintendent shall

- (a) ensure that the provisions of this Ordinance are carried out and that all returns provided for by this Ordinance are made;
- (b) make a written report monthly to the Commissioner setting forth the name, date of birth and religion of any child committed to his care or to the care of a society during the month immediately preceding the making of the report, and when and where such committal was made;
- (c) encourage and assist in the establishment of such societies as he deems advisable;
- (d) advise any society with respect to the performance of its duties;
- (e) ensure that each society keeps a record of
 - (i) all children committed to the care of the society,

- (ii) all children placed in foster homes by the society, and
- (iii) such other particulars as the Superintendent deems desirable;
- (f) direct and supervise the visiting of any place where a child is placed pursuant to this Ordinance;
- (g) prepare and submit an annual report to the Commissioner; and
- (h) perform such other duties as may devolve upon him under any other Ordinance.

CHILDREN'S AID SOCIETIES

6. (1) Where ten or more Canadian citizens over the age of twenty-one years of age who reside within any area described in paragraph (b) desire to form a children's aid society they may make application to the Commissioner in Form A, which application shall be signed by each of the applicants and shall set out,
 - (a) the proposed name of the children's aid society;
 - (b) the boundaries of the area in which the society proposes to carry on its business and over which it proposes to exercise jurisdiction;
 - (c) that the applicants reside in the area described in paragraph (b);
 - (d) the proposed number of directors of the society;
 - (e) the names, addresses and occupations of the society's first directors; and
 - (f) the time when and place where the first general meeting of the society will be held.
- (2) The signature of each of the applicants shall be verified by statutory declaration to the satisfaction of the Commissioner. Verification of application.
7. (1) Upon receipt of an application referred to in section 6 the Commissioner may, if he approves of the proposed society, declare it to be a body corporate Incorporation.

under the name set out in the application or under such other name as the Commissioner may determine.

Powers of society.

- (2) Section 13 of the *Interpretation Ordinance* applies to and in respect of any society declared to be a body corporate pursuant to subsection (1), and the society may acquire and hold by gift, purchase, grant, devise or bequest any property, real or personal, and may dispose of any such property for the purposes of the society.

Boundaries.

8. The Commissioner, upon request of a children's aid society, may change the boundaries of the area within which it operates.

DIRECTORS

Directors.

9. (1) The affairs of a society shall be managed by a board of not less than five directors who shall be elected by the members of the society at a general meeting thereof assembled at such time and place within the Territory as, in the case of the first general meeting, was named in the application, and, in subsequent cases, as is prescribed in the by-laws.

Provisional directors.

- (2) Until the holding of the first general meeting, the provisional directors named in the application shall manage the affairs of the society.

By-laws.

10. (1) The directors may make by-laws, not inconsistent with the provisions of this Ordinance, regulating
- (a) the number of directors of the society and their term of service;
 - (b) the appointment, functions, duties and removal of agents, officers and servants of the society, the security to be given by them to the society, and their remuneration;
 - (c) the time and place of the annual meeting and the notice to be given thereof;
 - (d) the calling of regular and special meetings of the board of directors, the fixing of a quorum, and the procedure at meetings;

(e) the qualification and terms of admission of members; and

(f) generally, the conduct of all other affairs of the society.

(2) The directors may repeal, amend or re-enact any by-law but such repeal, amendment, or re-enactment shall have force only until the next annual meeting of the society unless confirmed at a general meeting called for that purpose, or unless confirmed at the annual meeting. Confirmation of by-laws.

(3) No by-law and no repeal, amendment, or re-enactment thereof has any force or effect unless approved by the Commissioner. Approval of Commissioner.

11. A society shall mail to the Superintendent a copy of every notice for the calling of any annual meeting or special meeting of the society or for any meeting of the board of directors, and the Superintendent has the right to attend at and take part in the proceedings of any such meeting but does not have the right to vote at such meeting. Notice of meetings.

APPREHENSION AND EXAMINATION OF CHILDREN

12. For the purposes of this Ordinance a child is deemed to be in need of protection, Children deemed to be in need of protection.

(a) who is found begging, whether actually or under pretext of selling or offering anything for sale, in any street, house or place of public resort;

(b) who is found sleeping at night in other than proper housing accommodation and without proper adult supervision;

(c) who is found associating or dwelling with a thief, drunkard or vagrant;

(d) who, by reason of neglect or drunkenness or other vices of the parents, is suffered to grow up without proper parental control and education, or in circumstances exposing such child to an idle or dissolute life;

- (e) who is found in a disorderly house;
- (f) who is found in the company of persons reputed to be criminal, immoral or disorderly;
- (g) who is an orphan without adequate protection for his upbringing;
- (h) who has been deserted by his parents;
- (i) who is found guilty of petty crimes and who is likely to develop criminal tendencies if not removed from his surroundings;
- (j) who is found wandering about at late hours and who has no home or settled place of abode or proper guardianship;
- (k) who is incorrigible or who cannot be controlled by his parents;
- (l) whose parents or only parent are undergoing imprisonment;
- (m) whose home by reason of neglect, cruelty, or depravity therein is an unfit place for the child, or who has no proper guardianship, or who has no parent capable of and willing to exercise proper parental control;
- (n) who is subject to such blindness, deafness, feeble-mindedness or physical disability as is likely to make him a charge upon the public;
- (o) who is exposed to infection from tuberculosis or from any venereal disease in any place or surroundings where proper precautions to prevent infection are not taken;
- (p) who is suffering from such lack of medical or surgical care as is likely to interfere with his normal development;
- (q) who is habitually truant from school and is likely to grow up without proper education;

- (r) who is so neglected as to be in a state of habitual vagrancy or mendicancy; or
- (s) who is so ill-treated as to be in peril of his life, health or morality by continued personal injury, or by grave misconduct or habitual intemperance of his parents.

13. (1) Any person may file with the Superintendent a petition verified by a statutory declaration showing that there is at any place within the Territory a child who appears in need of protection and praying that the child be apprehended and brought before a justice to be dealt with in accordance with this Ordinance. Petitions.

(2) A petition mentioned in subsection (1) shall give a statement of the facts describing the child in need of protection, and setting out the name of the parent or other person in whose custody the child is, if known to the petitioner. Idem.

(3) Upon the filing of the petition, the Superintendent shall cause proper inquiries to be made and may, if he deems it advisable, have the child apprehended and brought before a justice to be dealt with in accordance with this Ordinance. Inquiry to be made by superintendent.

14. The Superintendent, any person authorized in writing by him, any constable or officer of the Royal Canadian Mounted Police or any probation officer may apprehend without warrant and, within ten days, bring before a justice any child who appears to be in need of protection. Apprehension of child in need of protection.

15. The justice before whom a child is brought under section 14 shall investigate the facts of the case and determine whether the child is in need of protection. Investigation by justice.

16. A person who apprehends a child under section 14 shall within three days from the apprehension notify the following persons of the time when and place where the child is to be brought before a justice: Notice.

- (a) the parents or persons having the actual custody of the child, if known; and
- (b) the Superintendent.

Application for warrant to apprehend.

17. (1) The Superintendent, any person authorized in writing by him, any constable or officer of the Royal Canadian Mounted Police, any probation officer or any officer of a children's aid society may, where there is reason to believe that a child is in need of protection in any place, or that a child committed to the care of the Superintendent or a children's aid society has absconded and is being harboured in any place, apply to a justice to issue a warrant for the apprehension of the child, and the justice, may, in his discretion, issue a warrant to enter such place, by day or night, and if necessary to use force in effecting entry, to search for the child, and to bring him before the justice to be dealt with in accordance with section 19.

Absconding child.

- (2) Where a child brought before a justice pursuant to subsection (1) is one who has absconded from the care of a society or the Superintendent, the justice may, instead of dealing with him in accordance with section 19, order that the child be delivered into the custody of the society or the Superintendent with whom he was previously committed.

Interim disposition.

18. Notwithstanding any other Ordinance, the justice may, from time to time, adjourn the case, for such length of time as he deems proper, and pending the final disposition of the case the justice may direct that the child remain in the custody of his parents, or of the person who apprehended the child, or such other suitable person or place as the justice deems fit.

Order of justice.

19. (1) If, after investigation, the justice finds a child to be in need of protection, he shall make an order setting out his findings and a statement of the facts, including the name, date of birth, nationality and religion of the child, the occupation and place of abode of the parents or either of them, and whether either of such parents is dead or has abandoned the child.

Idem.

- (2) An order made under subsection (1) shall provide,
- (a) that the case be adjourned *sine die* and that the child be returned to his parents or any other person having actual custody of the child at the

time of apprehension, subject to inspection and supervision by the Superintendent or a children's aid society having jurisdiction within the area where the child was apprehended;

- (b) that the child be delivered into the control of his parents, subject to such terms and conditions as to the justice seem just; or
- (c) that the child be committed to the care of the Superintendent, or a children's aid society having jurisdiction within the area where the child was apprehended.

(3) Where, pursuant to paragraph (a) of subsection (2), a child has been returned to his parents or any other person having the actual custody of the child, the Superintendent or the children's aid society named in the order may, upon giving five clear days notice to the persons mentioned in section 16, bring the case again before the justice who, after investigation, may make such further order, as provided in subsection (2), as to him seems proper. Further order may be made.

(4) Where, pursuant to paragraph (c) of subsection (2), a child has been committed to the care of a society or the Superintendent, the society or the Superintendent is entitled to take the child into custody for placement in accordance with the provisions of this Ordinance. Child may be taken into custody.

20. The justice shall deliver to the Superintendent a certified copy of the order made in each case, and where the justice in his order has committed the child to a children's aid society, or has returned the child to his parents under the supervision of a children's aid society, the Superintendent shall cause to be delivered a certified copy of the order to the children's aid society. Copy of order to be delivered to Superintendent.

21. (1) Where the justice commits a child to the care of the Superintendent, the Superintendent shall make arrangements as soon as possible for placing the child in a foster home or such other place as he deems suitable having regard to the interests and welfare of the child. Where child committed to care of Superintendent.

Superintendent to be guardian of child.

- (2) Where a child has been committed to the care of the Superintendent, the Superintendent shall be the guardian of the child until
- (a) he is relieved of such guardianship by order of a justice;
 - (b) the child reaches the age of eighteen or, if female, sooner marries; or
 - (c) the child is delivered to a children's aid society under subsection (3).

Child may be delivered to society.

- (3) With the consent of a children's aid society, the Superintendent may, at any time, deliver a child committed to his care, to that society upon delivering to the society a certified copy of the justice's order endorsed with a memorandum signed by the Superintendent noting the delivery of the child to the society.

Disposition by society.

- (4) Upon receiving a child delivered to him under subsection (3), the society shall deal with the child as if it had been delivered to it under the order of a justice made pursuant to section 20.

Where child committed to care of society.

22. (1) Where a justice commits a child to the care of a children's aid society, the society shall receive the child in its custody and shall make arrangements as soon as may be for placing the child in a foster home during the child's minority or for any less period specified in the order, but the society may withdraw the child from any such foster home if in the opinion of the society the welfare of the child so requires.

Society to be guardian of child.

- (2) A society in whose care a child has been committed shall be the legal guardian of the child until,
- (a) it is relieved of the guardianship of the child by order of a justice;
 - (b) the child reaches the age of eighteen or, if female, sooner marries; or

(c) it delivers the child to the Superintendent under subsection (3).

(3) With the consent of the Superintendent, a children's aid society may, at any time, deliver a child committed to its care to the Superintendent upon delivering to the Superintendent a certified copy of the justice's order endorsed with the memorandum signed by an authorized officer of the society noting the delivery of the child to the Superintendent.

Child may be delivered to Superintendent.

(4) Upon receiving a child delivered to him under subsection (3), the Superintendent shall deal with the child as if it had been delivered to him under the order of a justice made pursuant to section 19.

Disposition by Superintendent.

23. No child shall be maintained by a society for a period exceeding six months elsewhere than in a foster home except with the written consent of the Superintendent, who may at any time withdraw his consent, but if the Superintendent withholds or withdraws his consent the society may appeal to the Commissioner and the Commissioner may thereupon make such direction to the Superintendent as he deems proper, and the Superintendent shall comply with such direction.

Temporary maintenance.

24. Every society in whose care a child is committed shall send a report each month to the Superintendent setting out

Report to Superintendent.

- (a) the full name, date of birth, nationality and religion of the child, if known to it;
- (b) the details of any or all orders of committal made in respect of the child;
- (c) if possible, the names and addresses of the parents of the child;
- (d) the disposition made by the society of the child during the period covered by the report, whether by way of adoption, placing in a foster home, or otherwise, and stating in each case the name, place of abode, occupation and religion of the parents by adoption or foster parents' of every child so disposed of; and

(e) such other information as may be prescribed by the Commissioner.

Rescission of order of committal.

25. (1) Where a child has been committed to the care of a children's aid society or to the Superintendent, and the society or the Superintendent is satisfied that it would be for the benefit of the child that the order of committal be rescinded, or that the child be permitted to return either temporarily or permanently to its parents, the society or the Superintendent may make an application to a justice to rescind the committal or grant permission for the child to be returned to its parents; and the justice, if satisfied that it would be for the benefit of the child, may rescind the order of committal or may, without rescinding the order of committal, grant permission for the child to be either temporarily or permanently returned to its parents under the supervision of the society or of the Superintendent.

Idem.

(2) Where a justice is satisfied upon any complaint made by a parent of the child, five clear days notice of which has been given to the Superintendent, that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the guardianship of the Superintendent or of the society should be terminated, he may make any order accordingly and any such order shall be complied with by the Superintendent or by the society, and the justice may, by such order, terminate the guardianship of the Superintendent or society.

Where two or more children of same family.

26. Where two or more children of the same family are subjected to investigation at the same time, only one order need be made.

Religious persuasion of child.

27. (1) Notwithstanding anything in this Ordinance, the justice, in determining the person or society in whose care the child is to be committed, shall

(a) endeavour to ascertain the religious persuasion to which the child belongs;

(b) if possible, select a person or society of the same religious persuasion as the child; and

- (c) specify the religious persuasion of the child in the order.
- (2) Where a child has been placed with a person or society of a different religious persuasion than that to which the child belongs, the justice shall, on the application of any person and on its appearing that a fit person or society of the same religious persuasion as that of the child is willing to undertake the charge, make an order directing that the child be placed with such person or society.

Child may be placed with society of same persuasion.

VISITING AND INSPECTION

28. A society in whose care a child is committed and every person entrusted with the care of the child under this Ordinance shall,

Visiting and inspection.

- (a) permit the child to be visited, and
- (b) permit any place where the child may be or reside to be inspected,

by the Superintendent or by any person authorized by the Superintendent for the purpose.

- 29. (1) Every children's aid society, charitable society, orphanage, children's or infants' home, or other home or institution that undertakes or assumes in any manner the care or custody of children shall, in addition to all other requirements of this Ordinance, upon the request of the Superintendent or any person authorized by the Commissioner,
- (a) furnish to the Superintendent or the person so authorized full information and particulars concerning every child whom the home or institution has dealt with, given care to or had in custody; and
 - (b) permit the Superintendent or person so authorized to have access to all parts of the premises and buildings of the home or institution, except any parts thereof used exclusively for religious or

Inspection of foster home.

residential purposes by any member of a religious order therein, and to all children therein and all books and records of the home or institution dealing with the custody of such children.

Commissioner may order public investigation.

(2) Where it appears to the Superintendent that the management of any home or institution referred to in subsection (1) is not such as to be in the best interests of the children in its care or custody, or that the home or institution in the public interest should be made the subject of public investigation, he shall report the circumstances to the Commissioner and the Commissioner may appoint a person or persons to inquire into and report upon the management and conduct of the home or institution, including the methods followed by it in receiving and placing children, and direct the manner of conducting the inquiry.

Religious instruction.

30. Subject to regulations made by the Commissioner under this Ordinance, any clergyman or other person duly authorized by the recognized head of a religious denomination is entitled to be admitted to any temporary home or shelter and to have access to such of the children placed or detained therein as are of his religious persuasion, and may give instructions, on such days and at such times as are specified in the regulations, for the religious education of such children.

31. Any justice as defined in this Ordinance, any justice of the peace and any member of the Parliament of Canada or of the Council of the Territory is entitled at any time to visit and inspect any home, other than a foster home, and any school or shelter provided or used for children in need of protection.

OFFENCES AND PENALTIES

Offences.

32. (1) No person shall,
 (a) induce or attempt to induce a child under eighteen years of age to leave a foster home, shelter, or temporary home in which he was placed by a children's aid society or by the Superintendent;

- (b) detain or knowingly harbour an absconding child committed to the care of a children's aid society or the Superintendent;
 - (c) having the care, custody, control or charge of a child under the age of eighteen years, ill-treat, neglect, desert, abandon or expose such child or procure the ill-treatment, neglect, desertion, abandonment or exposure of such child; or
 - (d) omit to perform a duty cast upon him under this Ordinance.
- (2) Any person who violates any provision of this Ordinance is guilty of an offence and is liable upon summary conviction to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment. Penalties.

33. No child shall be placed with any person, society, home or other institution by reason only that such person, society, home or other institution has submitted the lowest bid in respect of that child. Prohibition.

COST OF MAINTENANCE

34. (1) Where a justice commits any child to the care of a children's aid society or the Superintendent, he may at the same time or subsequently, upon application by the society or the Superintendent, make an order for payment by the Territory of a reasonable sum, not less than four dollars per week, to the society or the Superintendent to cover the costs incurred by the society or the Superintendent in maintaining and supervising the child in any temporary home or shelter or in any foster home in which the child may be placed by the society or the Superintendent. Order for payment of maintenance.
- (2) Before any order for payment is made under subsection (1) in favour of a society, the society shall furnish the justice with a statement showing the average per diem cost of maintaining and supervising each child Society to furnish statement of per diem costs.

in its care during the immediately preceding fiscal year of the society as confirmed by the society's auditors and the Superintendent, and in the absence of evidence to the contrary such average cost shall be held to represent the reasonable cost of maintaining and supervising a child in the society's care, and the justice shall make his order in accordance with such statement.

Superintendent to furnish statement.

- (3) Before any order for payment is made under subsection (1) in favour of the Superintendent, the Superintendent shall furnish the justice with a statement showing the average per diem cost per child as specified in subsection (2) of each children's aid society, if any, operating in the Territory, as confirmed by the society's auditors in each case, but where there is no such society operating in the Territory the statement shall show the average per diem cost of maintaining and supervising the children who were in the Superintendent's care during the immediately preceding fiscal year, and the justice in making the order shall direct payment of an amount not less than the lowest and not greater than the highest such average per diem cost.

Parent may be made liable to Territory.

35. An order of committal under this Ordinance, in addition to directing payment by the Territory to any society or to the Superintendent to whose custody or control the child is committed of a reasonable sum, as specified in section 34, to cover the cost of maintaining and supervising the child, may also direct payment to the Territory by the parent of the child of any amount not exceeding the amount directed to be paid by the Territory.

Applications for variation of order.

36. (1) At any time after an order for payment is made under section 34, the Commissioner, children's aid society or Superintendent may apply to a justice for such variation of the order already made as the circumstances may warrant.

Applications by parent.

- (2) Any parent may make application to a justice as provided in subsection (1) for an order varying the amount payable by him under any order, or revoking the order, or varying or suspending in whole or in part the operation of the same in so far as it applies to him.

37. (1) Subject to subsection (2), where an order is made for any payment for the maintenance and supervision of a child, the period for which the payment shall be made commences at the time the child was apprehended, irrespective of the date of the order of committal of the child or the date of the order for payment, and continues so long as the child remains in the care of the society or the Superintendent and continues to be an expense to the society or the Superintendent, or until the child reaches the age of eighteen years, whichever is the earlier. Duration of payment.
- (2) The society or the Superintendent may, on giving ten clear days notice to the Commissioner, apply to the justice for an order extending the period of payment mentioned in subsection (1), and if the justice finds that there are circumstances justifying the extension of the period for which payment is to be made, he shall make an order accordingly. Application for extension of period.
38. The Territory is entitled to recover any amount that has been expended under this Ordinance from the parents of the child in respect of whom the expenditure was incurred. Right to recover from parents.
39. (1) Where a child is committed to the care of a society or the Superintendent by order of a justice, the Commissioner may authorize a payment of a reasonable amount for the maintenance and supervision of the child to any person to whom a society or the Superintendent has entrusted the care of the child, or to any society to which the Superintendent has delivered the child and by which the child is maintained. Commissioner may authorize payment.
- (2) All moneys authorized to be paid under this section shall be paid out of the Yukon Consolidated Revenue Fund. Payments out of Yukon revenue fund.
- (3) No payment shall be made under this section to a society that is not conducted in accordance with the requirements of this Ordinance. Saving provision.
40. Upon any order being made by a justice directing payment by the Territory to the Superintendent or to a children's aid society of the cost of maintaining and supervising a child Copy of order directing payment to be forwarded to Commissioner.

committed to the care of the Superintendent or of the society, a copy of the order under which the child has been committed shall be forwarded by registered letter by the clerk of the court to the Commissioner.

POWERS AND DUTIES OF JUSTICES

Attendance of witnesses.

41. A justice acting under this Ordinance has power to compel the attendance of witnesses.

Enforcement of orders.

42. An order made under this Ordinance may be enforced in the same manner as an order of a Judge.

Proceedings to be held *in camera*.

43. (1) The justice shall exclude from the room or place where an examination, prosecution, or proceeding under this Ordinance is being held all persons other than counsel, the witnesses in the case, officers of the law or of any children's aid society, the Superintendent or his representatives and the immediate friends and relatives of the child or parent in respect of whom the examination, prosecution, or proceeding is held.

Evidence of child.

(2) Except for the periods when it is necessary for the child to be present in order to be identified or in order to give evidence, a justice shall exclude from the room or place where an examination, prosecution or proceeding under this Ordinance is held the child in respect of whom the examination, prosecution or proceeding is held.

Presumption as to age of child.

44. Where a person is charged with an offence under this Ordinance in respect of a child who is alleged to be under any specified age and the child appears to the justice to be under that age, the child shall, for the purposes of this Ordinance, be deemed to be under that age unless the contrary is proved.

APPEALS

Appeals from orders directing payment.

45. Where an order has been made under section 34 by a justice or when the justice refuses to make any order thereunder, the applicant or the Commissioner may appeal from the decision of the justice to a Judge in the manner and time that an appeal from the decision of a police magistrate in a

civil action may be taken, and the Judge to whom such appeal is taken may affirm or reverse the order appealed from or make such other order as he deems proper.

GENERAL

46. The Commissioner may at any time discharge a child from the care of the Superintendent or any society to which it is committed, either absolutely or on such conditions as may be prescribed by him; but before discharging a child the Commissioner shall procure a report concerning the child, when the child is in the care of the Superintendent, from the Superintendent and, when the child is in the care of a society, from the society and the Superintendent.

Commissioner may discharge child.

47. The Commissioner may make, alter, or revoke regulations to be observed by any society and by the person in charge of any temporary home or shelter operated under the provisions of this Ordinance.

Rules of Commissioner.

48. No child apparently under the age of eighteen years who is held or brought before a justice for enquiry under any of the provisions of this Ordinance shall be placed, allowed to remain or confined with any adult prisoner in any lock-up or police cell used for ordinary criminals or persons charged with crime, nor, subject to section 49, shall any enquiry respecting such child be made or his case disposed of in any place ordinarily used as a police court room.

Temporary accommodation of child.

49. A justice shall, in making an enquiry under this Ordinance respecting a child brought before him for that purpose, dispose of the case where practicable in premises other than the ordinary police court premises, or, where such disposition is not practicable, in the private office of the justice if he has one, or some other room in a public building of the municipality, otherwise in the ordinary police court room, but in the last-mentioned case only after the other business of the court for the day has been disposed of.

Provision for separate hearing of enquiry.

50. Nothing in this Ordinance shall be held to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to a child.

Existing rights preserved.

Infants under the age of one.

51. Except as provided in this Ordinance, no person shall retain or receive for hire or reward more than one infant, or, in the case of twins, more than two infants, under the age of one year, for the purpose of nursing or maintaining such infants apart from their parents for a longer period than twenty-four hours.

Child deemed to be maintained by society.

52. For the purpose of this Ordinance, a child is deemed to be maintained by a society if it is wholly or partly maintained by it, either in a shelter or temporary home or in any other institution conducted, selected, or approved by the society, or is boarded out under the provisions of this Ordinance or any other Ordinance relating to the protection of children.

Liability to contribute towards maintenance of child.

53. Nothing in this Ordinance relieves the child itself or any other person liable for the child's maintenance from liability to contribute towards the maintenance of such child, and the fact of such contribution being made does not deprive a society of any power or right conferred on it by this Ordinance.

Application for production of child.

54. (1) Where a parent of a child applies to any court having jurisdiction in that behalf for a writ or an order for the production of the child, and the court finds that the parent or guardian has

- (a) abandoned or deserted the child;
- (b) allowed the child to be brought up by another person at the other person's expense, or by any children's aid society or other public or private institution, for such time and under such circumstances as to satisfy the court that the parent or guardian was unmindful of his duties;
- (c) surrendered, by instrument in writing, the custody of the child to another person, or to a children's aid society or other public or private institution; or
- (d) otherwise so conducted himself that the court should refuse to enforce his rights to the custody

of the child; the court may, in its discretion, decline to issue the writ or make the order unless satisfied that it would tend to the advantage and benefit of the child to do so.

- (2) If at the time of the application for a writ or order for the production of the child the child is being cared for by another person, or is boarded out by a society duly authorized in that behalf, the court may, in its discretion, if it orders the child to be given up to the parent, further order that the parent shall pay to such person or such society the whole of the costs properly incurred in caring for the child, or such portion thereof as may seem to the court to be just and reasonable, having regard to all the circumstances of the case.

Order may
reward
costs.

REPEAL

Repeal.

55. The following Ordinances are repealed:


- (i) *The Protection of Children Ordinance*, chapter 1 of the Ordinances of 1945; and
- (ii) *An Ordinance to amend the Protection of Children Ordinance*, chapter 5 of the Ordinances of 1952 (2nd session).

SCHEDULE
PROTECTION OF CHILDREN ORDINANCE
FORM A

We, the undersigned, all being of the full age of twenty-one years, and being Canadian citizens and residents within the area specified in article 3, in the Yukon Territory, do hereby make application for incorporation, as "The Children's Aid Society of....." under the provisions of the "Protection of Children Ordinance" and hereby adopt the following articles of incorporation:—

1. The Society shall be known as "The Children's Aid Society of.....".
2. The business and objects of the Society shall be the protection of children from cruelty, the amelioration of family conditions that tend to neglect of children, the care and protection of children in need of protection, and the enforcement, by all lawful means, of the laws relating thereto.
3. The jurisdiction of the Society shall be limited to the area enclosed by the following territorial boundaries. (Space for these boundaries to be set forth in detail.)
4. The number of directors of the Society shall be :
5. The names, addresses, and occupations of the first directors of the Society who shall hold office until the first annual meeting of the Society are:—
6. The annual meetings of the Society shall be held aton the day of.....in each year, until changed by by-law of the Society.

In witness whereof we have hereunto severally subscribed our names this.....day of.....in the year one thousand nine hundred and.....

In the presence of— 

CHAPTER 2

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE RESPECTING
PUBLIC AID TO HOSPITALS

(Assented to April 2nd, 1955.)

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

SHORT TITLE

1. This Ordinance may be cited as the *Hospital Aid Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "ambulant free patient" means a person who is not bedridden but is admitted to a hospital on the direction of the Territorial Treasurer for actual treatment and stay, the cost of which is to be paid out of the Yukon Consolidated Revenue Fund; "Ambulant free patient".
- (b) "free bed patient" means a person who is bedridden and is admitted to a hospital on the direction of the Territorial Treasurer for actual treatment and stay, the cost of which is to be paid out of the Yukon Consolidated Revenue Fund; "Free bed patient".
- (c) "hospital" means a hospital set out in the Schedule; "Hospital".
and
- (d) "partially free patient" means a person who is admitted to a hospital for actual treatment and stay, only part of the cost of which is paid in money or money's worth by or on behalf of such person. "Partially free patient".

GRANTS IN AID OF HOSPITALS

**Rules to
determine
amount of
aid.**

3. Where money is appropriated for the purposes of this Ordinance by the Commissioner in Council, there may be paid to every hospital that satisfies the requirements of this Ordinance and all orders of the Commissioner under this Ordinance in each year aid from the money in accordance with the following rules:

- (a) every such hospital shall receive not more than two dollars for each day's actual treatment and stay of every patient;
- (b) in addition to the amount provided under paragraph (a), every such hospital shall receive not more than five dollars for each day's actual treatment of every free bed patient and not more than three dollars for each day's actual treatment and stay for every ambulant free patient;
- (c) in addition to the amount provided under paragraph (a), every such hospital shall receive not more than five dollars for each day's actual treatment and stay during the calendar year, for which the aid is granted of every partially free patient, less the number of days represented by any money's worth given for the treatment by the patient; but no aid shall be granted in respect of any partially free patient until there has been filed with the Territorial Treasurer in respect of each patient a certificate of the attending medical practitioner that each day of the stay and treatment was necessary, and an application on behalf of the hospital for the aid with evidence to the satisfaction of the Territorial Treasurer that the hospital has made every reasonable effort to collect from the patient the full cost in money's worth of his treatment and stay and the reasons why the full cost could not be collected and the amount that was collected; and
- (d) every such hospital shall receive one-half the regular fee charged by the hospital for medicine, X-rays, operating room and similar fees, other than ward fees, for every free patient who stays at the hospital.

4. Where the aggregate aid payable under this Ordinance in any year exceeds the amount of money appropriated for the purpose, every hospital entitled to aid shall only receive such sum as will bear the same proportion to the amount of aid which but for this section it would receive as the amount of money so appropriated bears to such aggregate aid.

When appropriation insufficient.

REPORTS

5. All hospitals receiving aid under this Ordinance shall deliver quarterly reports to the Commissioner on the 1st day of January, April, July and October in each year, which reports shall contain an itemized account of all receipts from whatever sources and expenditures with respect to the maintenance of the hospital during the previous three months.

Reports by hospitals.

6. The Commissioner may require such reports to be made as he deems necessary and he may fix and direct the particulars to be contained in, and the form, manner and time of making reports, and he may also fix and direct the form and manner of the oath, affirmation or declaration required for the verification of any report and the person or persons by whom such oath shall be made.

Commissioner may require reports, fix form, etc.

7. Every person who is required to make a report under this Ordinance or by an order of the Commissioner and fails to do so or knowingly makes or assists in making a false report is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

False reports.

INSPECTION OF HOSPITALS

8. (1) The Commissioner may appoint one or more inspectors to visit and inspect every hospital set out in the Schedule.

Appointment of inspectors.

(2) An inspector appointed under subsection (1) shall inquire into the maintenance, management and affairs of a hospital and may, in effecting this purpose, examine the register, and use such other means as he deems necessary, and shall satisfy himself of the correctness of any return made to the Commissioner under this Ordinance.

Inspection.

POWERS OF COMMISSIONER

Commissioner
may vary
schedule.

9. The Commissioner may add to or vary the list of hospitals set out in the Schedule.

REPEAL

Repeal.

10. The following Ordinances are repealed:

- (i) *The Hospitals Ordinance*, chapter 43 of the Consolidated Ordinances, 1914;
- (ii) *An Ordinance to amend The Hospitals Ordinances*, chapter 4 of the Ordinances of 1948;
- (iii) *An Ordinance to amend The Hospitals Ordinance*, chapter 6 of the Ordinances of 1949 (1st session);
- (iv) *An Ordinance to amend The Hospitals Ordinance*, chapter 22 of the Ordinances of 1949 (2nd session);
- (v) *An Ordinance to amend The Hospitals Ordinance*, chapter 4 of the Ordinances of 1952 (2nd session), and
- (vi) *An Ordinance to amend The Hospitals Ordinance*, chapter 5 of the Ordinances of 1953 (1st session).

SCHEDULE

St. Mary's Hospital, Dawson.
Whitehorse General Hospital, Whitehorse.
Mayo General Hospital, Mayo.

CHAPTER 3

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE RESPECTING COMPENSATION
FOR FATAL ACCIDENTS

(Assented to April 2nd, 1955.)

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

SHORT TITLE

1. This Ordinance may be cited as the *Fatal Accidents Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance, Interpretation.
- (a) "administrator" means an administrator appointed by a Judge; "Administrator".
- (b) "child" includes son, daughter, grandson, granddaughter, stepson, stepdaughter, adopted child, and a person to whom the deceased stood *in loco parentis*; and "Child".
- (c) "parent" includes father, mother, grandfather, grandmother, stepfather, stepmother, a person who adopted a child, and a person who stood *in loco parentis* to the deceased. "Parent".

3. Where the death of a person has been caused by such wrongful act, neglect or default as, if death had not ensued, would have entitled the person injured to maintain an action and recover damages in respect thereof, the person who would have been liable if death had not ensued is liable to an action for damages notwithstanding the death of the person injured and although the death was caused under circumstances amounting in law to culpable homicide. Liability for damages.

Who benefits by action.

4. (1) An action brought under this Ordinance shall be for the benefit of the wife, husband, parent or child of the person whose death was so caused, and subject to section 8, shall be brought by and in the name of the executor or administrator of the deceased, and in every such action such damages may be awarded as proportioned to the injury resulting from the death to the persons respectively for whom and for whose benefit the action is brought; and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided among the before mentioned persons in such shares as may be determined at the trial.

Additional damages.

- (2) In an action brought under this Ordinance damages may also be awarded in respect of
- (a) any medical or hospital expenses of the person injured, which would have been recoverable as damages by the person injured if death had not ensued, and
 - (b) the funeral expenses of the deceased person where such expenses have been incurred by any of the parties for whom and for whose benefit the action is brought.

Exception.

- (3) Subsection (2) does not apply in relation to an action in respect of the death of any person before the commencement of this Ordinance.
- (4) In assessing the damages in the action there shall not be taken into account any sum paid or payable on the death of the deceased or any future premiums payable under any contract of assurance or insurance.

Payment into court.

5. The defendant may pay into court one sum of money as compensation for his wrongful act, neglect or default, to all persons entitled to such compensation without specifying the shares into which it is to be divided.

One action only for same cause.

6. Not more than one action lies for and in respect of the same subject matter of complaint, and every such action shall be commenced within twelve months after the death of the deceased person.

7. (1) The plaintiff shall, in his statement of claim, set forth or deliver therewith full particulars of the persons for whom and on whose behalf the action is brought. Particulars of beneficiaries.
- (2) There shall be filed with the statement of claim an affidavit by the plaintiff in which he shall state that to the best of his knowledge, information and belief the persons on whose behalf the action is brought, as set forth in the statement of claim or the particulars delivered, are the only persons entitled or who claim to be entitled to the benefit thereof. Affidavit.
- (3) The Judge before whom the action is brought may, if he is of opinion that there is sufficient reason for doing so, dispense with the filing of the affidavit. Exception.
8. (1) Where there is no executor or administrator of the deceased, or, there being an executor or administrator, no action is, within six months after the death of the deceased, brought by the executor or administrator, the action may be brought by all or any of the persons for whose benefit the action would have been if it had been brought by such executor or administrator. Action by persons beneficially interested.
- (2) Every action brought pursuant to this section shall be for the benefit of the same persons, and shall be subject to the same regulations and procedure, as nearly as may be, as if it were brought by such executor or administrator.
9. Where the compensation has not been otherwise apportioned, a Judge may apportion the same among the persons entitled, and may provide for the costs of the application. Apportionment.
10. Where actions are brought by or for the benefit of two or more persons claiming to be entitled, as wife, husband, parent or child of the deceased, the Judge before whom the actions or either of them are pending may make such order as he may deem just for the determination not only of the question of the liability of the defendant but of all questions as to the persons entitled under the provisions of this Ordinance to the damages, if any, that may be recovered. Actions by rival claimants.

Application
to Judge
respecting
settlement.

11. (1) Where an action is maintainable under the foregoing provisions of this Ordinance, and some or all of the persons for whose benefit the action is maintainable are infants, and where the executor or administrator of the person deceased has agreed, either before or after the commencement of an action, on a settlement of such claim or action, either the said executor or administrator or the person against whom the claim or action is made or brought, may, on ten days' notice to the opposite party, apply to a Judge for an order confirming the said settlement.
- (2) The Judge may on the application confirm or disallow the settlement, but, if the settlement is confirmed by him, the party against whom the claim is made or action brought shall be discharged from all further claims.
- (3) The Judge may also on the application order the money or a portion thereof to be paid into court or otherwise apportioned and distributed as he may deem best in the interests of those entitled thereto.

REPEAL

Repeal.

12. *An Ordinance respecting Compensation to the Families of Persons Killed by Accidents*, chapter 19 of the Consolidated Ordinances, 1914, is repealed.

CHAPTER 4

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO FACILITATE THE ENFORCEMENT
OF MAINTENANCE ORDERS

(Assented to April 2nd, 1955.)

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

SHORT TITLE

1. This Ordinance may be cited as the *Reciprocal Enforcement of Maintenance Orders Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance, Definitions.
- (a) "certified copy", in relation to an order of a court, means a copy of the order certified by the proper officer of the court to be a true copy; "Certified copy".
- (b) "court" means an authority having statutory jurisdiction to make maintenance orders; "Court".
- (c) "dependants" means the persons that a person against whom a maintenance order has been made is liable to maintain according to the law in force in the place where the maintenance order was made; "Dependants".
- (d) "maintenance order" means an order, other than an order of affiliation, for the periodical payment of money towards the maintenance of the wife or other dependants of the person against whom the order was made; and "Maintenance order".
- (e) "reciprocating state" means a jurisdiction declared under section 14 to be a reciprocating state. "Reciprocating state".

ENFORCEMENT OF MAINTENANCE ORDERS MADE IN
RECIPROCATING STATES

Enforcement in Territory of maintenance orders made elsewhere.

3. (1) Where either before or after the coming into force of this Ordinance a maintenance order has been made against a person by a court in a reciprocating state and a certified copy of the order has been transmitted by the proper officer of the reciprocating state to the Commissioner, the Commissioner shall send a certified copy of the order for registration to the proper officer of a court in the Territory designated by the Commissioner as a court for the purposes of this section, and on receipt thereof the order shall be registered.

Effect of registration.

(2) An order registered under subsection (1) has, from the date of its registration, the same force and effect, and, subject to this Ordinance, all proceedings may be taken thereon, as if it had been an order originally obtained in the court in which it is so registered, and that court has power to enforce the order accordingly.

Where order expressed in foreign currency.

(3) A maintenance order that makes payable a sum of money expressed in a currency other than the currency of Canada shall not be registered until the court in which it is sought to register the order has determined the equivalent of that sum in the currency of Canada, and upon its registration the order shall be deemed to be an order for the payment of the sum so determined.

MAINTENANCE ORDERS AGAINST NON-RESIDENTS

Transmission of maintenance orders made in Territory.

4. Where either before or after the coming into force of this Ordinance a court in the Territory has made a maintenance order against a person and it is proved to the court that the person against whom the order was made is resident in a reciprocating state, the court shall, on the request of the person in whose favour the order was made, send a certified copy of the order to the Commissioner for transmission to the proper officer of the reciprocating state.

Provisional maintenance orders against persons residing outside the Territory.

5. (1) Where an application is made to a court in the Territory for a maintenance order against a person and it is proved that that person is resident in a reciprocating state,

cating state, the court may, in the absence of that person and without service of notice on him, if after hearing the evidence it is satisfied of the justice of the application, make any maintenance order that it might have made if a summons had been duly served on that person and he had failed to appear at the hearing; but an order so made is provisional only and has no effect until it is confirmed by a competent court in the reciprocating state.

- (2) Where the evidence of a witness who is examined on an application mentioned in subsection (1) is not taken in shorthand, the evidence shall be put into the form of a deposition, and the deposition shall be read over and signed by the witness and also by the judge or other person presiding at the hearing. Depositions and transcripts.

- (3) Where an order has been made pursuant to subsection (1), Preparation of statements and transmission of documents to Commissioner.
 - (a) the court shall prepare,
 - (i) a statement showing the grounds on which the making of the order might have been opposed if the person against whom the order was made had been duly served with a summons and had appeared at the hearing, and
 - (ii) a statement showing the information that the court possesses for facilitating the identification of the person against whom the order was made and ascertaining his whereabouts; and
 - (b) the court shall send to the Commissioner for transmission to the proper officer of the reciprocating state,
 - (i) a certified copy of the order,
 - (ii) the depositions or a certified copy of the transcript of the evidence, and
 - (iii) the statements referred to in paragraph (a).

Power to
take new
evidence
on renvoi.

(4) Where a provisional order made under this section has come before a court in a reciprocating state for confirmation and the order has by that court been remitted to the court in the Territory that made the order for the purpose of taking further evidence, the court in the Territory shall, after giving the notice prescribed by the rules, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

Further
powers on
renvoi.

(5) Where upon the hearing of the evidence taken under subsection (4) it appears to the court in the Territory that the order ought not to have been made, the court may rescind the order, but in any other case the depositions or a certified copy of the transcript of the evidence, if it was taken in shorthand, shall be sent to the Commissioner and dealt with in like manner as the depositions or transcript of the original evidence.

Power of
original
court to vary
or rescind.

(6) The confirmation of an order made under this section does not affect any power of the court that originally made the order to vary or rescind the order, but an order varying an original order has no effect until it is confirmed in like manner as the original order.

Transmission
of varying
or rescinding
order.

(7) Where, after an order made under this section is confirmed, the court that originally made the order makes a varying or rescinding order, that court shall send a certified copy thereof, together with the depositions or a certified copy of the transcript of any new evidence adduced before the court, to the Commissioner for transmission to the proper officer of the reciprocating state in which the original order was confirmed.

Right of
appeal.

(8) An applicant for a provisional order under this section has the same right of appeal, if any, against a refusal to make the order as he would have had against a refusal to make the order if a summons had been duly served on the person against whom the order is sought to be made.

CONFIRMATION OF MAINTENANCE ORDERS MADE IN
RECIPROCATING STATES

6. (1) Where,

- (a) a maintenance order has been made by a court in a reciprocating state and the order is provisional only and has no effect until confirmed by a court in the Territory;
- (b) a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed if the person against whom the order was made had been a party to the proceedings is received by the Commissioner; and
- (c) it appears to the Commissioner that the person against whom the order was made is resident in the Territory;

Confirmation of maintenance orders made outside the Territory.

the Commissioner may send the documents to a court designated by him as a court for the purposes of this section, and upon receipt of the documents the court shall issue a summons calling upon the person against whom the order was made to show cause why the order should not be confirmed, and cause it to be served upon such person.

- (2) At a hearing under this section the person on whom the summons was served may raise any defence that he might have raised in the original proceedings if he had been a party thereto, but no other defence; and the statement from the court that made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings is conclusive evidence that those grounds are grounds on which objection may be taken.
- (3) Where, at a hearing under this section, the person who was served with the summons does not appear or, having appeared, fails to satisfy the court that the order

Right of defence on application for confirmation.

Power to confirm with or without modification.

ought not to be confirmed, the court may confirm the order either without modification or with such modifications as the court after hearing the evidence considers just.

Power to remit to court that made provisional order.

- (4) Where the person against whom a summons was issued under this section appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court that made the provisional order for the taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

Variation or rescission of order that has been confirmed.

- (5) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming court, and where on an application for rescission or variation the court is satisfied that it is necessary to remit the case to the court that made the order for the purpose of taking further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

Right of appeal.

- (6) Where an order has been confirmed under this section, the person bound thereby has the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order if the order had been an order made by the court confirming the order.

Effect of confirmation.

- (7) An order confirmed under this section has, from the date of its confirmation, the same force and effect, and, subject to this Ordinance, all proceedings may be taken thereon, as if it had been an order originally obtained in the court in which it is so confirmed, and that court has power to enforce the order accordingly.

GENERAL

Enforcement of order.

7. A court in which an order has been registered under this Ordinance or by which an order has been confirmed under this Ordinance, and the officers of the court, shall take all proper steps for enforcing the order.

8. Where under this Ordinance a document is sent to the Commissioner for transmission to the proper officer of a reciprocating state, the Commissioner shall transmit the document accordingly.

Transmission of documents by Commissioner to reciprocating state.

9. The Commissioner may make rules prescribing the practice and procedure, including costs, under this Ordinance.

Rules of practice.

10. A document purporting to be signed by a judge or officer of a court in a reciprocating state shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the court to sign the document.

Proof of documents signed by officer of court.

11. Depositions or transcripts from shorthand of evidence taken in a reciprocating state, for the purposes of this Ordinance, may be received in evidence before the court in the Territory under this Ordinance.

Depositions to be evidence.

12. Where a maintenance order sought to be registered or confirmed under this Ordinance is in a language other than the English language, the maintenance order or a certified copy thereof shall have attached thereto for all purposes of this Ordinance a translation in the English language approved by the court, and upon such approval being given the maintenance order shall be deemed to be in the English language.

Where order in foreign language.

13. Nothing in this Ordinance deprives a person of the right to obtain a maintenance order instead of proceeding under this Ordinance.

Saving.

14. (1) Where the Commissioner is satisfied that reciprocal provisions will be made by a jurisdiction in or outside Canada for the enforcement therein of maintenance orders made within the Territory, the Commissioner may by order declare it to be a reciprocating state for the purposes of this Ordinance.

Designation of reciprocating states.

(2) The Commissioner may revoke any order made under subsection (1) and thereupon the jurisdiction with respect to which the order was made ceases to be a reciprocating state for the purposes of this Ordinance.

Revocation of designation.

REPEAL

Repeal.

15. The following Ordinances are repealed:

- (i) *The Maintenance Orders (Facilities for Enforcement) Ordinance*, chapter 1 of the Ordinances of 1950 (1st session); and
- (ii) *The Maintenance Orders (Facilities for Enforcement) Ordinance* 1951, chapter 1 of the Ordinances of 1951 (1st session).

CHAPTER 5

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE RESPECTING
WITNESSES AND EVIDENCE

(Assented to April 2nd, 1955.)

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

SHORT TITLE

1. This Ordinance may be cited as the *Evidence Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance, Definitions.
- (a) "action" includes any civil proceeding, inquiry, arbitration and a prosecution for an offence committed against an Ordinance of the Territory or against a by-law or regulation made under the authority of any such Ordinance, and any other prosecution or proceeding authorized or permitted to be tried, heard, had or taken by or before a court under the law of the Territory; "Action".
- (b) "bank" means a bank to which the *Bank Act* applies, and includes a branch, agency and office of a bank; "Bank".
- (c) "country" includes kingdom, empire, republic, commonwealth, state, province, territory, colony, possession, or protectorate and, where parts of a country are under both a central and a local legislature, includes all parts under the central legislature and each part under a local legislature; "Country".
- (d) "country of the British Commonwealth" means Australia, Ceylon, India, New Zealand, Pakistan and "Country of the British Commonwealth".

the Union of South Africa, and all colonies, dependencies or territories of any of such countries or of the United Kingdom or of Canada;

- "Court". (e) "court" includes an arbitrator, umpire, commissioner, Judge of the Territorial Court, justice of the peace or other officer or person having by law or by consent of parties authority to hear, receive and examine evidence;
- "Document". (f) "document" includes book, map, plan, drawing or photograph;
- "Federal". (g) "federal" as applied to state documents, means of or pertaining to Canada;
- "Foreign State". (h) "foreign State" includes every country other than the United Kingdom, Canada and a country of the British Commonwealth;
- "Imperial". (i) "Imperial" as applied to state documents, means of or pertaining to the United Kingdom, and includes any kingdom that includes England, whether known as the United Kingdom of Great Britain and Ireland or otherwise;
- "Imperial Parliament". (j) "Imperial Parliament" means the Parliament of the United Kingdom and includes the Parliament of any kingdom that included England, whether known as the United Kingdom of Great Britain and Ireland or otherwise;
- "Legislature". (k) "legislature" includes any legislative body or authority competent to make laws for a country;
- "Province". (l) "province" means a province or territory of Canada;
- "Queen's Printer". (m) "Queen's Printer" includes government printer or other official printer;
- "State document". (n) "state document" includes,
- (i) any Act or ordinance enacted or made or purporting to have been enacted or made by legislature,

- (ii) any order, regulation, notice, appointment, warrant, licence, certificate, letters patent, official record, rule of court, or other instrument issued or made or purporting to have been issued or made under the authority of any Act or Ordinance so enacted or made, and
- (iii) any official gazette, journal, proclamation, treaty, or other public document or act of state issued or made or purporting to have been issued or made;
- (o) "statement" includes any representation of fact, whether made in words or otherwise; and "Statement".
- (p) "statutory declaration" or "solemn declaration" means a solemn declaration in the form and manner provided in the *Canada Evidence Act*. "Statutory declaration"
"Solemn declaration".

COMPETENCY OF WITNESSES AND PRIVILEGES

3. A person is not incompetent to give evidence by reason of crime or interest. Not incompetent from interest or crime.
4. Except as provided in this Ordinance, the parties to an action and the persons on whose behalf an action is brought, instituted, opposed or defended, and their spouses are competent and compellable to give evidence on behalf of themselves or of any of the parties. Evidence of parties.
5. Without limiting the generality of section 4 a husband or wife may, in an action, give evidence that he or she did or did not have sexual intercourse with the other party to the marriage at any time or within any period of time before or during the marriage. Husband and wife.
6. No witness in an action, whether a party thereto or not, is liable to be asked or is bound to answer any question tending to show that he or she has been guilty of adultery unless he or she has already given evidence in the same action in disproof of the alleged adultery. Evidence as to adultery.
7. A husband is not compellable to disclose a communication made to him by his wife during marriage, nor is a wife compellable to disclose a communication made to her by her husband during marriage. Communication made during marriage.

Witness.

8. (1) In this section “witness” includes a person who, in the course of an action is examined *viva voce* on discovery or who is cross-examined upon an affidavit made by him or who answers any interrogatories or makes an affidavit as to documents.

Incriminating questions.

(2) A witness shall not be excused from answering a question or producing a document upon the ground that the answer to the question or the production of the document may tend to criminate him, or may tend to establish his liability to an action at the instance of the Crown or of any person.

Evidence not to be used.

(3) Where, with respect to a question, or the production of a document, a witness objects to answer or to produce upon any of the grounds mentioned in subsection (2) and, but for this section or any Act of the Parliament of Canada, he would have been excused from answering the question, or from producing the document then, although the witness is by reason of this section or by reason of any Act of the Parliament of Canada compelled to answer or produce, the answer so given or the document so produced shall not be used or receivable in evidence in any legal proceeding thereafter taking place against him.

ATTENDANCE OF WITNESS

No person need attend as witness unless he receives proper witness fees, etc.

9. No person is obliged to attend or give evidence in an action unless he is tendered his proper witness fees and necessary travelling expenses.

EXPERT EVIDENCE

Number of expert witnesses.

10. Where it is intended by any party to an action to examine as witnesses professional or other experts entitled according to law or practice to give opinion evidence, not more than three of such witnesses may be called by either side to give opinion evidence on any issue in the action without the leave of the court.

A written report may be admitted as evidence.

11. A written report or finding of facts prepared by an expert not being a party to the action nor an employee of a party except for the purpose of making such report or find-

ing nor financially interested in the result of the controversy, and containing the conclusions resulting wholly or partly from written information furnished by the co-operation of several persons acting for a common purpose, is, in so far as the same may be relevant, admissible when testified to by the person or one of the persons making such report or finding, without calling as witnesses the persons furnishing the information and without producing the books or other writings on which the report or finding is based, if, in the opinion of the court, no substantial injustice will be done the opposite party.

12. A person who has furnished information on which a report or finding referred to in section 11 is based, may be cross-examined by the adverse party, but the fact that his testimony is not obtainable does not render the report or finding inadmissible unless the court finds that substantial injustice would be done to the adverse party by its admission.

Person making a report may be cross-examined.

13. (1) Except as provided in subsection (2), a report or finding referred to in section 11 is not admissible unless the party offering it gives notice to the adverse party a reasonable time before trial of his intention to offer it together with a copy of the report or finding or so much thereof as may relate to the controversy and also affords him a reasonable opportunity to inspect and copy any records or other documents in the offering party's possession or control on which the report or finding was based and also the names of all persons furnishing facts upon which the report or finding was based.

Report not admissible unless notice given.

(2) The report or finding may be admitted if the court finds that no substantial injustice would result from the failure to give the notice referred to in subsection (1).

Court may admit.

CORROBORATIVE EVIDENCE

14. The plaintiff in an action for breach of promise of marriage shall not obtain a verdict or judgment unless his or her testimony is corroborated by some other material evidence in support of the promise.

Breach of promise of marriage.

Action by or against representatives of a deceased person.

15. In an action by or against the heirs, next of kin, executors, administrators or assigns of a deceased person, an opposite or interested party shall not on his own evidence obtain a verdict, judgment or decision, in respect of any matter occurring before the death of the deceased person, unless such evidence is corroborated by some other material evidence.

Action by or against a lunatic, etc.

16. In an action by or against a lunatic so found or an inmate of a lunatic asylum, or a person who from unsoundness of mind is incapable of giving evidence, an opposite or interested party shall not obtain a verdict, judgment, or decision on his own evidence, unless such evidence is corroborated by some other material evidence.

Evidence of a child of tender years.

17. No action shall be decided upon the evidence of a child of tender years given under the authority of section 23 unless such evidence is corroborated by some other material evidence.

OATHS AND AFFIRMATIONS

Court may administer.

18. (1) Every court has power to administer or cause to be administered an oath or affirmation to every witness who is called to give evidence before the court.

Person before whom oath, etc., is directed to be made may administer.

(2) Where an oath, affirmation or declaration is directed to be made before a person, he has full power and authority to administer it and to certify to its having been made.

Manner of administering oath.

19. An oath may be administered to any person

- (a) while such person holds in his hand a copy of the Old or New Testament, without requiring him to kiss the same; or
- (b) in such manner and form and with such ceremonies as he declares to be binding on his conscience.

Form of oath, etc.

20. (1) Where a person is about to give evidence, the oath may be in the following form :

“I (you) swear that the evidence to be given by me (you) shall be the truth, the whole truth, and nothing but the truth. So help me (you) God.”

- (2) Where a person is about to swear an affidavit or deposition, the oath may be in the following form :

“I (you) swear that the contents of this affidavit or deposition are true. So help me (you) God.”

21. (1) Where a person called or desiring to give evidence objects on grounds of conscientious scruples to take an oath, or is objected to as incompetent to take an oath, the person may make the following affirmation. Form of affirmation.

“I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth, and nothing but the truth.”

- (2) Where a person makes an affirmation, his evidence shall be taken and have the same effect as if taken under oath. Effect of affirmation.

- (3) Where a person required or desiring to make an affidavit or deposition in an action or on an occasion where or touching a matter respecting which an oath is required or is lawful, whether on the taking of office or otherwise, refuses or is unwilling on grounds of conscientious scruples to be sworn, the court, or other officer or person qualified to take affidavits or depositions shall permit the person, instead of being sworn, to make his affirmation in the words, “I solemnly affirm” which affirmation is of the same force and effect as if the person had taken an oath in the usual form. Affirmations instead of affidavits.

22. Where an oath has been administered and taken, the fact that the person to whom it was administered and by whom it was taken did not at the time of taking the oath believe in the binding effect of the oath does not, for any purpose, affect the validity of the oath. Validity of oath, no religious belief.

23. In any action where a child of tender years is tendered as a witness, and the child does not, in the opinion of the court, understand the nature of an oath, the evidence of the Evidence of child of tender years.

child may be received, though not given upon oath, if, in the opinion of the court, the child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth.

EXAMINATION AND EVIDENCE OF WITNESSES

Evidence of mutes.

24. A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible.

Proof of contradictory written statements.

25. A witness may be cross-examined as to previous statements made by him in writing, or reduced into writing, relative to the matter in question, without the writing being shown to him; but if it is intended to contradict him by the writing, his attention shall, before the contradictory proof is given, be called to those parts of the writing that are to be used for the purpose of so contradicting him; and the court may require the production of the writing for the court's inspection, and may thereupon make such use of it for the purposes of the trial or proceeding as the court may think fit.

Proof of contradictory oral statements.

26. Where a witness, upon cross-examination as to a former statement made by him relative to the matter in question, and inconsistent with his previous evidence, does not distinctly admit that he did make the statement, proof may be given that he did in fact make it; but before the proof is given the circumstances of the supposed statement sufficient to designate the particular occasion shall be mentioned to the witness, and he shall be asked whether or not he did make the statement.

Proof of previous conviction of a witness.

27. (1) A witness may be asked whether he has been convicted of any offence, and upon being so asked, if he either denies the fact or refuses to answer, the conviction may be proved.

Certificate of conviction.

(2) A certificate containing the substance and effect only, omitting the formal part, of the charge and of the conviction, purporting to be signed by the officer having the custody of the records of the court in which the offender was convicted, or by the deputy of the

officer, is, upon proof of the identity of the witness as the offender, sufficient evidence of the conviction, without proof of the signature or of the official character of the person appearing to have signed the certificate.

28. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may contradict him by other evidence, or if the witness in the opinion of the court proves adverse, the party may by leave of the court cross-examine him and may prove that the witness made at some other time a statement inconsistent with his present testimony; before such proof is given the circumstances of the statement sufficient to designate the particular occasion shall be mentioned to the witness and he shall be asked whether or not he did make the statement.

Discrediting
one's own
witness.

JUDICIAL NOTICE AND PROOF OF STATE DOCUMENTS

29. Judicial notice shall be taken of

- (a) Acts of the Imperial Parliament,
- (b) Acts of the Parliament of Canada,
- (c) Ordinances made by the Governor in Council of Canada,
- (d) Ordinances of the legislature of, or other legislative body or authority competent to make laws for, any province,
- (e) Acts and Ordinances of the legislature of, or other legislative body or authority competent to make laws for, any country of the British Commonwealth.

Judicial
notice
taken of
Statutes and
Ordinances.

30. (1) The existence and the whole or any part of the contents of any Imperial state document may be proved

Proof of
Imperial state
document.

- (a) in the same manner as the same may from time to time be provable in any court in England;
- (b) by the production of a copy of the Canada Gazette or a volume of the Acts of the Parliament of Canada purporting to contain a copy of or an extract from the same or a notice thereof;

English mode.

Gazette.

Copy by
Queen's
Printer.

(c) by the production of a copy thereof or an extract therefrom purporting to be printed by or for or by authority of the Queen's Printer for Canada or for any province; or

Copy by
Minister.

(d) by the production of a copy thereof or an extract therefrom purporting to be certified as a true copy or extract by the minister or head or by the deputy minister or deputy head of any department of the Imperial Government; or

Copy by
custodian.

(e) by the production of a copy thereof or an extract therefrom purporting to be certified as a true copy or extract by the custodian of the original document or the public records from which the copy or extract purports to be made.

Proof of
federal or
provincial
state
document.

(2) The existence and the whole or any part of the contents of any federal or provincial state document may be proved

Gazette.

(a) by the production of a copy of the Canada Gazette or of the official gazette of any province or of a volume of the Acts of the Parliament of Canada or of the legislature of any province purporting to contain a copy of the State document or an extract therefrom or a notice thereof;

Copy by
Queen's
Printer.

*See
s. 2(2)(c)*

(b) by the production of a copy thereof or an extract therefrom purporting to be printed by or for or by authority of the Queen's Printer for Canada or for any province; or

Copy by
Minister or
custodian.

(c) by the production of a copy thereof or an extract therefrom, whether printed or not, purporting to be certified as a true copy or extract by the minister or head, or the deputy minister or deputy head, of any department of government of Canada or of any province, or by the custodian of the original document or the public records from which the copy or extract purports to be made, or purporting to be an exemplification of the state document under the Great Seal or other state seal of the British possession or of the foreign state.

- (3) The existence and the whole or any part of the contents of any state document of a country of the British Commonwealth or foreign state may be proved
- Proof of state document of country of the British Commonwealth or foreign state.**
- (a) by the production of a copy thereof or an extract therefrom, purporting to be printed by or by the authority of the legislature, government, Queen's Printer, government printer, or other official printer of the country of the British Commonwealth or of the foreign state; or
- Copy by official printer.**
- (b) by the production of a copy thereof or an extract therefrom, whether printed or not, purporting to be certified as a true copy or extract by the minister or head, or the deputy minister or deputy head, of any department of the government of the country of the British Commonwealth or of the foreign state, or by the custodian of the original document or the public records from which the copy or extract purports to be made, or purporting to be an exemplification of the state document under the Great Seal or other state seal of the country of the British Commonwealth or of the foreign state.
- Copy by custodian.**
- (4) It is not necessary to prove the signature or official position of the person by whom any copy or extract that is tendered in evidence under this section purports to be certified, or to prove that the original document or the public records from which the copy or extract purports to be made were deposited or kept in the custody of the person so certifying; and where a copy or extract that is tendered in evidence under this section purports to be printed by or for or under the authority of a legislature or government, or of a Queen's Printer, government printer, or other official printer, it is not necessary to prove the authority, status, or official position of the legislature or government or of the Queen's Printer, government printer, or other official printer.
- Proof of signature of office unnecessary.**

EVIDENCE OF OTHER PUBLIC AND CORPORATION DOCUMENTS

Copies of public books and documents.

31. Where a book or other document is of so public a nature as to be admissible in evidence on its mere production from the proper custody, and no other Ordinance exists that renders its contents provable by means of a copy, a copy thereof or extract therefrom is admissible in evidence, if it is proved that it is a copy or extract or if it purports to be certified to be a true copy or extract by the officer to whose custody the original has been entrusted, without any proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

Proof of corporation documents.

32. Where an original document, by-law, rule, regulation, or proceeding, or any entry in any register or other book of any corporation created by charter or by or under any statute or ordinance of Canada or of any province is of so public a nature as to be admissible in evidence a copy of the document, by-law, rule, regulation or proceeding or of the entry purporting to be certified under the seal of the corporation, and the hand of the presiding officer, clerk, or secretary thereof, is admissible in evidence without proof of the seal of the corporation or of the signature or of the official character of the person appearing to have signed the same, and without further proof thereof.

Proof of order of Governor General.

33. An order in writing signed by the Secretary of State of Canada, and purporting to be written by command of the Governor General is admissible in evidence as the order of the Governor General, without any proof that the person signing the same is the Secretary of State of Canada or of the signature of such person, and without proof thereof.

Proof of order of Lieutenant Governor of a province, etc.

34. An order in writing signed by a provincial secretary or other corresponding officer of a province and purporting to be written by command of the Lieutenant Governor or other person in whom the executive powers are vested is admissible in evidence as the order of the Lieutenant Governor, or such other person without any proof of the official position of the person signing the same or of the signature of such person, and without further proof thereof.

35. All copies of official and other notices, advertisements, and documents printed in the Canada Gazette or the official gazette of a province are *prima facie* evidence of the originals, and of the contents thereof.

Copies in
Canada
Gazette
prima facie.

36. A copy of an entry, or a statement of the absence thereof in any document belonging to or deposited or kept in any office or department of the Government of Canada or of a province or in the office of any commission, board or other branch of the public service of Canada or of a province is admissible as evidence of the entry, and of the matters, transactions and accounts therein recorded, or of the absence thereof respectively, if it is proved by the oath or affidavit of an officer of the office or department or of the commission, board or other branch of any such public service that

Entries in
departmental
books.

- (a) the document was at the time of the making of the entry, or during the time covered by the statement, one of the ordinary documents kept in such office or department, commission, board or other branch of any such public service;
- (b) the entry was made, or in the case of its absence would have been made, in the usual and ordinary course of business of such office or department, commission, board or branch; and
- (c) such copy is a true copy thereof or that such statement of absence is a true statement.

37. Where a document is in the official possession, custody or power of a member of the Executive Council of a province or of the Commissioner or of the head of a department of the public service of Canada or of a province, if the deputy head or other officer of the department or an officer in the public service of Canada or the province has the record, document, plan, book or paper in his personal possession, and is called as a witness, he is entitled, acting herein by the direction and on behalf of the member of the Executive Council, the Commissioner or head of the department, to object to produce the record, document, plan, book or paper on the ground that it is privileged; and the objection may be taken by him in the same manner, and shall have the same effect, as if the

Privilege in
case of
official
documents.

member of the Executive Council, the Commissioner or head of the department were personally present and made the objection.

Definition of "business".

38. (1) In this section, "business" includes every kind of business, profession, occupation or calling, whether carried on for profit or not.

Proof of record of an act, event, or condition of any business.

(2) A record in any business of an act, condition or event, is, in so far as relevant, admissible in evidence, if the custodian of the record or other qualified person testifies to its identity and the mode of its preparation, and to its having been made in the usual and ordinary course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the source of information, method and time of preparation were such as to justify its admission.

Definitions.

39. (1) In this section,

"Person".

- (a) "person" includes,
 - (i) the government of Canada and of any province and any department, commission, board or branch of any such government,
 - (ii) a corporation, and
 - (iii) the heirs, executors, administrators or other legal representatives of a person; and

"Photographic film".

(b) "photographic film" includes any photographic plate, microphotographic film and photostatic negative and "photograph" shall have a corresponding meaning.

Photographic print admissible as evidence.

(2) Where a bill of exchange, promissory note, cheque, receipt, instrument, agreement, document, plan or a record or book, or entry therein kept or held by any person,

- (a) is photographed in the course of an established practice of such person of photographing objects of the same or a similar class in order to keep a permanent record thereof; and

- (b) is destroyed by or in the presence of the person or of one or more of his employees or delivered to another person in the ordinary course of business or lost;

a print from the photographic film is admissible in evidence in all cases and for all purposes for which the object photographed would have been admissible.

- (3) Where a bill of exchange, promissory note, cheque, receipt, instrument, agreement or other executed or signed document was so destroyed before the expiration of six years from
 - (a) the date when in the ordinary course of business either the object or the matter to which it related ceased to be treated as current by the person having custody or control of the object; or
 - (b) the date or receipt by the person having custody or control of the object of notice in writing of any claim in respect of the object or matter prior to the destruction of the object;

Court may refuse to admit print.

whichever is the later date, the court may refuse to admit in evidence under this section a print from a photographic film of the object.

- (4) Where the photographic print is tendered by a government or the Bank of Canada, subsection (3) does not apply.
- (5) Proof of compliance with the conditions prescribed by this section may be given by any person having knowledge of the facts either orally or by affidavit sworn before a notary public or a commissioner for oaths and unless the court otherwise orders, a notarial copy of any such affidavit is admissible in evidence in lieu of the original affidavit.

Except in case of Government or the Bank of Canada.

Proof of compliance with conditions.

EVIDENCE OF JUDICIAL PROCEEDINGS

- 40. (1) In this section "justice" means justice of the peace and includes two or more justices if two or more justices act or have jurisdiction, and also a magistrate.

Definition of "justice".

a police magistrate, a Judge of the Territorial Court and any person having the power or authority of two or more justices of the peace.

Proof of proceedings in a court of record.

- (2) Evidence of any proceeding or record in, of or before any court of record in the United Kingdom, or the Supreme Court of Canada or the Exchequer Court of Canada, or any court of record or any justice or coroner in a province or in any country of the British Commonwealth, or any court of record of any foreign state, may be made in any action by an exemplification or certified copy thereof, purporting to be under the seal of the court or under the hand and seal of the justice or coroner as the case may be, without any proof of the authenticity of the seal or of the signature of the justice or coroner, or other proof; and if the court, justice or coroner has no seal, and so certifies, then the evidence may be made by a copy purporting to be certified under the signature of a judge or presiding justice of the court, or of the justice or coroner, without any proof of the authenticity of the signature or other proof.

NOTARIAL DOCUMENTS OF QUEBEC

Copies of notarial acts in Quebec.

41. (1) A copy of a notarial act or instrument in writing made in the Province of Quebec, before a notary and filed, enrolled or enregistered by the notary, certified by a notary or prothonotary to be a true copy of the original thereby certified to be in his possession as such notary or prothonotary, is admissible in evidence in the place and stead of the original, and has the same force and effect as the original would have if produced and proved.

Proof by certified copy may be rebutted.

- (2) The proof by the certified copy may be rebutted, or set aside by proof that there is no such original, or that the copy is not a true copy of the original in some material particular, or that the original is not an instrument of such nature as may, by the law of the Province of Quebec, be taken before a notary, or be filed, enrolled or enregistered by a notary.

- (3) No copy of a notarial act or instrument, as provided in this section shall be received in evidence upon any trial unless the party intending to produce the same has, before the trial, given to the party against whom it is intended to be produced reasonable notice of such intention and the reasonableness of the notice shall be determined by the court, but the notice shall not in any case be less than ten days. Notice.

PROTESTS OF BILLS AND NOTES

42. The production in any court of any protest, wherever made, under the hand or seal of one or more notaries public, of a bill of exchange or promissory note, is *prima facie* evidence of the making of such protest, and of the statements therein contained. Production of protest by notary public of bill of exchange, etc.

43. Any note, memorandum, or certificate made by a notary, or firm of notaries, in Canada, in the handwriting of the notary, or a member of the firm, signed by the notary or firm at the foot of or embodied in any protest, or in a regular register of official acts kept by such notary or firm, is *prima facie* evidence of the fact of notice of non-acceptance of a bill of exchange or promissory note having been sent or delivered at the time, and in the manner stated in such note, certificate or memorandum. Any note, etc., made by notary public *prima facie* evidence of non-acceptance, etc., of bill of exchange, etc.

BANK BOOKS

44. (1) Subject to this section, a copy of an entry in any book or record kept in a bank is in all actions to which the bank is not a party, *prima facie* evidence of the entry, and of the matters, transactions, and accounts therein recorded. Copy of bank book, etc., as evidence.
- (2) A copy of an entry in such book or record shall not be received in evidence under this section unless it is first proved that the book or record was, at the time of the making of the entry, one of the ordinary books or records of the bank, that the entry was made in the usual and ordinary course of business, that the book or record is in the custody or control of the bank or its successor, and that the copy is a true copy, and such proof may be given by the manager or accountant Proof.

or a former manager or accountant of the bank or its successor, and may be given orally or by affidavit.

Bank and officers when bank not a party.

(3) A bank or officer of a bank is not, in any action to which the bank is not a party, compellable to produce any book or record the contents of which can be proved under this section, or to appear as a witness to prove the matters, transactions, and accounts therein recorded, unless by order of the court made for special cause.

Order for inspection.

(4) On the application of any party to any action the court may order that the party be at liberty to inspect and take copies of any entries in the books or records of the bank for the purposes of the action; the person whose account is to be inspected shall be notified of the application at least two clear days before the hearing thereof, and, if it is shown to the satisfaction of the court that the person cannot be notified personally, the notice may be given by addressing the same to the bank.

Costs.

(5) The costs of an application to a court under or for the purpose of this section, and the costs of anything done or to be done under an order of a court made under or for the purposes of this section, are in the discretion of the court; and the court may order the costs or any part thereof to be paid to any party by the bank where they have been occasioned by any act or omission of the bank; any such order against a bank may be enforced as if the bank were a party to the action.

WILLS

Method of proving wills.

45. (1) Letters probate of a will, or letters of administration with a will annexed, or a copy thereof certified under the seal of the court of the province in which the probate or letters of administration were granted, are admissible as evidence of the original will and of the death of the testator without any proof of the authenticity of the seal of the court or of the signature of the officer of the court purporting to certify the same, but the court may, upon due cause shown upon affidavit, order the original will to be produced in evidence or may direct such other proof of the original

will as under the circumstances appears necessary or reasonable for testing the authenticity of the alleged original will and its unaltered condition and the correctness of the prepared copy.

- (2) Letters probate of a will or letters of administration with a will annexed, or a copy thereof certified as provided in subsection (1) shall not be received in evidence upon any trial, without the leave of the court, unless the party intending to produce the same has, at least ten days before the trial, given to the party against whom it is intended to be produced notice of such intention.
- Notice of intention to produce probate, etc.
- (3) This section applies to letters probate of a will or letters of administration with a will annexed where the will is proved elsewhere than in the Territory, if the original will has been deposited and the letters probate or letters of administration with will annexed were granted in a court having jurisdiction over the proof of wills and administration of the estates of intestates or the custody of wills.
- Application.

REGISTERED INSTRUMENTS

46. (1) In an action where it would be necessary to produce and prove an original document that has been deposited, filed, kept or registered in any Land Titles Office, or a court registry, or in any public office or court in the Territory, in order to establish the document and the contents thereof, the party intending to prove the original document may give notice to the opposite party, ten days at least before the trial or other proceeding in which the proof is intended to be adduced, that he intends at the trial or other proceeding to give in evidence, as proof of the original document a copy thereof certified by the registrar of the office where the same is so deposited, filed, kept or registered, under his hand and seal of office.
- Copies of registered instruments as evidence.
- (2) A copy certified pursuant to this section is sufficient evidence of the original document and of its validity and contents, without proof of the signature or seal of office of the Registrar, and without proof that the
- Copy is sufficient evidence of original unless validity of original disputed.

document was so deposited, filed, kept or registered, unless the party receiving the notice, within four days after its receipt, gives notice that he disputes the validity or contents of the original document.

Costs.

- (3) The cost attending any production or proof of the original document is in the discretion of the court.

Original document not to be filed in court without order.

- 47. (1) Where a public officer produces upon a subpoena an original document it shall not be deposited in court, unless otherwise ordered, but if a copy thereof or a part thereof is needed for subsequent reference or use, the copy, certified under the hand of the officer producing the document or otherwise proved, shall be filed as an exhibit in the place of the original and the officer shall be entitled to receive in addition to his ordinary fees, the fees for any certified copy, to be paid to him before it is delivered or filed.

Where order made original document to be filed.

- (2) Where an order is made that the original be retained, the order shall be delivered to the public officer, and the exhibit shall be retained in court and filed.

MERCANTILE DOCUMENTS AND TELEGRAMS

Proof of certain documents.

- 48. (1) A party desiring to give in evidence a telegram, letter, shipping bill, bill of lading, delivery order, receipt, account, or other written instrument used in business or other transactions, may give notice to the opposite party, ten days at least before the trial or other proceeding in which the proof is intended to be adduced, that he intends to give in evidence as proof of the contents a writing purporting to be a copy thereof and in the notice shall name some convenient time and place for the inspection thereof.

Inspection.

- (2) The copy referred to in subsection (1) may, after the giving of the notice referred to in that subsection, be inspected by the opposite party, and shall without further proof be accepted and taken in lieu of the original as proof of the contents of the original unless the party receiving the notice within four days after the time mentioned for such inspection gives notice

that he intends to dispute the correctness or genuineness of the copy at the trial or proceeding, and to require proof of the original and the cost attending any production or proof of the original are in the discretion of the court.

Costs.

MISCELLANEOUS PROVISIONS AS TO DOCUMENTS AND EVIDENCE

49. The production of a printed copy of a newspaper in any action is *prima facie* evidence that any notice or advertisement contained therein was inserted, advertised and published in that newspaper by the person by whom, or in whose behalf, or in whose name, the notice or advertisement purports or appears to be inserted, advertised or published.

Production of newspaper as evidence of notice inserted therein.

50. It is not necessary to prove, by the attesting witness, an instrument to the validity of which attestation is not requisite.

Where no attestation required.

51. Comparison of a disputed writing with any writing proved to the satisfaction of the court to be genuine shall be permitted to be made by a witness; and the writing and the evidence of witnesses respecting the same may be submitted to the court or jury as evidence of the genuineness or otherwise of the writing in dispute.

Comparison of disputed writing with genuine.

52. Where a document is received in evidence, the court admitting the same may direct that it be impounded and kept in such custody for such period and subject to such conditions as may seem proper or until the further order of the courts.

Where instruments offered in evidence may be impounded.

53. The provisions of this Ordinance shall be deemed to be in addition to and not in derogation of any power of proving documents given by another law.

Construction of this Ordinance.

HEARSAY EVIDENCE CONTAINED IN DOCUMENTS

54. (1) Subject to subsection (2) in an action where direct oral evidence of a fact would be admissible, a statement made by a person in a document and tending to establish that fact is, on production of the original document, admissible as evidence of that fact if the following conditions are satisfied, namely,

Admissibility of documentary evidence as to facts on issue.

- (a) if the maker of the statement either
 - (i) had personal knowledge of the matters dealt with by the statement, or
 - (ii) where the document in question is or forms part of a record purporting to be a continuous record, made the statement (in so far as the matters dealt with thereby are not within his personal knowledge) in the performance of a duty to record information supplied to him by a person who had, or might reasonably be supposed to have, personal knowledge of those matters; and
- (b) if the maker of the statement is called as a witness in the action.

(2) The condition that the maker of the statement shall be called as a witness need not be satisfied if he is dead, or unfit by reason of his bodily or mental condition to attend as a witness, or if it is not reasonably practicable to secure his attendance, or if all reasonable efforts to find him have been made without success.

(3) In an action, the court may at any stage of the action, if having regard to all the circumstances of the case it is satisfied that undue delay or expense would otherwise be caused, order that the statement mentioned in subsection (1) shall be admissible as evidence or may, without any such order having been made, admit such a statement in evidence

- (a) notwithstanding that the maker of the statement is available but is not called as a witness; and
- (b) notwithstanding that the original document is not produced, if in lieu thereof there is produced a copy of the original document or of the material part thereof certified to be a true copy in such manner as may be specified in the order or as the court may approve, as the case may be.

Court may admit documentary evidence without full compliance with subsection (1).

- (4) Nothing in this section renders admissible as evidence a statement made by a person interested at a time when proceedings were pending or anticipated involving a dispute as to any fact that the statement might tend to establish. Statement must be *ante litem motam*.
- (5) For the purpose of this section, a statement is a document shall not be deemed to have been made by a person unless the document or the material part thereof was written, made or produced by him with his own hand, or was signed or initialled by him or otherwise recognized by him in writing as one for the accuracy of which he is responsible. Statement must be authenticated by maker.
- (6) For the purpose of deciding whether or not a statement is admissible as evidence by virtue of this section, the court may draw any reasonable inference from the form or contents of the document in which the statement is contained, or from any other circumstances, and may, in deciding whether or not a person is fit to attend as a witness, act on a certificate purporting to be the certificate of a qualified medical practitioner, and where the action is with a jury, the court may in its discretion reject the statement notwithstanding that the requirements of this section are satisfied with respect thereto, if for any reason it appears to it to be inexpedient in the interests of justice that the statement should be admitted. Discretion of court respecting admissibility of statement.
- (7) Nothing in this section shall be construed to Construction.
- (a) prejudice the admissibility of any evidence that would apart from the provisions of this section be admissible; or
- (b) enable documentary evidence to be given as to any declaration relating to a matter of pedigree, if that declaration would not have been admissible as evidence if this section had not been passed.
55. (1) In estimating the weight, if any, to be attached to a statement rendered admissible as evidence by section 54, regard shall be had to all the circumstances Weight to be attached to evidence.

from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement, and in particular to the question whether or not the statement was made contemporaneously with the occurrence or existence of the facts stated, and to the question whether or not the maker of the statement had any incentive to conceal or misrepresent facts.

Documents not to corroborate evidence of maker.

- (2) For the purpose of any rule of law or practice requiring evidence to be corroborated or regulating the manner in which uncorroborated evidence is to be treated, a statement rendered admissible as evidence by section 54 shall not be treated as corroboration of evidence given by the maker of the statement.

Proof of document where attestation required.

56. In any action, an instrument to the validity of which attestation is requisite may, instead of being proved by an attesting witness, be proved in the manner in which it might be proved if no attesting witness were alive; but nothing in this section applies to the proof of wills or other testamentary documents.

57. In any action, there shall, in the case of a document proved, or purporting, to be not less than twenty years old, be made any presumption that immediately before the commencement of this Ordinance would have been made in the case of a document of like character proved, or purporting to be not less than thirty years old.

AFFIDAVITS AND DECLARATIONS

Affidavit, etc., to be taken within the Territory.

58. An oath, affidavit, affirmation or statutory declaration for use in the Territory may be administered, sworn, affirmed or made within the Territory before

- (a) a Judge of the Territorial Court, justice of the peace, or police magistrate in the Territory within his jurisdiction;
- (b) the Clerk and Deputy Clerk of the Court;
- (c) a commissioner for taking oaths within the Territory;
- (d) a notary public appointed for the Territory;

- (e) a barrister or solicitor duly admitted and entitled to practise as such in the Territory;
- (f) a postmaster of any post office appointed under the *Post Office Act*;
- (g) the sheriff or deputy sheriff; or
- (h) a member of the Royal Canadian Mounted Police force;

and every such officer shall designate his office below his signature to the jurat on an affidavit, affirmation or statutory declaration administered, sworn, affirmed or made before him.

59. (1) An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made within or outside the Territory before a person who holds a commission as an officer in the Canadian Forces and is on full-time service is as valid and effectual to all intents and purposes as if it had been duly administered, sworn, affirmed or made within the Territory before a commissioner for taking affidavits within the Territory.
- Oaths, etc., administered by commissioned officers.
- (2) A document that purports to be signed by a person mentioned in subsection (1) in testimony of an oath, affidavit, affirmation or statutory declaration having been administered, sworn, affirmed or made before him and on which his rank and unit are shown below his signature is admissible in evidence without proof of his signature or of his rank or unit or that he is on full-time service.
- Admissibility.
60. (1) An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made outside the Territory before
- Oaths, etc., administered outside Territory.
- (a) a judge;
 - (b) a magistrate;
 - (c) an officer of a court of justice;

- (d) a commissioner for taking affidavits or other competent authority of the like nature;
- (e) a notary public;
- (f) the head of a city, town, village, township or other municipality;
- (g) an officer of any of Her Majesty's diplomatic or consular services, including an ambassador, envoy, minister, charge d'affaires, counsellor, secretary, attache, consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul and acting consular agent;
- (h) an officer of the Canadian diplomatic, consular or representative services, including, in addition to the diplomatic and consular officers mentioned in paragraph (g), a high commissioner, permanent delegate, acting high commissioner, acting permanent delegate, counsellor and secretary; or
- (i) a Canadian Government Trade Commissioner or an Assistant Canadian Government Trade Commissioner,

exercising his functions or having jurisdiction or authority as such in the place in which it is administered, sworn, affirmed or made, is as valid and effectual to all intents and purposes as if it had been duly administered, sworn, affirmed or made within the Territory before a commissioner for taking affidavits within the Territory.

Idem.

- (2) An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made outside the Territory before a notary public appointed for the Territory or before a commissioner for taking affidavits within the Territory is as valid and effectual to all intents and purposes as if it had been duly administered, sworn, affirmed or made within the Territory before a commissioner for taking affidavits within the Territory.

- (3) A document that purports to be signed by a person mentioned in subsection (1) or (2) in testimony of an oath, affidavit, affirmation or statutory declaration having been administered, sworn, affirmed or made before him, and on which his office is shown below his signature, and Admissibility.
- (a) in the case of a notary public, that purports to have impressed thereon or attached thereto his official seal;
- (b) in the case of a person mentioned in paragraph (f) of subsection (1) that purports to have impressed thereon or attached thereto the seal of the municipality;
- (c) in the case of a person mentioned in paragraph (g), (h) or (i) of subsection (1), that purports to have impressed thereon or attached thereto his seal or the seal or stamp of his office or of the office to which he is attached,

is admissible in evidence without proof of his signature, or of his office or official character or of the seal or stamp and without proof that he was exercising his functions or had jurisdiction or authority in the place in which the oath, affidavit, affirmation or statutory declaration was administered, sworn, affirmed or made.

61. No defect, by misdescription of parties or otherwise in the title or jurat of any affidavit, and no other irregularity in the form of any affidavit, affirmation or statutory declaration is an objection to its reception in evidence, if the court before or to whom it is tendered thinks proper to receive it; and the court may direct a memorandum to be made on the document that it has been so received. Formal defects not to vitiate.

62. Where under any law evidence under oath is authorized or required to be taken, or an oath is authorized or directed to be made, taken or administered, the oath may be administered and a certificate of its having been made, taken, or administered may be given by anyone authorized by such Oath may be administered by person so authorized in place where administered.

law to take the evidence or by anyone authorized to take affidavits under this Ordinance having authority or jurisdiction within the place where the oath is administered.

Proof of death of person in Her Majesty's Forces.

63. The production of a certificate in writing signed or purporting to be signed,

- (a) by the Adjutant-General, Deputy Adjutant-General, or officer in charge of records, army service, Department of National Defence, in the case of a member of Her Majesty's army forces,
- (b) by the Naval Secretary Naval Service, Department of National Defence, in the case of a member of Her Majesty's naval forces,
- (c) by the officer in charge of records, Air Service, Department of National Defence, in the case of a member of Her Majesty's air forces, or
- (d) by an officer of Her Majesty's naval, army or air forces, authorized so to sign, in the case of a member of Her Majesty's forces,

stating that the person named in the certificate was a member of any of Her Majesty's forces, and that he has been officially reported as dead or presumed to be dead, if it appears on the face of the certificate that the person signing is qualified as prescribed in paragraphs (a), (b), (c), or (d), as the case may be, is sufficient proof of the death of such person and of all facts stated in the certificate for any purpose to which the legislative authority of the Commissioner in Council extends and also the office, authority and signature of the person giving or making the certificate, without any proof of his appointment, authority or signature.

POWERS UNDER FOREIGN COMMISSIONS

Examinations of witnesses under Commissioners from courts abroad.

64. (1) Where, upon application by motion for this purpose it is made to appear to a court that any court or tribunal of competent jurisdiction in any province or in the United Kingdom or in any British country, or in a foreign state has duly authorized, by commission,

order or other process, the obtaining of testimony in or in relation to any action pending in or before the foreign court or tribunal, of any witness out of the jurisdiction thereof, and within the jurisdiction of the court so applied to, the court may order the examination of the witness accordingly, and in a manner and form directed by the commission, order, or other process; and may, by the same order or a subsequent order, command the attendance of any person named therein for the purpose of being examined, or the production of any writings or other documents mentioned in the order; and give all such directions as to the time, place, and manner of the examination and all other matters connected therewith as may appear reasonable and just; and the order may be enforced, and any disobedience thereof punished, in like manner as in case of an order made by the same court in an action pending in the court.

- (2) Every person whose attendance is ordered pursuant to this section is entitled to the like conduct-money and payment for expenses and loss of time as upon attendance at a trial in the court. Payment of expenses of witnesses.
- (3) Every person examined under a commission, order or other process under this section has the like right to refuse to answer questions that, in an action pending in the court by which the order for examination was made the witness would be entitled to refuse to answer; and no person shall be compelled to produce at the examination any writing or document that he would not be compellable to produce at the trial of such an action. Right of refusal to answer questions and to produce documents.
- (4) Where the commission, order or other process directs, or the instructions of the court accompanying the same direct, that the persons to be examined shall be sworn or shall affirm before the commissioner or other person, the commissioner or other person has authority to administer an oath or affirmation to the person to be examined. Commissioner, etc., may administer oaths, etc.

COMMISSIONERS FOR OATHS

Appointments. 65. The Commissioner may, by one or more commissions, empower as many persons as he thinks fit and necessary to take and receive oaths, affidavits or affirmations either within or without the Territory for use therein.

Officers of Her Majesty's Forces may administer oaths, etc. 66. Every person holding a commission as an officer in Her Majesty's naval, army or air forces, is empowered to administer oaths and to take and receive affidavits, affirmations and statutory declarations within and outside the Territory for use therein, but the officer shall state in each jurat or attestation his rank and the unit to which he is attached.

Style "Commissioner for Oaths". 67. A commissioner appointed under section 65 may be styled "A Commissioner for Oaths for Yukon Territory", but the want of style or designation, or error or omission therein, does not affect the instrument.

Powers. 68. Every commissioner for oaths may, during pleasure, take any affidavit or statutory declaration in anywise concerning any legal proceeding in the Territory or in which he is authorized by any law or Ordinance, although the application or matter is not made or pending in any court.

NOTARY PUBLIC

Appointment. 69. The Commissioner may, by one or more commissions, appoint notaries public for the Territory, but no person shall be so appointed unless he is a Canadian citizen and either resides in the Territory or is an officer, servant or employee of the Government of Canada.

Fee for commission. 70. (1) Subject to this section, a fee of twenty dollars is payable to the Commissioner for every commission issued to a notary public.

Exemption. (2) No fee is payable for a commission issued to an officer, servant or employee of the Government of Canada.

Reduced fee. (3) Notwithstanding subsection (1) when a commission is issued to a person within one year of the expiry of a previous commission appointing him a notary public, the fee payable to the Commissioner is two dollars.

71. Every commission appointing as a notary public any person shall, unless it is sooner revoked, expire at the expiration of one year from the day of its issue. Duration of commission.

72. (1) A notary public shall write or stamp on every affidavit, declaration or certificate taken or given by him the day on which his commission expires. Date of expiration of commission noted on certificate.

(2) A notary public who fails to comply with the provisions of this section is guilty of an offence and is liable on summary conviction to a fine not exceeding ten dollars. Penalty.

AUTHORITY OF NOTARY

73. Every notary public shall have, use and exercise the power of administering oaths attested by his signature and seal, the attesting of commercial instruments brought before him for public protestation, and the giving of notarial certificates of his acts, and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging thereto. Powers of notary public.

74. A notary is *ex officio* a commissioner for taking oaths in the Territory, and where the notary administers oaths or takes affidavits, affirmations or declarations within the Territory, it is not necessary to their validity that he affix his seal thereto. A notary public is *ex officio* a commissioner for oaths in the Territory.

REPEAL

75. The following Ordinances are repealed: Repeal.

- (i) *An Ordinance respecting Witnesses and Evidence*, chapter 30 of the Consolidated Ordinances, 1914;
- (ii) *An Ordinance respecting Commissioners to administer Oaths*, chapter 17 of the Consolidated Ordinances, 1914;
- (iii) *An Ordinance respecting Notaries Public*, chapter 68 of the Consolidated Ordinances of 1914; and
- (iv) *An Ordinance to amend an Ordinance respecting Notaries Public*, chapter 3 of the Ordinances of 1926.

CHAPTER 6

ORDINANCES OF YUKON TERRITORY

1955 (First Session)

THE COLLECTION ORDINANCE

(Assented to April 2nd, 1955.)

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

SHORT TITLE

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| Short title. | 1. This Ordinance may be cited as the <i>Collection Ordinance</i> . |
| Definitions. | 2. In this Ordinance |
| "Clerk". | (a) "Clerk" means the Clerk of the Court; |
| "Examination". | (b) "examination" means an examination under this Ordinance; |
| "Judgment". | (c) "judgment" means any adjudication or order directing the payment of money, whether debt, damages or costs in any court in the Territory; |
| "Judgment creditor". | (d) "judgment creditor" means the person entitled to the amount due on a judgment; |
| "Judgment debtor". | (e) "judgment debtor" means the person liable to pay the amount due on the judgment. |
| No arrest on execution except under Ordinance. | 3. Notwithstanding any Ordinance or law in the Territory, no person shall be arrested or committed to prison on execution or final process in a civil action except as provided in this Ordinance. |
| Judgment summons. | 4. (1) Subject to subsection (2), a judgment creditor may, either before or after execution, apply to the Clerk to have a judgment debtor examined upon oath and upon |

such application the Clerk shall issue a judgment summons in Form A, requiring the judgment debtor to appear at the time and place mentioned in the summons to be examined under oath touching his estate and effects, and as to

- (a) any and what property he has which by law is liable to be taken in execution on the judgment;
 - (b) the property and means he had when the debt or liability was incurred which was the subject of the action in which judgment has been obtained;
 - (c) the property and means he still has of discharging the judgment;
 - (d) the disposal he has made of any property since contracting the debt or incurring the liability; and
 - (e) any and what debts are owing to him.
- (2) Where a judgment for a sum exceeding one hundred dollars is obtained in the Court, no judgment summons shall issue before an execution against the goods and chattels of the judgment debtor has been returned *nulla bona*.

No judgment summons unless execution returned *nulla bona*.

5. A judgment summons shall be served in the same manner as a writ of summons.

Service.

6. Upon application by a judgment creditor to the Clerk for a second or subsequent judgment summons, the Clerk shall issue such judgment summons upon the judgment creditor's filing an affidavit that the judgment is unsatisfied in whole or in part and

Application for subsequent judgment summons.

- (a) that the judgment debtor was not examined on the judgment summons that issued immediately previously to the one applied for, or
- (b) that ninety days have elapsed since the judgment debtor was examined in the case in which the judgment summons is being applied for.

Dismissal of judgment summons.

7. The judgment debtor may, before being examined, show cause why the judgment summons should be dismissed and upon sufficient cause being shown the Judge may dismiss such judgment summons.

Examination to be in chambers.

8. Unless the Judge otherwise directs the examination shall be held in the Judge's chambers.

Judge may examine debtor on oath.

9. The Judge may at an examination examine upon oath the judgment debtor and any other witness he thinks requisite touching the matter.

Adjournment of examination.

10. The Judge may, from time to time, adjourn the examination and he may also, unless the judgment debtor enters into a bond in favour of the judgment creditor with securities to the satisfaction of the Judge to attend at the time and place to which such examination is adjourned, commit the judgment debtor to gaol until the time fixed for the adjourned hearing.

Penalty for failure to attend and give evidence at examination.

11. (1) Where a person summoned to appear at an examination
- (a) does not appear as required by the summons and fails to show sufficient reason for not appearing, or
 - (b) appears but refuses to be sworn or to declare any of the things concerning which he is examined under this Ordinance

the Judge may, if he thinks fit, order such person to be committed to a common gaol for a period not exceeding sixty days.

Committal of debtor in certain cases.

- (2) Where it appears to the Judge, either on examination or by other evidence, that
- (a) the debt which forms the subject of the judgment was fraudulently contracted,
 - (b) the credit was obtained under false pretences,
 - (c) the judgment debtor contracted such debt without having at the time any reasonable expectation of being able to pay it,

- (d) any other fraudulent circumstances have occurred in connection with the contracting of the debt,
- (e) that the judgment debtor has made any fraudulent disposition of any property, or
- (f) that the debt arose out of any tort, the Judge may, if he thinks fit, order the judgment debtor to be committed to a common gaol for a period not exceeding sixty days.
12. (1) Upon the conclusion of an examination, or at any stage thereof with the consent of the parties, the Judge may, in his discretion, order the judgment debtor to pay the debt, together with any costs of examination which may be awarded against him forthwith or at a fixed future time, or to pay the same by instalments of such amounts and at such times as the Judge may determine.
- Judge may order debtor to pay debt immediately by instalment, etc.
- (2) Where upon examination it appears to the satisfaction of the Judge that the debt was incurred outside the Territory, no order shall be made against the judgment debtor.
- No order where debt incurred outside Territory.
- (3) The costs of and incidental to a judgment summons shall be costs in the cause, unless the Judge otherwise directs.
- Costs.
13. A Judge may, at any time after judgment with the consent of the judgment creditor and judgment debtor, make an order under section 12 without examination of the judgment debtor.
- Judge may make order without examination with consent of parties.
14. Where the judgment debtor fails to comply with an order made under section 12 or section 13, the judgment creditor may upon affidavit or the affidavit of another person on his behalf who has full knowledge of the facts, obtain *ex parte* from the Judge an order committing the judgment debtor to a common gaol for a period not exceeding sixty days.
- Debtor may be committed for failure to comply with order.

Sheriff to arrest debtor.

15. (1) Where an order or commitment has been made under section 14, it shall be delivered to the sheriff and the sheriff or any one authorized by him shall arrest the judgment debtor and convey him to the common gaol and the gaoler or keeper of such common gaol shall receive and keep the judgment debtor until such debtor is discharged pursuant to this Ordinance or otherwise by due course of law.

Time when order of commitment in force.

(2) Except where the absence of the debtor from the Territory makes it impossible to execute, no order of commitment shall have any force or effect after the expiration of three months from the date it was made unless it has been duly executed during that period.

Creditor to pay cost of maintenance of debtor.

(3) The cost of maintenance of any judgment debtor who is committed to a common gaol under this Ordinance shall be borne by the judgment creditor who shall deposit the amount, not to exceed four dollars and fifty cents per day, with the sheriff before the order of commitment is executed and such cost of maintenance shall be added to the judgment debt.

Committed debtor to be released on satisfying debt.

16. (1) Where a judgment debtor imprisoned under this Ordinance has satisfied the judgment debt and a certificate of such satisfaction signed by the Clerk is presented to the gaoler or keeper who has him in custody, the gaoler or keeper shall discharge him.

Judge may discharge on sufficient grounds.

(2) A Judge may, on any ground arising subsequent to an order of commitment that appears to him sufficient, direct that the judgment debtor be discharged from custody.

Imprisonment not to affect other remedies.

17. No imprisonment under this Ordinance shall impair the judgment or extinguish the debts or deprive the judgment creditor of any right to take out execution against the judgment debtor.

No counsel fee allowed on judgment summons.

18. No counsel fee shall be allowed on any judgment summons or a proceeding thereon.

19. Upon the issuing of a judgment summons the action or proceeding in which the judgment was obtained becomes for the purposes of this Ordinance an action in the Territorial Court, and except as otherwise provided in this Ordinance the practice and procedure and the costs and fees payable in connection therewith shall be those now in force in the Court under the lowest scale of costs and fees.

On issue of judgment summons action becomes action in Territorial Court.

REPEAL

20. *The Collection Ordinance*, chapter 16 of the Consolidated Ordinances, 1914, is repealed.

Repeal.

SCHEDULE

FORM A

Judgment Summons

(Style of cause)
To (name of debtor)

WHEREAS it has been made to appear that (creditor's name) is entitled to receive from you \$ in respect to a certain judgment (or order) of the Court, of which he has been unable to obtain satisfaction.

THEREFORE you are hereby summoned to attend an examination before at the Court House at in the Yukon Territory on day the day of A.D. 19 at the hour of o'clock in the noon there to be dealt with as in the *Collection Ordinance* is provided.

AND TAKE NOTICE that in the event of your failing to attend at such time and place, you may be arrested and committed to the common gaol.

Dated at in the Yukon Territory this day of A.D. 19 Clerk of the Territorial Court.

CHAPTER 7

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE RESPECTING
VOCATIONAL TRAINING AGREEMENTS BETWEEN
THE YUKON TERRITORY AND THE GOVERNMENT
OF CANADA

(Assented to April 2nd, 1955.)

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

1. This Ordinance may be cited as the *Vocational Training Agreements Ordinance*. Short title.

2. In this Ordinance, "vocational training" means any form of instruction the purpose of which is to fit any person for gainful employment or to increase his skill or efficiency therein, and without restricting the generality of the foregoing, includes instruction to fit any person for employment in agriculture, forestry, mining, fishing, construction, manufacturing, commerce, or in any other primary or secondary industry in Canada. Definition of "vocational training".

3. Subject to this Ordinance the Commissioner is authorized to enter into and execute on behalf of the Territory, Commissioner may execute agreements.

(a) an agreement with the Government of Canada covering such period as may be agreed upon which will provide that the Government of Canada will pay to the Government of the Territory for assistance to schools in which vocational training is carried on,

(i) an annual grant of \$10,000 for each fiscal year ending March 31 during the term of such agreement;

- (ii) an annual grant for each fiscal year ending March 31 during the term of such agreement, equal to the amount paid by the Commissioner for such purposes but not exceeding the amount that is that proportion of \$1,910,000 that the number of people in the Territory of the ages fifteen to nineteen inclusive, as shown in the latest decennial census of Canada, bears to the number of people in all provinces of the said ages as shown in the said census; and
 - (iii) a grant for capital expenditures in the period between April 1, 1955, and March 31, 1956, equal to the amount paid by the Commissioner for such purposes but not exceeding the amount that is that proportion of \$10,000,000 that the number of people in the Territory of the ages fifteen to nineteen inclusive, as shown in the latest decennial census of Canada, bears to the number of people in all provinces of the said ages as shown in the said census;
- (b) an agreement with the Government of Canada covering such period as may be agreed upon which will provide that the Government of Canada will pay to the Government of the Territory, for training projects for apprentices approved by the Government of Canada, an amount not in excess of the amount paid by the Commissioner for such approved training projects during each fiscal year ending March 31, and in any event, not in excess of such amount as the Governor in Council may determine for each fiscal year ending March 31 during the term of such agreement; and
- (c) an agreement with the Government of Canada covering such period as may be agreed upon which will provide that the Government of Canada will pay to the Government of the Territory for vocational training, an annual grant not exceeding such amount as the Governor in Council may authorize for each fiscal year ending March 31 during the term of such agreement.

4. An agreement under this Ordinance may be varied or amended from time to time by agreement of the Government of Canada and the Commissioner. Variation and amendment.

5. The Commissioner is hereby authorized to do all lawful acts and exercise all lawful powers necessary for the purpose of implementing the obligations assumed by the Government of the Territory under any agreement entered into pursuant to this Ordinance. Powers of Commissioner.



CHAPTER 8

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE RESPECTING LIABILITY IN ACTIONS
FOR DAMAGES FOR NEGLIGENCE WHERE MORE
THAN ONE PARTY IS AT FAULT

(Assented to April 2nd, 1955.)

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

SHORT TITLE

- | | |
|---------------------------------------|---|
| Short title. | 1. This Ordinance may be cited as the <i>Contributory Negligence Ordinance</i> . |
| Apportionment of damage or loss. | 2. (1) Subject to subsections (2) and (3), where by the fault of two or more persons damage or loss is caused to one or more of them, the liability to make good the damage or loss is in proportion to the degree in which each person was at fault. |
| Equal apportionment in certain cases. | (2) Where, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally. |
| Where no fault. | (3) Nothing in this section renders a person liable for damage or loss to which his fault has not contributed. |
| Degree of fault. | 3. Where damage or loss has been caused by the fault of two or more persons, a Judge or a jury, as the case may be, shall determine the degree in which each was at fault, and where two or more persons are found at fault they are jointly and severally liable to the person suffering damage or loss, but as between themselves, in the absence of any contract express or implied, they are liable to make contribution to and to indemnify each other in the degree in which they are respectively found to have been at fault. |
| Apportionment of costs. | 4. Unless a Judge otherwise directs, the liability for costs of the parties in an action under this Ordinance is in the same |

proportion as their respective liability to make good the damage or loss.

5. In an action, the amount of damage or loss, the fault, if any, and the degrees of fault are questions of fact.

Questions of fact.

6. At the trial of an action, a Judge shall not take into consideration or shall not submit to the jury, as the case may be, any question as to whether, notwithstanding the fault of one party, the other could have avoided the consequences thereof, unless in the opinion of the Judge there is evidence that the act or omission of the latter was clearly subsequent to and severable from the act or omission of the former so as not to be substantially contemporaneous with it.

Restriction of questions.

7. Where it appears that a person who is not a party to an action is or may be wholly or partly responsible for the damages claimed, that person may be added as a party defendant or may be made a third party to the action upon such terms as a Judge deems just.

Adding party defendant.

8. Where no cause of action exists against the owner or the person operating a motor vehicle by reason of subsection (3) of section 89 of the *Motor Vehicles Ordinance*, no damages or contribution or indemnity are recoverable from any person for the portion of the damage or loss caused by the negligence of the owner or the person operating a motor vehicle, and the portion of the damage or loss so caused shall be determined although such owner or person is not a party to the action.

Contribution where plaintiff is a passenger.

9. In an action founded upon negligence and brought for damage or loss resulting from bodily injury to or the death of a married person, where one of the persons found to be negligent is the spouse of the married person, no damages or contribution or indemnity are recoverable for the portion of damage or loss caused by the negligence of the spouse, and the portion of the loss or damage so caused shall be determined although the spouse is not a party to the action.

Contribution where plaintiff is spouse of negligent person.

10. Nothing in this Ordinance affects an action commenced before the coming into force of this Ordinance.

Pending actions.

11. This Ordinance shall come into force on the 1st day of April, 1955.

Coming into force.

CHAPTER 9

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE RESPECTING
THE EXPORTATION OF FURS

(Assented to April 2nd, 1955.)

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

SHORT TITLE

- Short title. 1. This Ordinance may be cited as the *Fur Export Ordinance*.

INTERPRETATION

- Definitions. 2. In this Ordinance
- "Export". (a) "export" means to send, ship or otherwise convey or cause to be sent, shipped or otherwise conveyed from or out of the Territory to any place outside the Territory;
- "Fur-bearing animal". (b) "fur-bearing animal" means any animal referred to in Schedule A;
- "Furs". (c) "furs" means the raw pelt or skin or any part thereof of any fur-bearing animal caught in the Territory;
- "Officer". (d) "officer" means
- (i) a permit officer, or
- (ii) a game guardian under the *Yukon Game Ordinance*;
- "Package". (e) "package" includes a box, bale, trunk, bag, barrel or other container used in packing or marketing furs;
- "Permit". (f) "permit" means a permit to export furs in the form set out in Schedule B;

- (g) "permit officer" means
 - (i) a member of the Royal Canadian Mounted police, or
 - (ii) a person appointed by the Commissioner to issue permits;
- (h) "tax" means the sum or rate payable on exporting furs of animals referred to in Schedule A; and
- (i) "Territorial employee" means a person who receives a salary paid out of the Yukon Consolidated Revenue Fund.

PERMITS

- 3. A permit officer may, upon receipt of the appropriate tax, issue a permit for the exportation of furs. Issue of permits.
- 4. A permit officer shall stamp, tag or seal, with a stamp, tag or seal approved by the Commissioner, each fur or package of furs for which a permit has been issued. Stamp, tag or seal.
- 5. No person shall export any furs unless the furs are stamped, tagged or sealed as provided for in section 4. No export without stamp, tag or seal.
- 6. No person, transportation company or common carrier shall accept for transportation furs for export unless the furs or package containing the furs has been stamped, tagged or sealed pursuant to section 4. Transportation companies, etc.
- 7. No person, other than a permit officer, shall have in his possession blank permits, seals, stamps or other equipment prescribed or authorized by or under this Ordinance to be used by permit officers. Unauthorized permits.
- 8. No person other than a permit officer shall remove, mutilate or destroy any tags, seals, stamps or other markings attached to any furs or package of furs by a permit officers. Destruction of seals, tags or stamps.
- 9. The Commissioner may authorize the issue of a permit without payment of tax where furs are to be used for scientific purposes. Scientific purposes.

SEIZURE AND FORFEITURE

- Inspection. 10. (1) An officer may enter and search any aircraft, vessel or vehicle in or upon which he reasonably believes furs subject to tax under this Ordinance may be found and may open and inspect any package that he has reason to believe contains such furs.
- Seizure. (2) Where in the opinion of an officer the furs inspected by him are intended for export and they are not stamped, tagged or sealed as required by section 4, the officer may seize the furs.
- Double tax. (3) The person from whom furs have been seized or a person who has an interest in them is liable to pay double the amount of tax in respect of the furs in addition to any other penalties to which he may be liable under this Ordinance.
- Forfeiture. (4) Unless within thirty days after the date of seizure a person from whom furs have been seized or a person who has an interest in them
- (a) pays the double tax under subsection (3), or
- (b) satisfies a justice, upon summary application made to him for that purpose, that the furs were not intended for export,
- furs seized under subsection (2) are forfeited to Her Majesty.

OFFENCES

- Offences and penalties. 11. Every person who violates a provision of this Ordinance is guilty of an offence and is liable upon summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.
- Time for prosecution. 12. No prosecution for an offence under this Ordinance shall be commenced after one year from the day when the offence is alleged to have been committed.

13. In any prosecution for an offence under this Ordinance, the onus of proof that any pelt, skin or part thereof in respect of which the prosecution is made is not the pelt, skin or part thereof of a fur-bearing animal caught in the Territory is on the person accused of the offence. Onus of proof.

PERMIT OFFICER'S FEE

14. Out of the Yukon Consolidated Revenue Fund, the Commissioner may pay to a permit officer, other than a Territorial employee, fees not exceeding five per cent of the tax collected by the permit officer.

REPEAL

15. The following Ordinances are repealed: Repeal.
- (i) *The Fur Export Tax Ordinance*, chapter 12 of the Ordinances of 1951 (2nd session); and
 - (ii) *An Ordinance to amend The Fur Export Tax Ordinance*, chapter 6 of the Ordinances of 1952 (2nd session).

SCHEDULE A

| | |
|------------------------------|--------|
| On each bear, white or polar | \$1.00 |
| On each bear, not specified | .25 |
| On each beaver | 1.00 |
| On each fisher | 2.00 |
| On each fox, black | .50 |
| On each fox, blue | .50 |
| On each fox, cross | .50 |
| On each fox, red | .25 |
| On each fox, silver | 1.00 |
| On each fox, white | .50 |
| On each lynx | .50 |
| On each marten | .75 |
| On each mink | .75 |
| On each muskrat (musquash) | .05 |
| On each otter | 1.50 |
| On each weasel (ermine) | .10 |
| On each wolverine | .50 |
| On each squirrel | .01 |
| On each wolf | .25 |
| On each coyote | .25 |

SCHEDULE B

No.....

PERMIT

FUR EXPORT ORDINANCE

Permission is hereby given to
of
to export from the Yukon Territory the following raw furs
or pelts:

| | |
|---------------------|----|
|Bear, white, @ | \$ |
|Bear, other, @ | \$ |
|Beaver, @ | \$ |
|Fisher, @ | \$ |
|Fox, black, @ | \$ |
|Fox, blue @ | \$ |
|Fox, cross, @ | \$ |
|Fox, red, @ | \$ |
|Fox, silver, @ | \$ |
|Fox, white, @ | \$ |
|Lynx, @ | \$ |
|Marten, @ | \$ |
|Mink, @ | \$ |
|Muskrat. @ | \$ |
|Otter, @ | \$ |
|Weasel. @ | \$ |
|Wolverine, @ | \$ |
|Squirrel, @ | \$ |
|Wolf, @ | \$ |
|Coyote, @ | \$ |

Total

Number of bales or packages
Examined by
The said
having paid the required fees and complied with the Fur
Export Ordinance.

DATED at , in the Yukon Territory,
this day of , 19
Issuer

Original — See instructions at back.

CERTIFICATE TO BE ENDORSED ON PERMIT

(Reverse Side of Permit Form)

(The certificate below is required to be filled out and signed by the Agent of Railway, Steamship or Express Companies or Postmasters and forwarded to the Commissioner of the Yukon Territory, Whitehorse, Y.T.)

I,
(Agent, Purser, Conductor, Postmaster, etc.)

do hereby declare that the within described furs or pelts have been exported from the Yukon Territory by the within described person or firm, by
(state whether by post or how otherwise)

DATED at this day of
.....19.....

.....
(Agent, Purser, Conductor, Postmaster, etc.)

OFFICE
STAMP



CHAPTER 10

ORDINANCES OF YUKON TERRITORY

1955 (First Session)

AN ORDINANCE TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF A TAX ON PERSONS ATTENDING PLACES OF AMUSEMENT

(Assented to April 2nd, 1955.)

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

SHORT TITLE

Short title. 1. This Ordinance may be cited as the Amusement Tax Ordinance.

INTERPRETATION

Definitions. 2. In this Ordinance (a) "performance" includes entertainment and dance; (b) "place of amusement" includes (i) a theatre, motion picture theatre, open air theatre, amusement-hall, concert-hall, auditorium, music-hall, circus, menagerie, racecourse, baseball park, athletic park, amusement park, skating-rink, dancing hall, dancing pavilion, (ii) a hotel, restaurant or cafe in which facilities are supplied for and used by the public for dancing, (iii) any other place where a performance is given and a fee is charged or collected, and (iv) such other places as may be declared to be places of amusement by the Commissioner, and published in the Yukon Gazette; and

- (c) "tax" means the tax imposed by this Ordinance. "Tax".

- 3. (1) A person who attends a performance at a place of amusement shall, upon being admitted thereto, pay a tax equal to ten per cent of the price of admission. Tax payable.

- (2) A person who attends a performance at a place of amusement and is admitted thereto by season ticket, pass, or complimentary ticket shall, upon being admitted thereto, pay the tax as fixed in respect of the regular price of admission. Tax where season ticket, pass, etc.

- (3) Where no entrance fee is charged, or where a nominal fee only is charged for admission to a place of amusement and in lieu of or in addition to the entrance fee a table or cover charge is collected, a person who attends a performance at such a place of amusement shall pay a tax equal to ten per cent of all entrance fees, table and cover charge collected. Tax where no entrance fee.

- 4. (1) The owner of a place of amusement shall collect the tax. Who to collect tax.

- (2) Out of the Yukon Consolidated Revenue Fund, the Commissioner may pay a commission fixed by the Commissioner to any person who collects the tax. Commission for collecting tax.

- 5. (1) Except as provided in this section, no tax shall be collected at any of the following performances or places of amusement: Exemptions from tax.
 - (a) a fair or exhibition held by a society or association incorporated under an Ordinance where the receipts from entrance fees charged or collected in respect of the fair or exhibition, after payment of the necessary expenses of the fair or exhibition, are used exclusively for the purpose of the society or association;
 - (b) amateur athletics or games;
 - (c) lectures of an educational nature;

- (d) chatauquas and musical performances at which the performers and artists are residents of the Territory;
- (e) exhibitions of paintings and works of art; and
- (f) skating rinks, roller skating rinks, covered hockey rinks, ice carnivals and parks or fields used for athletics, baseball, football or other outdoor games.

Exception where place of amusement within fair.

(2) Where, as a part of or in connection with a fair or exhibition mentioned in paragraph (a) of subsection (1), a place of amusement is operated or a performance given in respect of which an entrance fee is collected or charged separately from the fee charged for general admission to the fair or exhibition, a tax shall be collected.

Exception where race meeting within fair.

(3) Where a race meeting is held upon a race course operated as a part of or in connection with a fair or exhibition of a kind mentioned in paragraph (a) of subsection (1), a tax shall be collected.

Exception where performer for gain.

(4) Paragraphs (b), (c), (d) and (f) of subsection (1) do not apply to a performance in which one of the performers performs in such performance for a livelihood or for gain or remuneration.

Exemption permits.

6. (1) The Commissioner or any person authorized by him in writing to do so may, by permit in writing, exempt from this Ordinance any performance, the proceeds of which enure to the benefit of charitable or patriotic institutions, societies, or organizations and no parts of the net proceeds enures to the benefit of any private stockholder or individual.

Form.

Power of Commissioner.

(2) Permits under this section shall be in such form and subject to such terms and conditions as the Commissioner directs.

7. The Commissioner may,

- (a) increase the tax payable at any class of places of amusement to an amount not exceeding twenty-five cents on each admission; and
- (b) exclude any class of amusement from the operation of this Ordinance.

8. The Territorial Treasurer is charged with the enforcement of this Ordinance and he shall comply with any directions given by the Commissioner.

Territorial Treasurer to enforce Ordinance.

9. Every person authorized by the Commissioner may enter any place of amusement to ascertain if this Ordinance is complied with.

Powers of inspection.

10. The Commissioner may make regulations for carrying out the purposes and provisions of this Ordinance, and may, without limiting the generality of the foregoing, make regulations

Regulations.

- (a) declaring places of amusement in addition to those mentioned in section 2, and defining any place of amusement mentioned in that section;
- (b) providing that the tax be collected by means of tickets supplied or approved by the Commissioner and prescribing the form of the tickets;
- (c) requiring the owner of a place of amusement or the person conducting or managing a performance to display notices showing the price of admission thereto, the tax payable, and the form and manner of displaying the notices;
- (d) prescribing the records and reports to be made or kept by an owner of a place of amusement, and their auditing and inspection; and
- (e) prescribing the times and manners of the accounting for, depositing and payment over by a person of any tax collected by him.

Suspension of licence of motion-picture licensee for failure to pay tax, etc.

11. (1) Where a licensee of a motion picture theatre collects tax in respect of persons attending a performance at such theatre and — fails to account for, or pay over the tax in the time and manner prescribed by the regulations, the Commissioner or a person authorized by him, may suspend the licence of the licensee.

Revocation of suspension.

(2) On payment in full by the licensee of the tax collected, without deduction for commission, the Commissioner or a person authorized by him, may revoke the suspension of the licence and reinstate the rights of the licensee thereunder.

Offence and penalty.

12. A person who violates a provision of this Ordinance or the regulations is guilty of an offence and is liable upon summary conviction to a fine of not more than two hundred dollars.

Repeal.

13. The following Ordinances are repealed:

- (i) the *Amusement Tax Ordinance*, chapter 10 of the Ordinances of 1948;
- (ii) *An Ordinance to amend the Amusement Tax Ordinance*, chapter 7 of the Ordinances of 1952, (1st session); and
- (iii) *An Ordinance to amend the Amusement Tax Ordinance*, chapter 5 of the Ordinances of 1954 (1st session).

CHAPTER 11

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE RESPECTING EMPLOYMENT
AGENCIES

(Assented to April 2nd, 1955.)

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

SHORT TITLE

1. This Ordinance may be cited as the *Employment Agencies Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance, the expression "employment agency" means the business of procuring any person for employment in any profession, business, trade, calling, labour, work, service or other means of livelihood or of procuring employment therein for any person. Definition of "employment agency".

EMPLOYMENT AGENCIES

3. No person shall Fees prohibited.
- (a) carry on an employment agency for a fee or reward,
- (b) collect or receive, directly or indirectly, a fee or compensation for sending, persuading, enticing, inducing or causing to be sent from or to any place outside the Territory, or between any two places within the Territory, a person seeking employment, or
- (c) collect or receive, directly or indirectly, a fee or compensation for giving or furnishing information with respect to employers seeking workers or workers seeking employment.

PENALTY

Offence and
penalty.

4. Every person who violates a provision of this Ordinance is guilty of an offence and is liable on summary conviction to a fine not exceeding seventy-five dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

CHAPTER 12

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE RESPECTING
TRESPASSING AND STRAYING OF ANIMALS

(Assented to April 2nd, 1955.)

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

SHORT TITLE

1. This Ordinance may be cited as the *Pounds Ordinance*. Short title.

2. In this Ordinance, Definitions.
 - (a) "animal" means horse, mule, jack, goat, neat cattle, swine or geese; and "Animal".

 - (b) "lawful fence" means a fence that is not less than four feet six inches high and consists of such courses of rails or wire as may reasonably appear sufficient for the protection of the ground within its bounds from animals. "Lawful fence".

3. This Ordinance does not apply within a municipality Ordinance not applicable to municipalities.

4. The Commissioner may constitute any part of the Territory a pound district, and appoint therefor one or more pound-keepers. Commissioner may constitute pound districts and appoint pound-keepers.

5. (1) The owner or occupier of land surrounded by a lawful fence, or the agent or either of them, may capture an animal trespassing upon his land and deliver it to the nearest pound-keeper of the pound district in which the trespass was committed.

Where land only partly inclosed by lawful fence.

- (2) Where an animal breaks a lawful fence and causes damage to land partly inclosed by such fence and partly inclosed by a fence that is not a lawful fence, the owner or occupier of the land may deal with the animal in the same manner as if the land were entirely inclosed by a lawful fence.

Trespass through division fence.

- (3) Where an animal breaks through a division fence that the owner of the animal is bound to repair and keep up, the owner of the land where the animal breaks through may, whether the division fence is a lawful fence or not, capture the animal and deliver it to the nearest pound-keeper in the pound district where the land is situate.

Where animal running at large.

- 6. Any person may capture an animal running at large and deliver it to the pound-keeper of the district where the animal was found running at large.

Liability of landowner for animal kept on his land.

- 7. (1) An owner or occupier of land where an animal is kept, or the person in charge of the animal, is liable for any damage caused by the animal as if the animal were his property.

Liability of owner of animal running at large.

- (2) The owner of an animal who permits the animal to run at large is liable for any damage done by the animal, whether the land where such damage is done is surrounded by a lawful fence or not.

Duty of person who delivers animal to a poundkeeper.

- 8. A person who delivers an animal to a pound-keeper shall
 - (a) leave with the pound-keeper a statement in writing of his claim for damages done by the animal and his reasonable charges incurred in delivering it to the pound-keeper;
 - (b) deposit such poundage fees if demanded as the pound-keeper considers reasonable; and
 - (c) sign an agreement in Form A, to pay the owner all damages caused by the capture of the animal in case the capture was illegal, or his claim for damages is not established.

9. Subject to section 8, the pound-keeper shall impound every animal delivered to him for that purpose and shall be responsible for feeding it and its safe keeping as long as he is legally bound to hold the animal.

Duty of pound-keeper towards impounded animal.

10. (1) Subject to subsection (2), before delivering an animal to its owner the pound-keeper shall collect from him the amount of the damages, charges of the keep, and other incidental expenses connected with the animal.

Pound-keeper to collect damages, etc. before delivering animal to owner.

(2) Notwithstanding subsection (1), the owner of an impounded animal is entitled on demand to his animal without payment of any damages, charges or other expenses on giving satisfactory security for such damages, charges and expenses.

Security in lieu of damages, etc.

(3) The owner of an animal captured or impounded under this Ordinance is entitled to recover it upon tender of all damages committed and all reasonable charges incurred up to the time of tender from any person in whose possession the animal is.

Owner entitled to recover animal on tender of damages, etc.

11. (1) On impounding an animal, the pound-keeper shall immediately notify the owner, if known, of the impounding.

Pound-keeper to notify owner where known.

(2) If, within three days after notification under subsection (1), the owner does not pay all lawful damages and other charges or security in lieu thereof, and take his animal, the pound-keeper shall sell the animal by public auction after posting notices for at least ten days of the time and place of the auction in three of the most public places in the pound district.

Sale of animal.

12. (1) On impounding an animal, the pound-keeper shall, if the owner is not known, cause to be posted in three of the most public places in the pound district, a notice giving as full a description of the animal as possible.

Where owner not known.

(2) Where the animal referred to in subsection (1) is one of the neat cattle species over two years old or a horse, mule or jack and no owner is found at the end of

Sale of animal.

twenty days, the pound-keeper shall advertise and sell the animal in the manner provided for in subsection (2) of section 11.

- Idem. (3) Where the animal referred to in subsection (1) is not one described in subsection (2), and no owner is found within six days, the pound-keeper shall advertise and sell the animal in the manner provided for in subsection (2) of section 11.
- Application of proceeds. 13. (1) The pound-keeper shall apply the proceeds of a sale under section 11 or 12 first, in payment of his fees, secondly, the damages and reasonable charges of the person who delivered the animal to him, and the balance, if any, shall be paid to the owner of the animal.
- Payment to Territorial Treasurer if owner not known. (2) If the owner of an animal sold under this section is not known, the money that would be paid to him if known shall be paid at the expiration of three months to the Territorial Treasurer.
- Payment into Y.C.R.F. (3) If the owner does not within one year claim the money paid to the Territorial Treasurer under subsection (2), it shall be paid into and form part of the Yukon Consolidated Revenue Fund.
- Pound-keeper not to purchase animal. 14. A pound-keeper shall not directly or indirectly become the purchaser at any sale conducted under his direction.
- Person delivering animal entitled to damages and charges. 15. (1) The person who delivers an animal to a pound-keeper is entitled to any damages suffered by him and his reasonable expenses in connection with the animal.
- Pound-keeper entitled to fees. (2) The pound-keeper is entitled to the fees in the Schedule.
- Pound-keeper not to neglect duties. 16. (1) No pound-keeper shall neglect his duty under this Ordinance.
- Prohibitions. (2) No person shall
- (a) rescue an animal from a person lawfully taking it to the pound.

- (b) make a breach of a pound, or
- (c) unlawfully set at large an animal impounded.

17. Where a dispute arises as to any matter under this Ordinance, or a complaint is made that a fine should be imposed under this Ordinance, a justice of the peace may, if it is brought before him, dispose of the same in a summary manner. Disputes.

18. Nothing in this Ordinance impairs the right of any person to an action for damages occasioned by a trespassing animal, whether the action exists at common law or by virtue of a statute or ordinance. Right of action not impaired.

19. (1) Every pound-keeper shall, on the 31st day of December in each year, forward to the Commissioner a return in such form as the Commissioner directs. Returns to Commissioner.

(2) The return mentioned in subsection (1) shall set out Form.

- (a) the animals impounded during the year,
- (b) the amount of damages and other charges made,
- (c) all sales made by the pound-keeper,
- (d) the surplus, if any, made on each sale, and
- (e) the disposition of every surplus.

20. (1) A person who finds an animal running at large in a weak or poor condition shall notify the nearest detachment of the Royal Canadian Mounted Police. Where weak animal running at large.

(2) The police notified under subsection (1) may, if the owner is known, order him to feed the animal or to kill it, and the owner shall comply with such order. Police may order owner to feed animal, etc.

(3) When the owner of an animal of which police have been notified under subsection (1) is not known, the police may have the animal impounded and it shall then be dealt with in accordance with section 12, except that it may be sold after twelve days in the pound. If owner not known animal to be impounded.

Where no purchaser at sale.

21. If no purchaser can be found for an animal at the pound-keeper's sale, the pound-keeper may kill it and sell it for dog or fox food unless it can be disposed of by private sale.

Offence and penalty.

22. A person who violates a provision of this Ordinance is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

23. *An Ordinance respecting Trespassing and Straying of Animals*, chapter 3 of the Consolidated Ordinances, 1914, is repealed.

SCHEDULE

FORM A

I, A.B., do agree that I will pay to the owner of the (description of the animal) by me this day impounded, all costs to which the said owner is put in case the distress by me proves to be illegal, or in case the claim for damages by me fails to be established.

POUND KEEPER'S FEES

For impounding a horse, mule or jack or head of cattle or swine, each day, \$4.00.

For impounding a sheep or goat, each day, \$1.65.

For notifying the owner of the animal impounded, 50¢.

For posting notices if the owner is not known, the actual cost of newspaper advertisements when incurred and \$1.00.

For posting notices of sale, \$1.00.

For each mile necessarily travelled in performance of his duties, 10¢.

For selling an animal and applying the proceeds in accordance with this Ordinance, 5% commission upon the amount realized on the sale.

CHAPTER 13

ORDINANCES OF YUKON TERRITORY
1955 (First Session)AN ORDINANCE RESPECTING
THE PRACTICE AND PROCEDURE IN CIVIL MATTERS
IN POLICE MAGISTRATE'S COURTS*(Assented to April 2nd, 1955.)*

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

SHORT TITLE

1. This Ordinance may be cited as the *Police Magistrate's Courts Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "clerk" means a clerk of a Police Magistrate's Court; "Clerk".
and
- (b) "Police Magistrate's Court" means a court presided over by a police magistrate. "Police Magistrate's Court".
3. (1) Subject to this Ordinance, the rules of practice and procedure followed in the Territorial Court shall, *mutatis mutandis*, be followed in all actions and proceedings in a Police Magistrate's Court, other than claims that might have been brought before a Small Debts Official under the provisions of the *Judicature Ordinance*, and the provisions respecting Small Debts in that Ordinance shall, *mutatis mutandis*, be followed in all actions and proceedings in a Police Magistrate's Court that might have been brought before a Small Debts Official under those provisions. Manner of proceeding in a Police Magistrate's Court.

Proceedings
how entitled.

(2) All proceedings in a Police Magistrate's Court shall be entitled "In the Police Magistrate's Court for the District of"

Powers of
police
magistrate.

(3) Every action in a Police Magistrate's Court shall be tried, and judgment given, and decisions, determinations, rules, orders and decrees shall be made by a police magistrate.

Clerks of
Courts.

4. There shall be a clerk for each Police Magistrate's Court.

Fees.

5. The Commissioner may establish tariffs of fees and costs for services rendered by

- (a) clerks,
- (b) the sheriff, and
- (c) barristers and solicitors

in actions and proceedings arising in Police Magistrate's Courts.

Fee book

6. (1) Each clerk shall keep a book in which he shall enter all fees and emoluments received by him by virtue of this Ordinance, showing separately the fees received by him for each service performed under this Ordinance and such other facts and information as the Commissioner requires.

Records.

(2) Each clerk shall, in addition to the book referred to in subsection (1), keep such other records as the Commissioner prescribes.

Annual state-
ment of fees
by clerk.

7. (1) Each clerk shall, on or before the 15th day of March in each year, prepare a statement in duplicate verified under oath from the book mentioned in subsection (1) of section 6 and transmit a copy of the statement to the Territorial Treasurer.

What state-
ment to
contain.

(2) The statement required by subsection (1) shall set forth the total amount of fees which have been received by the clerk during the twelve months ending on

the last day of February next preceding, and with such statement the clerk shall transmit to the Territorial Treasurer the amount of all fees received by him during the next preceding year.

8. Each Police Magistrate's Court shall have a seal in a form prescribed by the Commissioner, which seal shall be affixed to all processes, subpoenas, writs, orders, judgments and all other proceedings issued by the clerk of such Court. **Seal.**
9. (1) Where an appeal lies from a judgment or order of a police magistrate to a Judge, it shall be commenced by notice of appeal without any other formal proceeding being required. **Notice of appeal.**
- (2) Motions for new trials and motions in the nature of appeals shall be brought by notice of appeal mentioned in subsection (1) and any party appealing may by the same notice of appeal and in the alternative ask for a new trial. **Motions for new trials.**
- (3) On motions for new trials, appeals or motions in the nature of appeals, the applicant may, by the notice of appeal, appeal from the whole or any part of the judgment or order and the notice of appeal shall state whether the whole or part only of the judgment or order is complained of and if part only, specify the part, and such notice of appeal shall state the grounds on which the application is based. **What notice to contain.**
- (4) A notice of appeal may be amended at any time by leave of the Judge before whom the appeal is brought on such terms as he deems fit. **Amendment.**
10. No security for costs is required on any motion for a new trial, appeal or motion in the nature of appeals except in cases where due to special circumstances, such security is ordered by a Judge or police magistrate, but no such order shall be made unless application therefor is made within fifteen days from the service of the notice. **Security for costs.**
11. (1) A notice of appeal shall be filed in the Police Magistrate's Court from which the appeal is taken and served on all parties directly affected by the appeal, and if the Judge before whom the appeal is brought **Filing of notice of appeal.**

so directs, on all of the parties to the action or other proceedings, or on any person not a party, and the Judge may, in the meantime, postpone or adjourn the hearing of the appeal upon such terms as to him seems just, and may give such judgment and make such order as might be given or made if the persons served with such notice had been original parties.

Time for filing.

(2) A notice of appeal shall be filed as provided in subsection (1) within twenty days from the date upon which the judgment or order appealed from is signed, entered or pronounced, but the Judge before whom the appeal is brought or the police magistrate from whose judgment or order the appeal is made may, either before or after the expiration of that time, extend the time for serving such notice.

Appeal not to stay proceedings.

12. (1) Except as ordered by the police magistrate from whose decision an appeal is taken or the Judge before whom the appeal is brought, an appeal does not operate as a stay of execution or of proceedings under the decision appealed from, and no intermediate act or proceeding is invalid by reason only of that appeal.

Security.

(2) A Judge or police magistrate who gives an order or direction under subsection (1) may demand such security as may to him seem fit.

How questions of fact to be brought on appeal.

13. When a question of fact is involved in an appeal, the evidence taken before a police magistrate bearing on the question shall, subject to any order of the Judge before whom the appeal is brought be brought before such Judge as follows :

- (a) in the case of evidence taken by affidavit, by the production of copies of the affidavit ; and
- (b) in the case of evidence given orally, by production of any or all of the following :
 - (i) the notes of the evidence, as prepared by a stenographer who took down the evidence at the trial,
 - (ii) notes made by the police magistrate, and
 - (iii) such other material as the Judge before whom the appeal is brought deems proper.

14. (1) A person appealing from a decision of a police magistrate shall serve upon the respondent or his solicitor a copy of the appeal book therein, and shall file with the Clerk of the Territorial Court two copies of such appeal book within twenty days from the filing of the notice of appeal or within such other time as the Judge before whom the appeal is brought or the police magistrate from whose decision the appeal is taken directs. Filing and service of appeal book.
- (2) The appeal book shall be clearly and legibly typewritten or printed and must be approved of by the opposite party or settled by the police magistrate from whose decision the appeal is made before it is filed under section 15. Form of appeal book.
15. The hearing of an appeal shall be held at such time as is fixed by the Judge before whom the appeal is taken, but not less than ten days from the day on which the appeal book therein is filed. Hearing of appeal.
16. There shall be paid to the Clerk of the Territorial Court on all appeals from a Police Magistrate's Court such fees as may be prescribed by the Territorial Court. Fees.
17. The following Ordinances are repealed: Repeal.
- (i) *The Police Magistrate Courts Ordinance*, chapter 71 of the Consolidated Ordinances, 1914; and
- (ii) *An Ordinance to amend The Police Magistrate Courts Ordinance*, chapter 1 of the Ordinances of 1915.
18. This Ordinance shall come into force on the day the *Yukon Act*, chapter 53 of the Statutes of Canada, 1952-53, comes into force. Coming into force.
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CHAPTER 14

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE RESPECTING DOGS

(Assented to April 2nd, 1955.)

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

SHORT TITLE

- Short title. 1. This Ordinance may be cited as the *Dog Ordinance*.

INTERPRETATION

- Definitions. 2. In this Ordinance
- (a) "dog" includes male or female dogs and an animal that is a cross between a dog and a wolf;
 - "Municipality". (b) "municipality" means a municipality as defined in the *Municipal Ordinance*;
 - "Muzzle". (c) "muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything;
 - "Officer". (d) "officer" means a person appointed by the Commissioner to carry out the provisions of this Ordinance and any member of the Royal Canadian Mounted Police;
 - "Owner". (e) "owner" means a person who owns, harbours, possesses or has control or custody of a dog; and
 - "Run at large". (f) "run at large" means to run off the premises of the owner either when the dog is not muzzled or when the dog is not under the control of any person.

OFFICERS

- Appointment of officers. 3. The Commissioner may appoint any person to carry out the provisions of this Ordinance.

GENERAL PROVISIONS

4. No owner shall allow a dog to remain unfed or unwatered sufficiently long either to amount to cruelty or to cause the dog to become a nuisance. Feed and water.
5. No person shall punish or abuse a dog in a manner or to an extent that it cruel or unnecessary. Punishment.
6. (1) No owner shall permit a dog to run at large Running at large.
- (a) within an area that may be defined by the Commissioner;
- (b) contrary to a by-law made by the Council of a municipality;
- (c) that is of a vicious temperament or dangerous to the public safety; or
- (d) while in heat.
- (2) An officer may seize or kill a dog found running at large contrary to paragraphs (c) or (d) of subsection (1) of this section.
7. (1) No person shall have a dog in harness within any settlement or within one-half mile of any settlement in the Territory unless the dog has a muzzle or is under the custody and control of a person over sixteen years of age who is capable of ensuring that the dog will not harm the public or create a nuisance. Dogs in harness.
- (2) No person shall drive a dog or dog team on a sidewalk situated on the street or road of a settlement. Driving dogs on sidewalks.
- (3) This section does not apply in a municipality.

SEIZURE

8. (1) An officer may seize a dog from a person whom he finds violating this Ordinance. Seizure.
- (2) Subject to subsection (6), an officer who has seized a dog under subsection (1) shall restore possession of the dog to the owner thereof where Recovery by owner.

- (a) the owner claims possession of the dog within five days after the date of seizure; and
 - (b) the owner pays to the officer all expenses incurred in securing, caring for and feeding the dog.
- Sale by public auction.
- (3) Where, at the end of five days, possession of the dog has not been restored to the owner under subsection (2), the officer may sell the dog at public auction.
 - (4) The proceeds of the sale of a dog by public auction shall be distributed in the following manner,
 - (a) all expenses incurred in securing, caring for and feeding the dog shall be paid to the officer;
 - (b) the expenses of the public auction shall be paid; and
 - (c) the balance, if any, shall be paid to the owner.
- Where dog not sold.
- (5) Where a dog has not been reclaimed within five days after seizure under subsection (2) and no bid has been received at a sale by public auction, the officer may destroy or dispose of the dog as he sees fit at any time after the auction and no damages or compensation may be recovered on account of its destruction or disposal by the officer.
- Destruction of injured dogs.
- (6) Where, in the opinion of the officer, a dog seized under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety, the officer may destroy the dog as soon after seizure as he thinks fit without permitting any person to reclaim the dog or without offering it for sale by public auction and no damages or compensation may be recovered on account of its destruction by the officer.
- By-laws of municipality.
- (7) Where the seizure of a dog is made for contravention of a by-law respecting dogs passed by a council of a municipality, the provisions of the by-law respecting the impounding, selling or killing of dogs shall apply instead of the provisions of this section.
- Nuisance.
- 9. (1) For the purposes of this section it is declared to be a nuisance where in the vicinity of any hospital, an owner permits his dog to howl or make other noises

which disturbs the peace and repose of patients in such hospital.

- (2) Upon complaint in writing signed by two members of the staff of a hospital setting forth the circumstances constituting a nuisance, an officer may by notice in writing served on the person alleged to be responsible for the nuisance, require that the nuisance be abated within forty-eight hours from the time of service of the notice.
- (3) Where any person
- (a) is responsible for a nuisance under this section,
 - (b) has been served with a notice under subsection (2) of this section, and
 - (c) has failed to comply with the notice by abating the nuisance within forty-eight hours of the time of service of the notice
- such person is guilty of an offence.
- (4) On any prosecution under this section the evidence of two members of the staff of a hospital to the effect that the peace and repose of patients therein have been disturbed by noises apparently made by a dog kept by the person accused, shall be *prima facie* evidence that the accused is guilty of a nuisance and shall place upon the accused the burden of proof.

Complaint by two members of hospital staff.

Burden of proof.

PROTECTION OF OTHER ANIMALS FROM DOGS

10. A person may kill a dog that is running at large in the act of pursuing, worrying, injuring or destroying cattle, horses, sheep, pigs or poultry.
11. (1) On complaint made on oath before a justice that an owner has a dog that has, while running at large, within the preceding three months pursued, worried, injured or destroyed any cattle, horses, sheep, pigs or poultry, the justice may issue a summons directed to the owner of the dog requiring the owner to appear before him at a time and place therein stated to answer the complaint.

Destruction of dogs pursuing, etc., certain animals.

Proceedings against owner.

Order. (2) Upon summary conviction on the evidence of one or more credible witnesses other than the complainant, the justice may make an order for the destruction of the dog within three days and where the dog is not destroyed pursuant to the order, the justice may in his discretion impose a fine not exceeding twenty dollars upon the owner.

Action for damages not barred. 12. No conviction or order under section 11 shall bar the owner of cattle, horses, sheep, pigs or poultry from bringing an action for the recovery of damages for injury done thereto by a dog.

Nature of proof in civil action. 13. It is not necessary for the plaintiff in an action referred to in section 12 to prove that the defendant knew of the dog's propensity to pursue, worry, injure or destroy animals and the defendant's liability shall not depend upon previous knowledge of that propensity.

OFFENCES AND PENALTIES

Offences and penalties. 14. Every person who violates any provision of this Ordinance is guilty of an offence and is liable upon summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding thirty days.

REGULATIONS

Regulations. 15. The Commissioner may make regulations for carrying out the purposes and provisions of this Ordinance.

REPEAL

Repeal. 16. The following Ordinances are repealed:

- (i) *An Ordinance respecting Dogs*, chapter 27 of the Consolidated Ordinances, 1914;
- (ii) *An Ordinance to amend an Ordinance respecting Dogs*, chapter 3 of the Ordinances of 1920;
- (iii) *An Ordinance to amend an Ordinance respecting Dogs*, chapter 12 of the Ordinances of 1942; and
- (iv) *An Ordinance for the Protection of Sheep and other Animals from Dogs*, chapter 80 of the Consolidated Ordinances, 1914.

CHAPTER 15

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO PROVIDE FOR ALLOWANCES
TO DISABLED PERSONS

(Assented to April 2nd, 1955.)

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

SHORT TITLE

1. This Ordinance may be cited as the *Disabled Persons Allowance Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance, Definitions.
- (a) "allowance" means a disabled person's allowance provided under this Ordinance and the regulations to the persons and under the conditions specified in the Federal Act; "Allowance".
- (b) "application" means an application for an allowance; "Application".
- (c) "Director" means the person appointed as such by the Commissioner to administer this Ordinance; "Director".
- (d) "Federal Act" means the *Disabled Persons Act* enacted by the Parliament of Canada together with any regulations made thereunder; and "Federal Act".
- (e) "recipient" means a person to whom an allowance has been granted and includes an applicant for an allowance. "Recipient".
3. The Commissioner may, on behalf of the Yukon Territory, enter into an agreement with the Minister of National Health and Welfare on behalf of the Government of Canada Agreement respecting allowances.

to provide a general scheme of allowances to disabled persons in accordance with this Ordinance and the Federal Act and for payment by the Government of Canada to the Yukon Territory in respect of any recipient of an amount equal to not less than fifty per cent of forty dollars monthly or of the amount of the allowance paid monthly to the recipient, whichever is the lesser.

Payments and amounts.

4. From and out of the Yukon Consolidated Revenue Fund there may be paid,

- (a) to a recipient whose application has been approved, an allowance not exceeding forty dollars monthly under the conditions specified in this Ordinance and the regulations and the Federal Act and any agreement made under section 3; and
- (b) the expenses incurred in the administration of this Ordinance.

Appointment of Director.

5. (1) The Commissioner may appoint a person as Director to administer this Ordinance.

Substitute for Director.

(2) The Commissioner may authorize a person to exercise and carry out the powers and duties of the Director during his absence or incapacity or during any period in which the office of Director is vacant.

(3) The Director shall

- (a) receive applications, and
- (b) determine the eligibility of each applicant for an allowance and approve or reject any application for the grant of an allowance.

Powers of Director.

(4) The Director may

- (a) call for any additional proof of eligibility for an allowance that may be prescribed by the regulations or the Federal Act, and
- (b) confirm, amend or reverse any direction or determination made by him under this Ordinance,

and, subject to his right to amend or reverse any such direction or determination, every direction or determination made by the Director is final and is not subject to review by any court or otherwise.

- 6. (1) Notwithstanding any other law or Ordinance, in the case of the death of a recipient payment of the allowance for the month in which the death occurs may be made to such person as the Director specifies. Payment where recipient dies.
- (2) In any case in which no other legal representative of the estate of a deceased recipient is appointed, a judge shall upon the request of the Director, without fees or the usual forms leading to a grant administration to the Public Administrator of the judicial district in which the recipient resided. Administration of estate in certain cases.
- 7. An allowance granted under this Ordinance is exempt from taxes levied under any Ordinance, is not subject to garnishment, attachment or seizure and is not assignable. Exempt from taxes, seizure, etc.
- 8. The receipt of allowance does not by itself disqualify any person from voting at any election held in the Territory under any Ordinance or other law. Does not affect right to vote.
- 9. (1) Notwithstanding any other provision of this Ordinance, any sum of money or other payment improperly paid by way of allowance to or on behalf of a recipient, whether as a result of non-disclosure of fact, innocent or false representations or other cause, constitutes a debt due to the Territory and may be recovered as such at any time. Recovery of improperly paid allowances.
- (2) Any action, suit or other proceeding for the recovery of a debt due to the Territory may be instituted in the name of the Commissioner. Proceedings in name of Commissioner.
- 10. Unless the consent of the Commissioner has been obtained, no action or other proceeding shall be brought against the Director or any officer, clerk or servant for anything done or omitted to be done in the exercise or purported exercise of any duty or power under this Ordinance. No action against Director, etc.
- 11. The Commissioner may make such regulations, not inconsistent with this Ordinance and the Federal Act, respecting the provision of a scheme of allowances as specified in Regulations.

section 3 as he deems necessary for the proper administration of this Ordinance and, without restricting the generality of the foregoing, may make regulations

- (a) governing the manner of making application for allowances;
- (b) respecting the suspension or cancellation of allowances;
- (c) providing for the making of investigations respecting persons to whom allowances may be paid or who are in receipt of allowances or by or on behalf of whom application has been made for any allowance;
- (d) prescribing the material in support of or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of any allowance;
- (e) respecting the mode of payment of allowances; and
- (f) prescribing forms for use under this Ordinance.

Unqualified persons not to receive.

12. (1) No person shall knowingly obtain or receive an allowance to which he is not entitled under this Ordinance, the regulations and the Federal Act.

Not to aid or abet improper receipt.

(2) No person shall knowingly aid or abet another person to obtain or receive an allowance to which he is not entitled under this Ordinance, the regulations and the Federal Act.

Offence and penalty.

(3) Every person who violates this section is guilty of an offence and is liable, on summary conviction, to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Time for prosecution.

13. No prosecution for any offence against this Ordinance shall be commenced after the expiration of five years from the date of the commission of such offence.

Coming into force.

14. This Ordinance shall come into force on the 1st day of January, 1956.

CHAPTER 16

ORDINANCES OF YUKON TERRITORY
1955 (First Session)AN ORDINANCE RESPECTING
THE PROFESSION OF PHARMACEUTICAL CHEMIST*(Assented to April 2nd, 1955.)*

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

SHORT TITLE

1. This Ordinance may be cited as the *Pharmaceutical Chemists Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "dentist" means a dentist under the *Dental Profession Ordinance*; "Dentist".
- (b) "drug" includes any substance or mixture of substances manufactured, sold or represented for use in "Drug".
- (i) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state or the symptoms thereof, or
- (ii) restoring, correcting or modifying organic functions in man or animal;
- (c) "licence" means a valid licence issued under this Ordinance; "Licence".
- (d) "medical practitioner" means a medical practitioner under the *Medical Profession Ordinance*; "Medical practitioner".
- (e) "narcotic" means a drug at any time listed or described in the Schedule to the *Opium and Narcotic Drug Act*; Narcotic".

"Pharmaceutical chemist".

(f) "pharmaceutical chemist" means a person who is entitled to practise the profession of pharmaceutical chemist under this Ordinance;

"Register".

(g) "register" means the Pharmaceutical Chemists Register referred to in section 3; and

"Veterinary surgeon".

(h) "veterinary surgeon" means a person who
 (i) is registered as a veterinary surgeon under the law of any province of Canada, or
 (ii) is a veterinary inspector appointed under the *Animal Contagious Diseases Act*.

REGISTRATION AND LICENSING

Pharmaceutical Chemists Register.

3. The Territorial Secretary shall keep a register called the Pharmaceutical Chemists Register, and shall enter therein the names, addresses and qualifications of all persons who are, pursuant to this Ordinance, entitled to be registered in the register, and he may issue licences to such persons.

Registration of previously qualified persons.

4. (1) A person who at the time this Ordinance comes into force was entitled by law to practise the profession of pharmaceutical chemist in the Territory is entitled to be registered in the register.

Qualifications for registration.

(2) A person who
 (a) has the right to practise the profession of pharmaceutical chemist in any province of Canada, or
 (b) is a medical practitioner, and who pays to the Territorial Secretary a fee of twenty-five dollars is entitled to be registered in the register.

Licence fee.

5. Every person who is registered in the register shall pay to the Territorial Secretary at the time his name is registered in the register and subsequently on or before the 31st day of March in each year an annual licence fee in the sum of twelve dollars.

Expiration of licence.

6. A licence expires on the 31st day of March next following the day upon which it came into force.

PRACTICE OF PHARMACEUTICAL CHEMISTRY

7. No person is entitled to practise the profession of pharmaceutical chemist nor to recover a fee, reward or remuneration for medicines, materials or appliances provided by him in practising the profession of pharmaceutical chemist unless he holds a licence under this Ordinance at the time the medicines, materials or appliances are provided.

Practice limited to holders of licences.

8. A person who holds a licence is entitled to practise the profession of pharmaceutical chemist in the Territory and to bring action before a Judge for the recovery of reasonable charges for any medicines, materials or appliances supplied by him.

Licensee's right to practise and to recover fees.

9. No pharmaceutical chemist is liable to an action for negligence or malpractice unless the action is commenced within one year from the day when, in the matter complained of, the professional services terminated.

Limitation of actions for malpractice.

10. No pharmaceutical chemist shall supply any drug listed or described in Schedule A or any preparation thereof except pursuant to a written prescription signed by a medical practitioner, dentist or veterinary surgeon.

Schedule A drugs.

11. (1) Subject to subsection (2), no pharmaceutical chemist shall supply a drug listed or described in Schedule B or any preparation thereof except pursuant to a written prescription signed by a medical practitioner, dentist or veterinary surgeon.

Schedule B drugs.

(2) A pharmaceutical chemist may supply a drug listed or described in Schedule B or any preparation thereof to an adult person known to him or introduced to him by an adult person known to him if the pharmaceutical chemist enters in a poison register kept exclusively for the purpose

Poison register.

- (a) the date of the sale,
- (b) the name and amount of the drug or preparation,
- (c) the declared purpose for which the drug or preparation is required,

- (d) the signature of the purchaser,
- (e) the address of the purchaser,
- (f) the signature of the person, if any, who introduced the purchaser to the pharmaceutical chemist, and
- (g) the signature of the pharmaceutical chemist.

Inspection of poison register.

- (3) The poison register mentioned in subsection (2) shall during the business hours of a pharmaceutical chemist be open to the inspection of any member of the Royal Canadian Mounted Police or any person authorized by the Commissioner to inspect that register.

Schedule C drugs.

12. No pharmaceutical chemist shall supply any drug listed or described in Schedule C or any preparation thereof except pursuant to a written prescription signed by a medical practitioner, dentist or veterinary surgeon unless, prior to delivery, it is labelled with

- (a) the common name of the drug or preparation,
- (b) the design of skull and cross-bones,
- (c) the word "POISON" in large, bold type,
- (d) the name and address of the pharmaceutical chemist supplying the drug or preparation, and
- (e) the initials, written in ink, of the pharmaceutical chemist supplying the drug or preparation.

Storage of Scheduled drugs.

13. A pharmaceutical chemist shall not store any drug listed or described in Schedule A, B or C in the portion of his premises where the public is admitted.

Commissioner may vary schedules.

14. The Commissioner may alter or add to the list of drugs listed or described in the schedules or remove any drug therefrom.

OFFENCES AND PENALTIES

15. (1) A person who is not the holder of a licence and who
- Offences for
unlicensed
practice.
- (a) publicly or privately practises the profession of a pharmaceutical chemist;
 - (b) supplies any drug or preparation thereof;
 - (c) appends to his name the title pharmaceutical chemist, dispensing chemist, druggist, dispensing druggist, or apothecary or any word indicative of any such title or uses any substitution or abbreviation thereof;
 - (d) holds himself out in any way to be a duly qualified pharmaceutical chemist; or
 - (e) assumes any title or description implying, or designed to lead the public to believe, that he is duly qualified to practise as a pharmaceutical chemist;

is guilty of an offence.

- (2) A person who violates any provision of this Ordinance is guilty of an offence, and every person who commits an offence against this Ordinance is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.
- Offence and
penalty.

16. In the case of an offence under this Ordinance a complaint shall be made, or the information laid, within one year from the time when the matter of the complaint or information arose.

Time for
prosecution.

17. In a prosecution for an offence under this Ordinance the onus of proof that the person against whom the charge is laid is the holder of a licence is upon the person against whom the charge is laid.

Onus of proof.

INVESTIGATION AND REMOVAL

Removal for non-payment of fees.

18. (1) Subject to subsection (2), the Territorial Secretary shall remove from the register the name of a person registered therein who fails to comply with the provisions of this Ordinance with respect to licence fees, and the licence issued to that person is invalid until such time as he is again registered in the register.

Extension of time.

(2) Where reasons satisfactory to the Commissioner are advanced to him as to why the licence fee has not been paid at the required time or within the required period, the Commissioner may grant an extension of time for payment of fees before allowing the name of a person on whose behalf they are paid to be struck off the register but he shall in no case grant an extension of time exceeding sixty days.

Reinstatement.

(3) A person whose name is removed from the register pursuant to subsection (1) is entitled to have his name restored to the register if he pays a fee of ten dollars in addition to the fee in respect of which his name was removed from the register.

Board of Inquiry.

19. (1) The Commissioner may appoint two or more persons to act as a Board of Inquiry for the purpose of investigating any complaint made against a person practising as a pharmaceutical chemist with respect to an alleged contravention of this Ordinance or any complaint of malpractice or infamous, disgraceful or improper conduct on the part of a person practising as a pharmaceutical chemist.

Meaning of "improper conduct."

(2) Without restricting the generality of the expression "improper conduct" a pharmaceutical chemist is guilty of improper conduct who

(a) is convicted of an offence against an Act of Parliament of Canada relating to the sale of narcotics;
or

(b) is shown to be addicted to the excessive use of intoxicating liquors or narcotics.

- (3) A Board of Inquiry appointed pursuant to subsection (1) may make rules and regulations under which the inquiry is to be held and has power
- (a) to summon and bring before it any person whose attendance it considers necessary to enable the Board properly to inquire into the matter complained of,
 - (b) to swear and examine all such persons under oath,
 - (c) to compel the production of documents, and
 - (d) to do all things necessary to provide a full and proper inquiry.
- (4) A Board of Inquiry may direct that the person who made the complaint it is appointed to investigate shall deposit with the Board, as security for the costs of the inquiry and to the person complained against, a sum not exceeding five hundred dollars.
- (5) Where the Board of Inquiry finds that a complaint is frivolous or vexatious, it may cause to be paid to the Territorial Treasurer out of the deposit for security mentioned in subsection (4) such portion of the costs of the inquiry, or to the person complained against such portion of his costs, as it deems advisable, and where the Board does not so find or where there is any balance of the deposit remaining, the deposit or balance thereof shall be returned to the person who deposited it.
- (6) A majority of the members of a Board of Inquiry is a quorum.
- (7) A Board of Inquiry shall, after investigation of a complaint pursuant to this section, make a finding and shall immediately report its finding to the Commissioner, and where it finds that the person complained against is guilty of a contravention of this Ordinance or of malpractice or of infamous, disgraceful or improper conduct, may, in its report to the Commissioner, recommend that such person be

Powers of Board.

Security for costs.

Frivolous and vexatious complaint.

Quorum.

Findings and recommendations.

- (a) reprimanded,
 - (b) fined in an amount named by the Board, such amount not to exceed five hundred dollars,
 - (c) struck off the register and his licence cancelled, or
 - (d) struck off the register and his licence suspended for a definite period named by the Board.
- (8) The Board of Inquiry shall, at the time it sends its report to the Commissioner pursuant to subsection (7), notify the person complained against of its finding and of the recommendations for punishment, if any, made by it in such report.

Offence.

- (9) Every person who
- (a) fails, without valid excuse, to attend an inquiry under this section,
 - (b) fails to produce any document, book or paper in his possession or under his control, as required under this section, or
 - (c) at an inquiry under this section
 - (i) refuses to be sworn or to affirm, or to declare, as the case may be, or
 - (ii) refuses to answer any proper question put to him by the Board of Inquiry,
- is guilty of an offence.

Appeal to Judge.

20. (1) A person against whom a finding has been made by a Board of Inquiry may, within thirty days after the finding has been made, appeal from such finding to a Judge.

Powers of Judge.

- (2) The Judge before whom an appeal is made under subsection (1) may hear the appeal at such time and in such manner as he deems just and he may, by order, quash, alter or confirm the finding of the Board of Inquiry.

21. Where a pharmaceutical chemist has been found guilty of a contravention of this Ordinance or of malpractice or of infamous, disgraceful or improper conduct by a Board of Inquiry and no appeal has been taken from the finding or the time for appeal has expired, the Commissioner shall, after receiving the report from the Board, impose the penalty recommended by it, and

Commissioner powers on recommendation by Board.

- (a) in the case of a reprimand, reprimand the pharmaceutical chemist in writing and note the reprimand in the register;
- (b) in the case of a fine, make an order fining the pharmaceutical chemist which order shall be filed in the appropriate court and have the same effect as an order of that court;
- (c) in the case of a recommendation to strike off the register and cancel his licence, have the name of the practitioner struck off the register and cancel his licence; and
- (d) in the case of a recommendation to strike off the register and suspend his licence, have the name of the practitioner struck off the register and suspend his licence for such time as the Board has recommended.

(2) Where a Judge on appeal confirms or alters the finding of a Board of Inquiry, his order in the case of a fine shall be carried out in the usual way and in the case of any other punishment referred to in subsection (1) shall be directed to the Commissioner and carried out by him in the same manner as provided by subsection (1).

Commissioner to enforce order of Judge.

22. (1) A pharmaceutical chemist whose name has been struck off the register and whose licence has been cancelled or suspended pursuant to section 21 may,

Application for reinstatement.

- (a) where he had not taken any appeal from the finding, within one year after the date of the finding of the Board of Inquiry, apply to the Commissioner to have his name restored to the register; or

(b) where he had appealed from the finding, within one year after the date of an order under subsection (2) of section 20, apply to a Judge for an order directing the Territorial Secretary to have his name restored to the register.

Order by
Commissioner
or Judge.

(2) The Commissioner or a Judge may, upon application under subsection (1), order the Territorial Secretary to reinstate a pharmaceutical chemist on the register and renew his licence and restore his rights and privileges in such manner and upon such conditions as the Commissioner or Judge may decide.

Territorial
Secretary to
reinstate.

(3) The Territorial Secretary shall, upon receiving an order under subsection (2) to do so, reinstate a pharmaceutical chemist on the register and renew his licence and restore his rights and privileges in such manner and upon such conditions as the order directs.

APPLICATION

Saving.

23. Nothing in this Ordinance shall be deemed to prohibit or prevent

- (a) a medical practitioner from exercising a privilege conferred by any Ordinance relating to the practice of medicine and surgery in the Territory;
- (b) any person from supplying goods of any kind to a pharmaceutical chemist, medical practitioner or dentist;
- (c) a medical practitioner or dentist from supplying a patient with such medicine as he may require;
- (d) an executor, administrator or trustee of the estate of a deceased pharmaceutical chemist from continuing the business of the deceased if the business is conducted by a pharmaceutical chemist;
- (e) a member of the armed forces of Canada or of a visiting force as defined in the *Visiting Forces (North Atlantic Treaty) Act* from doing anything in the course of his duties as a member of such a force;

- (f) any person from supplying any drug listed or described in Schedule D;
- (g) any person from supplying any drug listed or described in Schedule E at a place that is at least five miles distant from a place where a pharmaceutical chemist is carrying on business; or
- (h) the manufacturing or supplying of any preparation registered under the *Proprietary or Patent Medicine Act*.

SAVING

24. Notwithstanding section 25, the provisions of the *Pharmaceutical Chemists Ordinance*, chapter 14 of the Consolidated Ordinances, 1914, respecting clerks shall, for a period of two years, continue to apply, subject to this section, to a person who before the commencement of this Ordinance has given to the Territorial Secretary the notice required by section 13 of that Ordinance, and if pursuant to that Ordinance such person qualifies for and receives within such period of two years a certificate of the examiners recommending that he be registered as a pharmaceutical chemist, such person shall, upon presenting the certificate and paying the fee required by section 4, be entitled to be registered in the register.

Clerks under
C.O., 1914,
c. 14.

REPEAL

25. The following Ordinances are repealed:
- (i) The *Pharmaceutical Chemists' Ordinance*, chapter 14 of the Consolidated Ordinances, 1914;
 - (ii) *An Ordinance to Amend the Pharmaceutical Chemists' Ordinance*, chapter 9 of the Ordinances of 1921 (first session); and
 - (iii) *An Ordinance to amend the Pharmaceutical Chemists' Ordinance*, chapter 10 of the Ordinances of 1940.

Repeal.

SCHEDULE A

Drugs that may be supplied only pursuant to a prescription of a medical practitioner, dentist, or veterinary surgeon (sec. 10)

Aminopyrine and any salt, homologue or derivative thereof and preparations containing aminopyrine and any salt, homologue or derivative thereof.

Amphetamine and any salt thereof and preparations containing amphetamine or any salt thereof.

Apiol and preparations containing apiol.

Atropine, and its salts and internal preparations containing more than 1/500 gr. per stated dose, or other preparations containing more than 0.1% by weight.

Barbituric acid and any salt, homologue or derivative thereof and preparations containing barbituric acid or salt, homologue or derivative thereof.

Bishydroxycoumarin, its salts and derivatives including Dicumarol, Cumopyran and Tromexan.

Carbomycin (magnamycin).

Chloral Hydrate and preparations containing chloral hydrate.

Chloramphenicol (Chloromycetin) and any salt or derivative thereof and preparations containing chloramphenicol or any salt or derivative thereof.

Chlortetracycline (Aureomycin) and any salt or derivative thereof and preparations containing chlortetracycline or any salt or derivative thereof.

Cinchophen and Neocinchophen and preparations containing cinchophen or neocinchophen.

Codeine and its salts and their preparations, except preparations containing one-eighth grain or less of codeine per tablet or other solid form, or liquid preparations containing one-third grain or less of codeine per fluid ounce, when such preparations are combined with other medical ingredients and the maximum dose prescribed for the preparation contains:

- (a) one such ingredient not less in quantity than the amount prescribed by the British Pharmacopoeia as a minimum dose for such ingredient;
- (b) two such ingredients having similar action, each not less in quantity than one-half the amount prescribed by the British Pharmacopoeia as a minimum dose for each such ingredient respectively; or
- (c) three such ingredients having a similar action each not less in quantity than one-third that amount prescribed by the British Pharmacopoeia as a minimum dose for each such ingredient, respectively.

Corticotrophin (ACTH) and preparations containing Corticotrophin.

Cortisone and any salt or derivative thereof and preparations containing cortisone or any salt or derivative thereof (including hydrocortisone).

Dihydrostreptomycin and any compound thereof and preparations containing dihydrostreptomycin or any compound thereof.

2:4-dinitrophenol and any compound, homologue or derivative thereof and preparations containing 2:4-dinitrophenol or any compound homologue or derivative thereof.

Ergot and its alkaloids and preparations containing ergot or its alkaloids.

Erythromycin and any salt or derivative thereof; and preparations containing erythromycin or any salt or derivative thereof.

Fumagilin.

Hydrocyanic (Prussic) Acid.

Hyoscine (Scopolamine) and its salts, and internal preparations containing more than 1/200 gr. per stated dose, or other preparations containing more than 0.05 per cent by weight.

Isonicotinic Acid Hydrazide and any derivative thereof; and preparations containing isonicotonic acid hydrazide or any derivative thereof.

Methamphetamine, and any salt thereof and preparations containing methamphetamine or any salt thereof.

Oxytetracycline (Terramycin) and any salt or derivative thereof and preparations containing oxytetracycline or any salt or derivative thereof.

Paraldehyde.

Penicillin, its salts or derivatives, and preparations containing penicillin, its salts or derivatives, excluding lozenges containing not more than 3000 International Units per dose.

Phenylbutazone and any derivative thereof and preparations containing phenylbutazone or any derivative thereof.

Phenylindanedione (Danilone).

Phenytoin-Sodium and other Hydrantoin derivatives and preparations containing phenytoin-sodium or other hydrantoin derivatives.

Polymixin ('B' Sulphate), or any preparation thereof except for topical use or for local action in the oral cavity or nasal passages.

Selenium or any salt thereof and preparations containing selenium or any salt thereof.

Sex Hormones as defined by the *Food and Drug Regulations* except skin creams containing sex hormones which are demonstrated to be free of systemic effects.

Streptomycin and any compound thereof and preparations containing streptomycin or any compound thereof.

Sulphonal and Alkyl Sulphonals.

Sulphonamides and any salt, homologue or derivative thereof and preparations containing sulphonamides or any salt, homologue or derivative thereof.

Tetraethylthiuram disulphide and preparations containing tetraethylthiuram disulphide.

Tetracycline (Achromycin) and any salt or derivative thereof and preparations containing tetracycline or any salt or derivative thereof.

Thiocyanates.

Thiouracil and any salt, homologue or derivative thereof and preparations containing thiouracil or any salt, homologue or derivative thereof.

Thyroid and any preparations containing thyroid.

Thyroxin or any salt thereof and preparations containing Thyroxin or any salt thereof.

Trimethadione or paramethadione or preparations of either of them.

Ureides including Bromal or Carbromal and preparations containing ureides.

Urethane and any preparations containing urethane.

Viomycin and any compound thereof.

SCHEDULE B

Drugs that may be supplied to adult persons known or introduced to the pharmaceutical chemist after entering the drug in the poison register (sec. 11)

Aconite and alkaloids and preparations thereof, except external preparations containing less than 0.2% aconitine.

Alkaloids: all poisonous vegetable alkaloids, not specifically mentioned elsewhere in these Schedules and their salts and all poisonous derivatives thereof.

Amyl Nitrite.

Arsenic and preparations and compounds thereof, except as provided in Schedule C.

Belladonna and preparations and compounds thereof, except plasters and except as provided in Schedule C.

Bromoform.

Butyl Chloral Hydrate.

Cantharides and preparations thereof.

Carbolic Acid, pure, or of greater strength than five per cent when mixed with water, or ten per cent when mixed with glycerin and water, but not crude carbolic acid.

Chloroform.

Conium and preparations thereof.

Croton Oil.

Digitalis and preparations thereof.

Ether.

Ethyl Chloride.

Hyoscyamus and preparations thereof.

Lobelia and alkaloids and preparations thereof except external preparations containing not more than the equivalent of 6 grains of crude lobelia.

Mercurial salts, except Calomel, and tablet form of corrosive sublimate, when sold in conformity with the requirements of the *Food and Drugs Act*.

Nitroglycerin.

Nux Vomica and preparations thereof.

Oil of Bitter Almonds, unless deprived of Hydrocyanic (Prussic) Acid.

Oil of Rue.

Oil of Savin.

Oil of Tansy.

Potassium Antimonytartrate (Tartar Emetic).

Potassium Cyanide and all other metallic cyanides including cyanogas.

Santonin.

Strammonium and preparations thereof.

Strong solution of lead subacetate (Coulard's Extract).

Strophanthus and preparations thereof.

Strychnine, its salts and preparations thereof except as provided in Schedule C.

Yohimba and alkaloids thereof and preparations containing yohimba or alkaloids thereof.

SCHEDULE C

Drugs that may be supplied by a pharmaceutical chemist to any person when labelled "Poison", etc. (sec. 12)

Acid Chromic.

Acid Oxalic.

Acid Picric (Trinitrophenol).

Barium Chloride.

Barium Sulphide.

Benzene (benzol).

Benzene Hexachloride—Lindane, etc., Cammexane.

Carbon tetrachloride—"when, in addition to the requirements of section 12, the label bears the following wording: 'POISON—Vapours and odours from this solution are POISONOUS. Use only in open air or well ventilated room'."

Chlordane.

Copper carbonate.

Copper subacetate (Verdigris).

Copper sulphate.

Corrosive sublimate, when sold in accordance with legislation of Canada and regulations thereunder.

Cotton Root and preparations thereof.

Creosote and preparations thereof.

Cresol (Cresylic Acid) and its preparations, and the homologues of cresol and their preparations when stronger than 5% Cresol.

Crude Carbolic Acid.

Derris Root.

D.N.O.C.—), 5-dinitro-o-cresol, and any salt thereof.

DNOCHP—2, 4, dinitro-6-cyclonexylphenol.

Formaldehyde, whether described as Formalin or any other trade name, mark or designation.

Guaiacol.
Hellebore.
Henna.
Iodine and preparations thereof.
Lead Salts.
Methoxychlor.
Neotran—(Dow Chem. Co.)—bis p-chlorophenoxy) methane.
Oil of Cedar.
Oil of Chenopodium.
Oil of Pennyroyal.
Pennyroyal.
Phosphorus in a free state.
Picrotoxin.
Potassium Bichromate.
Potassium Hydroxide.
Potassium Permanganate.
Rotenone.
Rothane—dichlorodiphenyldichloroethane, including Schradan.
Sabadilla seeds.
Silver Ntrate.
Sodium Fluoride.
Sodium Hydroxide.
Stavesacre.
Thallium Salts.
Tobacco Extract.
Warfarin Compound 42 (WARF42) 3-(d-ace toxybenzyl)-4-hydroxycoumarin.
Zinc Salts.

Arsenic, Belladonna and Strychnine, when combined with other ingredients in preparation of pills, capsules, tablets, elixirs or syrups having medicinal qualities other than those possessed by the drugs named in this clause when taken alone, and in doses not exceeding those of the British Pharmacopoeia and generally recognized as safe medication.

SCHEDULE D

Drugs that may be supplied by any person (sec. 23(f))

Acetylsalicylic Acid (in original packages) whether described as Aspirin, Acetophen, or any other trade name, mark, or designation.

Acid muriatic.

Acid Sulphuric (commercial).

Alum.

Borax.

Bicarbonate of Soda.

Castor Oil.

Cream of Tartar.

Carbonate of soda.

Carbonate of magnesia.

Chloride of Lime.

Di-sodium-Dibrom-Oxymercury-Fluorescein, whether described as "Mercurochrome" or any other trade name, mark or designation.

Epsom Salts.

Glauber's salts.

Glycerin.

Gum Camphor.

Hydrogen Peroxide.

Phenacetin.

Phosphate of Soda.

Rhubarb Root.

Rochelle Salt.

Saltpetre.

Senna.

Sulphur.

Solution of Ammonia.

Weak Tincture of Iodine (in original bottle).

Turpentine.

SCHEDULE E

Drugs that may be supplied by any person in places at least five miles distant from a place where a pharmaceutical chemist is carrying on business (sec. 23(g))

Calomel.

Cresol (Cresylic Acid) and its preparations and the homologues of Cresol and their preparations when weaker than 5% Cresol and sold in original bottles.

Formaldehyde.

Oil of Cedar.

Potassium chloride.

Salol.

Sodium Salicylate.

Spirit of Nitre.

CHAPTER 17

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE RESPECTING THE INVESTIGATION
OF ACCIDENTS BY FIRE

(Assented to April 2nd, 1955.)

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

SHORT TITLE

1. This Ordinance may be cited as the *Fire Investigation Ordinance*. Short title.
2. Subject to the provisions of this Ordinance, a justice of the peace may institute an inquiry into the cause or origin of a fire to determine whether it was set by design or was the result of negligence or accident. Justice of the peace may inquire into cause of fire.
3. No justice of the peace shall institute an inquiry under this Ordinance until a sworn statement has been made before him by a person stating that he believes the fire
 - (a) resulted from culpable or negligent conduct or design, or
 - (b) occurred under circumstances that, in the interests of justice and the protection of property, require an investigation.No inquiry to be held except on information.
4. For the purposes of an inquiry under this Ordinance a justice of the peace may
 - (a) summon before him any person whom he considers necessary for the purpose of the investigation,
 - (b) examine witnesses under oath, and
 - (c) take a written record of the proceedings.Powers of justice.

Penalty.

5. A person who has been summoned as a witness to give evidence before a justice of the peace pursuant to this Ordinance, and who without valid excuse fails to appear or refuses to be examined under oath is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Report to
Commissioner.

6. Upon completion of an inquiry under this Ordinance, the justice of the peace shall prepare a written report thereof and forward it to the Commissioner.

REPEAL

Repeal.

7. *An Ordinance respecting the Investigation of Accidents by Fire, Chapter 35 of the Consolidated Ordinances, 1914, is repealed.*

CHAPTER 18

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO REPEAL CERTAIN ORDINANCES

(Assented to April 2nd, 1955.)

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

1. The following Ordinances are repealed:
 - (i) *An Ordinance respecting Standard Time in the Yukon Territory*, chapter 87 of the Consolidated Ordinances, 1914;
 - (ii) *The Towns Ordinance*, chapter 88 of the Consolidated Ordinances, 1914;
 - (iii) *The Cocktail Lounge Plebiscite Ordinance, 1950*, chapter 3 of the Ordinances of 1950 (1st session); and

CHAPTER 19

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO AMEND THE INTERPRETATION
ORDINANCE

(Assented to April 2nd, 1955.)

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

1. Section 20 of the *Interpretation Ordinance*, chapter 1 of the Ordinances of 1954 (third session) is amended by inserting immediately after paragraph (t) of said section the following paragraph:

“Province”. “(ta) ‘province’ includes the Northwest Territories.”

CHAPTER 20

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO AMEND THE
MARRIAGE ORDINANCE

(Assented to April 2nd, 1955.)

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

1. Section 10 of the *Marriage Ordinance*, chapter 31 of the Ordinances of 1954 (3rd session) is repealed and the following substituted therefor:

“10. (1) No marriage shall be solemnized unless it takes place within three months after the second publication of the banns or within three months after the issue of a licence, as the case may be. Within three months after banns or licence.”

(2) No marriage shall be solemnized until after the expiry of twenty-four hours from the time of issue of the licence therefor.” Within twenty-four hours.

2. Subsection (2) of section 34 of the said Ordinance is repealed and the following substituted therefor:

“(2) Every issuer shall fill out the blanks and endorse on the licence the date and time of issue and shall sign each licence at the time of issue.” Form to be completed by issuer.

3. Forms D and E in the Schedule to the said Ordinances are repealed and the following substituted therefor:

FORM D

MARRIAGE LICENCE

Whereas _____ of _____
 and _____ of _____ have
 determined to enter into the holy state of matrimony and
 are desirous of having this marriage solemnized in the
 manner prescribed by the Marriage Ordinance, I do here-
 by for good causes give and grant this licence, as well to
 them, the said parties, contracting, as to all or any clergy-
 man or marriage commissioners, duly authorized under
 the said Marriage Ordinance, to solemnize or perform the
 same.

This licence is subject to the conditions that there are
 no impediments by reason of any affinity or consanguinity
 prior to marriage or by reason of any other lawful cause
 and if any fraud shall appear to have been committed
 at the time of granting this licence either by false sug-
 gestions or concealment of the truth, this licence shall be
 null and void to all intents and purposes whatsoever.

Commissioner of the Yukon Territory.

Issued at _____, in the Yukon Territory at
 _____ this _____ day of _____, 19____
 (time)

 Issuer

I hereby certify that the above named parties were
 married by me at _____, in the Yukon Territory at
 _____ on the _____ day of _____, 19____
 (time)

 Officiating Clergyman or Marriage
 Commissioner

 Address

 Religious Body of Clergyman

CHAPTER 21

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO AMEND THE MOTION
PICTURES ORDINANCE

(Assented to April 2nd, 1955.)

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

1. The *Motion Pictures Ordinance* being chapter 28 of the Ordinances of 1954, (3rd session), is amended by striking out the figure "9" where the same appears in paragraph (d) of section 2 thereof and substituting therefor the figure "10".

Section 2
amended.

CHAPTER 22

ORDINANCES OF YUKON TERRITORY

1955 (First Session)

AN ORDINANCE TO AMEND
THE JUDICATURE ORDINANCE*(Assented to April 2nd, 1955.)*

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

Long title amended.

1. The long title to the *Judicature Ordinance*, chapter 36 of the Ordinances of 1954 (3rd session), is repealed and the following substituted therefor:

“An Ordinance Respecting the Administration of Justice.”

2. Section 14 of the said Ordinance is repealed and the following substituted therefor:

Rules of Court.

“14. Subject to this or any other Ordinance, the Rules of the Supreme Court of British Columbia shall, *mutatis mutandis*, be followed in all causes, matters and proceedings, but the Commissioner may make rules of practice and procedure, including tariffs of fees and costs in civil matters and fees and expenses of witnesses and interpreters in criminal matters, adding to or deleting from those rules, or substituting other rules in their stead.”

3. Sections 51 and 52 of the said Ordinance are repealed and the following substituted therefor:

SMALL DEBT OFFICIALS

Jurisdiction of Small Debt Officials.

51. (1) Every person appointed as a Small Debt Official has jurisdiction in the Territory to try and adjudicate upon any claim for a debt, whether payable in money or otherwise, where the amount or balance claimed does not exceed two hundred dollars, but such jurisdiction does not extend to any case in which Her Majesty is a party or in which the title to land is involved.

- (2) No Small Debt Official shall try or adjudicate upon any claim unless the defendant or some one of the defendants resides or carries on business in the Territory. Defendant must reside in Territory.

- (3) In the case of claims by or against co-partners in trade carrying on business under a firm name, it shall be sufficient to commence or defend the action in the firm name. Firm name may be used.

- 52. No Small Debt Official who is or has been interested in any way in the claim for which a summons is issued or a counterclaim made shall take part in the hearing of such claim. Official must have no interest.

- 53. Any person having a claim may make application in Form B to a Small Debt Official to issue a Notice of Claim and shall forthwith deposit such sum with the Small Debt Official as security for costs as the Small Debt Official considers necessary. Application and security.

- 54. (1) The Small Debt Official shall make out a notice of Claim in Form C and attach thereto a copy of the plaintiff's claim. Notice of claim.

- (2) The Notice of Claim to which is attached a copy of the plaintiff's claim shall be served on the defendant by the plaintiff or his agent. Service.

- (3) The Notice of Claim shall state the time that in the opinion of the Small Debt Official is fair and reasonable in which a defendant may enter his Dispute Note. Time for filing defence.

- 55. A defendant may enter a Dispute Note in Form D to a Notice of Claim served upon him or upon his agent. Dispute Note.

- 56. If the defendant does not enter a Dispute Note or does not appear in person before the Small Debt Official on the day set out in the Notice of Claim, the Small Debt Official may, upon proof of service of the Notice of Claim upon the defendant or his agent, enter judgment by default. Default judgment.

against the defendant if the plaintiff proves his claim to the satisfaction of the Small Debt Official.

Hearing of claims.

57. If the defendant files a Dispute Note or appears in person to dispute the claim, the Small Debt Official shall hear the claim forthwith or set a date for hearing the dispute, whichever in his opinion is convenient for the parties, and shall, if he sets a date, notify both plaintiff and defendant of it.

Where defendant fails to appear at hearing.

58. (1) If the defendant fails to appear on the date set for the hearing of a claim, the Small Debt Official may in his discretion enter judgment by default againsts the defendant.

Where plaintiff fails to appear at hearing.

(2) If the plaintiff fails to appear on the date set for the hearing of a claim, the Small Debt Official may in his discretion dismiss the claim and assess costs of the action against the plaintiff.

Certificate of judgment.

59. Where judgment is given in favour of the plaintiff the Small Debt Official shall make out a Certificate of Judgment in Form E.

Payment of judgment.

60. Payment of the amount adjudged owing by the defendant may be ordered forthwith or by instalments, in cash or in kind, and in any manner that the Small Debt Official may consider reasonable and just, and the Small Debt Official may examine the defendant on oath as to his means and effects.

Execution.

61. When the Small Debt Official deems it necessary to seize any part of the property of the defendant to enforce the judgment he may issue a writ of execution in Form F to any person whom the Small Debt Official considers fit and proper to execute the same, but the goods and chattels used by the defendant in obtaining his livelihood are exempt from seizure to the extent specified in the *Exemptions Ordinance*.

Sale of goods under seizure.

62. When a seizure is made under section 61 the Small Debt Official may sell the goods and chattels so seized after such advertising, by posting of notices or otherwise, as he

considers necessary, and he shall apply the moneys realized from the sale first in payment of the costs of the action and secondly in payment of the debt owing to the plaintiff, and any moneys remaining shall be returned to the defendant.

63. (1) Either the defendant or the plaintiff may appeal **Appeals.** to the Court from the judgment of a Small Debt Official by giving notice of appeal to the Small Debt Official and to the other party and by depositing with the Small Debt Official such sum as security for costs as the Small Debt Official may consider necessary.

(2) The Court shall hear an appeal made under subsection (1) on a day convenient to it and to the parties and the decision of the Court is final.

64. The following Ordinances are repealed: **Repeal.**

- (i) *The Judicature Ordinance*, chapter 48 of the Consolidated Ordinances, 1914;
- (ii) *An Ordinance to amend the Judicature Ordinance*, Chapter 4 of the Ordinances of 1915;
- (iii) *An Ordinance to amend the Judicature Ordinance*, chapter 3 of the Ordinances of 1916;
- (iv) *An Ordinance to amend the Judicature Ordinance*, chapter 7 of the Ordinances of 1924;
- (v) *An Ordinance to amend the Judicature Ordinance*, chapter 2 of the Ordinances of 1930;
- (vi) *An Ordinance to amend the Judicature Ordinance*, chapter 8 of the Ordinances of 1937;
- (vii) *An Ordinance to amend the Judicature Ordinance*, chapter 11 of the Ordinances of 1942;
- (viii) *An Ordinance to amend the Judicature Ordinance*, chapter 1 of the Ordinances of 1948;
- (ix) *An Ordinance to amend the Judicature Ordinance*, chapter 5 of the Ordinances of 1950 (2nd session);
- (x) *An Ordinance respecting Constables*, chapter 20 of the Consolidated Ordinances of 1914;

- (xi) *An Ordinance respecting the Clerk and Deputy Clerk of the Court*, chapter 13 of the Consolidated Ordinances, 1914;
- (xii) *An Ordinance respecting the Sheriff and Deputy Sheriffs*, chapter 81 of the Consolidated Ordinances, 1914;
- (xiii) *An Ordinance respecting Alimony*, chapter 2 of the Consolidated Ordinances, 1914;
- (xiv) *An Ordinance respecting the Office of Public Administrator*, chapter 74 of the Consolidated Ordinances, 1914;
- (xv) *An Ordinance to amend the Ordinance respecting the Office of Public Administrator*, chapter 4 of the Ordinances of 1925;
- (xvi) *An Ordinance to amend an Ordinance respecting the Office of Public Administrator*, chapter 2 of the Ordinances of 1936;
- (xvii) *An Ordinance to amend an Ordinance respecting the Office of Public Administrator*, chapter 7 of the Ordinances of 1949 (1st session); and
- (xviii) *The Justice of the Peace Ordinance*, chapter 5 of the Ordinances of 1952 (1st session).

Coming into
force.

65. This Ordinance shall come into force on the day that the *Yukon Act*, chapter 53 of the Statutes of Canada, 1952-53 comes into force."

4. The Schedule to the said Ordinance is amended by adding thereto the following forms:

FORM B

SMALL DEBT APPLICATION

Canada,
Yukon Territory,

BETWEEN:

.....Plaintiff

of

- and -

.....Defendant

of

Made this day of 19 , be-
fore the undersigned, Small Debt Official, in which the
Plaintiff claims that the defendant is indebted to him in the
sum of \$

(Quote particulars of claim or refer to them as attached.)

SWORN before me
at
in the Yukon Territory,
this day of
19

Small Debt Official

(Signature of Plaintiff)

FORM C

SMALL DEBT NOTICE OF CLAIM

Canada,
Yukon Territory,

BETWEEN:

.....Plaintiff

of

- and -

.....Defendant

of

To the above-named Defendant:

Take Notice that _____, the above-named Plaintiff, of _____, has entered a claim against you for the sum of \$ _____. A statement of his claim is annexed hereto.

And You Are Notified that if you dispute the said claim you must either appear before me in person or submit your grounds for dispute in writing on the form attached on or before _____ and further take notice that if no grounds for dispute are submitted by you or you fail to appear before me in person by the date above quoted, then judgment for the plaintiff's claim and costs may be entered against you by default and without further notice to you.

.....
Small Debt Official

FORM D

SMALL DEBT DISPUTE NOTE

Canada,
Yukon Territory.

BETWEEN:

.....Plaintiff

of

- and -

.....Defendant

of

To the Small Debt Official at
Take Notice that I dispute the Plaintiff's claim for the
sum of \$, on the following grounds:—

(Give grounds for disputing claim)

.....

Defendant

FORM E

SMALL DEBT CERTIFICATE OF JUDGMENT

Canada,
Yukon Territory.

BETWEEN:

.....Plaintiff

of

- and -

.....Defendant

of

To Whom It May Concern:

Take Notice that in a certain Claim under the provisions of the Judicature Ordinance, I have this day given judgment in favour of the plaintiff for the sum of \$ for debt and \$ for costs.

Dated at in the Yukon Territory this
day of 19

.....
Small Debt Official

FORM F

SMALL DEBT WRIT OF EXECUTION

Canada,
Yukon Territory.

.....Plaintiff

of

- and -

.....Defendant

of

To

(State name and occupation of person delegated to
execute this writ.)

Whereupon I have this day issued a Certificate of Judgment in favour of _____ for the sum of \$ _____ for debt and \$ _____ for costs totalling \$ _____

This Writ is issued to empower and command you to seize the personal property, goods and chattels of _____, Defendant, for the total of the amounts above quoted and to bring such personal property, goods and chattels to me as soon as possible after execution of this Writ.

You are expressly prohibited from seizing the goods and chattels of the defendant that are used by the defendant in obtaining his livelihood to the extent specified in the *Exemptions Ordinance*.

Given under my hand at _____ in the Yukon Territory, this _____ day of _____, 19 _____

.....
Small Debt Official " "

CHAPTER 23

ORDINANCES OF YUKON TERRITORY

1955 (First Session)

AN ORDINANCE TO AMEND THE GASOLINE AND
DIESEL OIL TAX ORDINANCE*(Assented to April 2nd, 1955.)*

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

1. The *Gasoline and Diesel Oil Tax Ordinance*, chapter 3 of the Ordinances of 1949 (2nd session), is amended by inserting immediately after paragraph (d) of section 13 thereof the following paragraph:

“(e) for the operation of a boat, motor boat, ship or other water conveyance;”

2. Subsection (1) of section 14 of the said Ordinance is amended

(a) by inserting immediately before the word “diesel” in the first line thereof the words “gasoline or”, and

(b) by adding immediately after paragraph (e) thereof the following paragraph:

“(f) for the operation of a boat, motor boat, ship or other water conveyance;”

CHAPTER 24

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO AMEND THE ADOPTION
ORDINANCE

(Assented to April 2nd, 1955.)

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

1. The *Adoption Ordinance*, chapter 13 of the Ordinances of 1954 (3rd session), is amended by striking of the word "eighteen" where the same appears in section 2 and substituting therefor the words "twenty-one."

Section 2
amended.

CHAPTER 25

ORDINANCES OF YUKON TERRITORY

1955 (First session)

AN ORDINANCE TO AMEND THE YUKON
GAME ORDINANCE

(Assented to April 2nd, 1955.)

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

**Section 24
repealed.**

1. *The Yukon Game Ordinance*, chapter 11 of the Ordinances of 1951 (2nd session), is amended by repealing section 24 thereof.

**Sale of
antlers
or horns.**

2. The said Ordinance is further amended by adding to section 64 the following subsection:

“(4) Notwithstanding subsection (1), the Commissioner may subject to such terms and conditions as he deems fit, by permit signed by him, grant permission to any person to sell the antlers, horns or cape of any game.”

CHAPTER 26

ORDINANCES OF YUKON TERRITORY
1955 (First Session)AN ORDINANCE TO AMEND THE WORKMEN'S
COMPENSATION ORDINANCE*(Assented to April 2nd, 1955.)*

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

1. Subsection (2) of section 3 of the *Workmen's Compensation Ordinance*, chapter 12 of the Ordinances of 1952 (2nd session), is repealed and the following substituted therefor:

Section 3 amended.

"(2) The Commissioner may by order

Commissioner may exempt employers.

- (a) exempt from the application of this section, for any period not exceeding twelve months, any employer who has made other arrangements for the protection of his workmen considered by the Commissioner to be at least equivalent to those provided by this Ordinance, subject to such conditions and the payment of such fee as the Commissioner may prescribe;
- (b) exempt from the application of this Ordinance, any employer who employs persons in the Territory on a temporary basis, in respect of those employees who are normally resident outside the Territory and are protected by a workmen's compensation scheme satisfactory to the Commissioner, subject to such conditions and the payment of such fee as the Commissioner may prescribe;
- (c) exempt any areas of the Territory from the application of this Ordinance; and
- (d) revoke any exemption made under paragraph (a), (b) or (c)."

Areas.

Revoke exemptions.

Section 17 amended.

2. (1) Subsection (5) of section 17 of the said Ordinance is amended by adding after the word "Commissioner" where it first appears the words "and the insurer."
- (2) All that portion of subsection (8) of the said section 17 preceding paragraph (a) thereof is repealed and the following substituted therefor:

"(8) A physician who attends an injured workman shall forward to the Commissioner, in duplicate,"

Section 41 amended.

3. (1) Subsection (4) of section 41 of the said Ordinance is repealed and the following substituted therefor:

Subsistence allowance.

"(4) Where workman is undergoing treatment under the direction of the referee or the employer in a district, settlement, or place other than that in which the workman ordinarily resides and does not receive free board and lodging from his employer, the employer shall pay to such workman a subsistence allowance, while the workman is undergoing such treatment,

(a) at the rate of five dollars per day, while the workman continues to maintain his house or other residence in the district, settlement, or place in which he ordinarily resides;

(b) at the rate of two dollars and fifty cents per day, where the workman does not maintain that residence; or

(c) in either case, such lesser amount as may be determined by the referee on reference by the Commissioner."

- (2) The said section 41 is further amended by adding thereto, immediately after subsection (5) thereof, the following subsections:

Contracts for medical aid and hospitalization.

"(5a) Any major operations or operations of election require the approval of the employer or the insurer, or of the referee on reference by the Commissioner, before being performed and in the event that such approval is not obtained,

except in cases of emergency the cost thereof may be paid or not at the discretion of the referee.

- (5b) Under no circumstances shall a workman be charged any amount to supplement that paid or to be paid by his employer or an insurer for services to which the workman is entitled under this Ordinance.” **Employer not to charge employee.**

4. Section 42 of the said Ordinance is repealed and the following substituted therefor: **Section 42 substituted.**

“42. (1) Subject to subsections (2) and (3), each employer shall,

(a) annually, on the date that the whole or any part of the annual premium on his contract of insurance entered into under this Ordinance is first due, pay to the Commissioner or to a person authorized by him as his agent in that behalf an assessment of such percentage, not exceeding one-half of one per cent, of his estimated payroll for the twelve month period commencing on that date, as the Commissioner from time to time prescribes; and

(b) within thirty days after each anniversary of the date referred to in paragraph (a), submit to the commissioner in prescribed form a statement of his actual payroll for the twelve month period preceding such anniversary date.

(2) Notwithstanding paragraph (b) of subsection (1), with- **Idem.**
in thirty days after the date on which an employer ceases to be an employer or his contract of insurance expires, whichever first occurs, he shall submit to the Commissioner in prescribed form a statement of his actual payroll for the period from the date mentioned in paragraph (a) of subsection (1) to the applicable date mentioned in this paragraph.

Assessment of exempted employers.

(3) An employer who is exempted under paragraph (a) of subsection (2) of section 3 shall

(a) on the date that the exemption is granted, pay to the Commissioner or to a person authorized by him as his agent in that behalf an assessment of such percentage, not exceeding one-half of one per cent, of his estimated payroll for the period in respect of which the exemption is granted, as the Commissioner from time to time prescribes; and

Statement of payroll.

(b) within thirty days after the date on which he ceases to be exempt from the application of section 3 or the date on which he ceases to be an employer, whichever first occurs, submit to the Commissioner in prescribed form a statement of his actual payroll for the period during which he was exempt.

Change in assessment rate.

(4) A change in the rate of assessment is effective on the first due date for payment of any assessment following the date on which the new rate is prescribed.

Adjustment of assessment.

(5) Where an assessment paid by an employer under this section in respect of any period is greater than the amount that he would have paid had the assessment been made on his actual payroll for that period, the amount of the overpayment shall be refunded to him following receipt by the Commissioner of the statement of the employer's actual payroll for that period.

Idem.

(6) Where an assessment paid by an employer under this section in respect of any period is less than the amount that he would have paid had the assessment been made on his actual payroll for that period, he shall pay the amount of the difference to the Commissioner at the time he submits the statement of his actual payroll for that period.

Commissioner may appoint agent to collect.

(7) The Commissioner may authorize any person as his agent to collect any assessment payable under this section, and such agent shall have full power to take, and may institute and carry out all necessary legal

proceedings in his own name to recover any such assessment for the Commissioner.

- (8) From and out of the Yukon Consolidated Revenue Fund there may be paid the referee's fees and expenses, the sum to which an employer is entitled to be refunded under this section and such other costs incidental to the administration and enforcement of this Ordinance, and such part of the moneys collected by assessment in excess of all such fees, expenses, refunds and costs as the Commissioner may determine." Payment of referee's fees, expenses, etc.
-

CHAPTER 27

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER
OF THE YUKON TERRITORY TO EXTEND THE
BOUNDARIES OF THE CITY OF WHITEHORSE AND
TO MAKE AN AGREEMENT WITH THE
CITY OF WHITEHORSE

(Assented to March 29th, 1955.)

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

Commissioner
may enter
agreement.

1. (1) The Commissioner may, on behalf of the Yukon Territory, enter into an agreement with The City of Whitehorse in the form set out in Schedule A or to the like effect.

City Council
may authorize
execution of
agreement.

(2) The Council of The City of Whitehorse may by by-law authorize the Mayor and City Clerk of the City to execute the agreement referred to in subsection (1) on behalf of the City.

Agreement
binding on
The City of
Whitehorse.

(3) Upon execution by The City of Whitehorse of the agreement referred to in subsection (1), the agreement is valid and binding on the City and the by-law purporting to authorize the execution of the agreement shall not be questioned.

Proclamation
adding area
to City.

2. Upon being satisfied that
(a) water services and sewer services have been constructed on the lands described in Schedule B or on a part thereof that includes at least two hundred surveyed lots, and

(b) the waterworks referred to in paragraph (a) have been connected to the waterworks of The City of Whitehorse,
the Commissioner may issue a proclamation declaring that the lands or part thereof referred to in paragraph (a) are part of The City of Whitehorse; and upon the issue of the proclamation, the lands described therein form part of The City of Whitehorse and the *Municipal Ordinance* applies thereto.

SCHEDULE A

MEMORANDUM OF AGREEMENT made in duplicate this

day of 19

BETWEEN: The Commissioner of the Yukon Territory,
OF THE FIRST PARTAND: The City of Whitehorse,
OF THE SECOND PART

WHEREAS the area of The City of Whitehorse is overcrowded and further land is required on which residences and other buildings may be constructed;

AND WHEREAS the only available area for such purposes is an area lying immediately across the Yukon River in a southeasterly direction from The City of Whitehorse;

AND WHEREAS it is desirable that such area or part thereof should be included in The City of Whitehorse;

AND WHEREAS the Government of Canada, subject to the necessary money being appropriated by Parliament, proposes to erect a bridge connecting the area across the river with The City of Whitehorse;

AND WHEREAS the Government of Canada, subject to the necessary funds being appropriated by Parliament, proposes to lend to the Yukon Territory the sum of Seven Hundred and Eighty Thousand Dollars (\$780,000) for the

construction of sewer and water mains in the proposed addition, which said water mains are to be connected to the water system now about to be constructed in The City of Whitehorse;

AND WHEREAS the Government of Canada is about to survey the area which it is proposed should be included in The City of Whitehorse;

AND WHEREAS the Council of The City of Whitehorse has requested that the said area across the Yukon River about to be surveyed be included in The City of Whitehorse;

AND WHEREAS it is desirable that The City of Whitehorse should agree to maintain sewer and water services in the proposed addition from and after the day on which the said area or part thereof is included in The City of Whitehorse;

AND WHEREAS the Commissioner in Council of the Yukon Territory has authorized the Commissioner to execute this agreement on behalf of the Yukon Territory and has authorized the Council of The City of Whitehorse to pass a by-law authorizing the Mayor and City Clerk of The City of Whitehorse to execute this agreement on behalf of the said City.

NOW THEREFORE, in consideration of the premises this agreement witnesseth that the parties hereto agree as follows:

1. When an area including at least two hundred surveyed lots lying immediately across the Yukon River in a south-easterly direction from The City of Whitehorse comprising the area described below or part thereof is incorporated within the limits of and becomes part of the said City, The City of Whitehorse agrees to maintain and keep in good repair the water and sewer facilities constructed in the area so incorporated and to supply and maintain such other municipal services as can be made available to the residents of such area.

DESCRIPTION

All that parcel lying easterly of the Yukon River in the vicinity of the City of Whitehorse, in Yukon Territory, said parcel being more particularly described as follows and premising that a straight line between an iron post marked T 304 and an iron post marked T 302 has an astronomic bearing of one hundred and thirty-nine degrees and forty-four minutes, as said posts are shown on a plan of record number forty-two thousand two hundred and eighty-one in Legal Surveys and Aeronautical Charts Division of the Department of Mines and Technical Surveys at Ottawa;

Commencing at said post marked T 304; thence on a bearing of sixty-nine degrees and twenty-one minutes a distance of four hundred and fifty feet to a point; thence on a bearing of three hundred and thirty-nine degrees and twenty-one minutes a distance of twenty-four hundred feet to a point; thence on a bearing of two hundred and forty-nine degrees and twenty-one minutes along a line hereinafter designated line A, a distance of thirteen hundred and fifty feet to a point; thence on a bearing of three hundred and thirty-nine degrees and twenty-one minutes along a line hereinafter designated line B, a distance of forty-two hundred feet, more or less, to a point on the easterly production of the southerly boundary of lot two hundred and forty-two, group eight hundred and four, as said lot is shown on a plan of record number eighteen thousand five hundred and thirty-two in said Division; thence westerly along said easterly production and said boundary and its westerly production to the easterly ordinary high water mark of Yukon River; thence southerly a distance of twenty-eight hundred feet approximately along said high water mark to its intersection with a line parallel to and perpendicularly distant westerly fourteen hundred and fifty feet from said line B; thence on a bearing of one hundred and fifty-nine degrees and twenty-one minutes a distance of sixteen hundred and twenty feet approximately to a point on the westerly production of said line A; thence easterly along said westerly production a distance of six hundred feet to a point; thence on a bearing of one hundred and fifty-nine degrees and twenty-one minutes a distance of twenty-four hundred feet to a point; thence on a bearing of sixty-nine degrees and twenty-one minutes

a distance of seventeen hundred and fifty feet to the point of commencement; said parcel containing by admeasurement two hundred and sixty acres approximately.

IN WITNESS WHEREOF the Commissioner of the Yukon Territory and the Mayor and City Clerk of The City of Whitehorse on behalf of the said City, have executed this agreement, the day and year first above written.

Witness

Commissioner of the Yukon
Territory

The City of Whitehorse

.....
Mayor

.....
City Clerk

SCHEDULE B

DESCRIPTION OF LANDS

All that parcel lying easterly of the Yukon River in the vicinity of the city of Whitehorse, in Yukon Territory, said parcel being more particularly described as follows and promising that a straight line between an iron post marked T 304 and an iron post marked T 302 has an astronomic bearing of one hundred and thirty-nine degrees and forty-four minutes, as said posts are shown on a plan of record number forty-two thousand two hundred and eighty-one in Legal Surveys and Aeronautical Charts Division of the Department of Mines and Technical Surveys at Ottawa;

Commencing at said post marked T 304; thence on a bearing of sixty-nine degrees and twenty-one minutes a distance

of four hundred and fifty feet to a point; thence on a bearing of three hundred and thirty-nine degrees and twenty-one minutes a distance of twenty-four hundred feet to a point; thence on a bearing of two hundred and forty-nine degrees and twenty-one minutes along a line hereinafter designated line A, a distance of thirteen hundred and fifty feet to a point; thence on a bearing of three hundred and thirty-nine degrees and twenty-one minutes along a line hereinafter designated line B, a distance of forty-two hundred feet more or less, to a point on the easterly production of the southerly boundary of lot two hundred and forty-two, group eight hundred and four, as said lot is shown on a plan of record number eighteen thousand five hundred and thirty two in said Division; thence westerly along said easterly production and said boundary and its westerly production to the easterly ordinary high water mark of Yukon River; thence southerly a distance of twenty-eight hundred feet approximately along said high water mark to its intersection with a line parallel to and perpendicularly distant westerly fourteen hundred and fifty feet from said line B; thence on a bearing of one hundred and fifty-nine degrees and twenty-one minutes a distance of sixteen hundred and twenty feet approximately to a point on the westerly production of said line A; thence easterly along said westerly production a distance of six hundred feet to a point; thence on a bearing of one hundred and fifty-nine degrees and twenty-one minutes a distance of twenty-four hundred feet to a point; thence on a bearing of sixty-nine degrees and twenty-one minutes a distance of seventeen hundred and fifty feet to the point of commencement; said parcel containing by admeasurement two hundred and sixty acres approximately.

CHAPTER 28

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER
TO LEND MONEY TO THE CITY OF WHITEHORSE FOR
THE CONSTRUCTION OF MUNICIPAL WORKS

(Assented to April 2nd, 1955.)

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

SHORT TITLE

- Short title. 1. This Ordinance may be cited as the *Whitehorse Loan Ordinance*.

INTERPRETATION

- Definitions. 2. (1) In this Ordinance,
- (a) "borrowing by-law" means a by-law mentioned in section 4;
- (b) "City" means the City of Whitehorse;
- (c) "Council" means the Council of the City; and
- (d) "debenture" means a debenture issued pursuant to a borrowing by-law.

- Ordinance one with Municipal Ordinance. (2) This Ordinance shall be construed as incorporate with the *Municipal Ordinance*, but in case of conflict the provisions of this Ordinance shall prevail.

- Commissioner may lend and enter into agreement. 3. Subject to the approval of the Governor in Council, the Commissioner may, on behalf of the Territory, on the security of debentures of the City of Whitehorse, lend a sum not exceeding fifty thousand dollars to the City to enable it to carry on a programme of municipal works and for that purpose the Commissioner may, on behalf of the Territory, enter into an agreement with the City.

4. Subject to this Ordinance, the Council may pass by-laws for the borrowing of money not exceeding the sum of fifty thousand dollars for the purpose mentioned in section 3 on the security of debentures of the City issued in accordance with this Ordinance; but no such by-law shall be valid unless, prior to being finally passed by the Council, it has been submitted to and approved by the Commissioner and has received the assent of two-thirds of the voters of the City who have voted thereon.

By-laws.

Approved by Commissioner and voters.

5. (1) A borrowing by-law shall set out in detail:
- (a) the amount proposed to be borrowed;
 - (b) the purpose for which the expenditure is to be made;
 - (c) the term of the debentures to be issued;
 - (d) the rate of interest payable and whether it is to be paid annually or semi-annually;
 - (e) the method of repayment; and
 - (f) the amount of the existing debenture debt, if any, and how much, if any, of the principal or interest thereof is in arrears.

Form of by-law.

- (2) A borrowing by-law shall, by its terms
- (a) authorize the issue of debentures for the amount of the debt to be created thereby;
 - (b) specify the amount or denominations thereof;
 - (c) fix the rate or rates of interest payable thereon, and the places and the times when the principal and interest shall be payable;
 - (d) provide that the debentures and coupons for the interest thereon shall be paid in lawful money of Canada; and
 - (e) generally shall be in such form and contain such further provisions as are required by the Commissioner.

Idem.

6. No money borrowed pursuant to a borrowing by-law shall be used for a purpose other than that stated in the by-law, except that if there remains an unexpended balance in

Money to be used for purpose stated.

respect of the purpose for which the money was borrowed, such balance may be used by the City.

- (a) for the payment of any interest payable in respect of the debenture issued, or
- (b) for the repayment of the principal amount of the debenture, or any portion thereof.

Debentures how issued.

7. (1) Debentures may be issued either all at one time or instalments at such times as Council deems expedient, but no debenture shall be issued after the expiration of two years after the final passing of the by-law.

Form of debenture and coupons.

(2) Debentures and interest coupons shall be in a form approved by the Commissioner and shall be signed by such persons and in such manner as the Commissioner prescribes.

Term.

(3) No debentures shall be issued for a term exceeding ten years.

Interest.

(4) Debentures and interest coupons shall bear interest at the same rate after as before maturity.

Where payable.

(5) Debentures and interest coupons may be payable at any place in Canada.

Redemption.

8. (1) A by-law may provide that any of the debentures authorized to be issued thereunder shall be redeemable at the option of the City at such time or times as the City may find it possible to redeem the same.

Redemption prior to maturity.

(2) Where a debenture is redeemed prior to maturity, the redemption shall not affect the validity of any by-law by which taxes have been imposed in respect thereof, the validity of such taxes or the power of the Council to continue to collect taxes in respect thereof.

Defect in form, etc., of debenture.

9. Any debenture issued under this Ordinance shall be valid and binding upon the City, notwithstanding any insufficiency in the form or substance of the debenture or the by-law if the by-law has received the approval of the Com-

missioner and the assent of two-thirds of the voters who voted thereon and no successful application has been made to quash it.

10. If the City defaults in payment of the moneys owing on a debenture issued under a by-law passed pursuant to this Ordinance, Council shall forthwith make a special levy against all property in the City to raise sufficient funds to pay the arrears owing on such debentures. Special levy where default in debentures.

11. This Ordinance shall come into force on the day upon which the *Yukon Act*, chapter 53 of the Statutes of Canada 1952-53, comes into force. Coming into force.

CHAPTER 29

ORDINANCES OF YUKON TERRITORY

1955 (First Session)

AN ORDINANCE TO PROVIDE FOR THE IMPOSITION
AND COLLECTION OF A POLL TAX*(Assented to April 2nd, 1955.)*

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

SHORT TITLE

- Short title. 1. This Ordinance may be cited as the *Poll Tax Ordinance*.

INTERPRETATION

- Definitions. 2. In this Ordinance,
- "Collector". (a) "collector" means the collector of poll tax described in section 3, and includes a sub-collector;
- "Employer". (b) "employer" means a person who employs labourers, servants, clerks, domestics or any other hired help for wages, salary, fee or other reward;
- "Municipal collector". (c) "municipal collector" means a collector of the tax for a municipality;
- "Municipality". (d) "municipality" means a municipality as defined in the *Municipal Ordinance*;
- "Receipt". (e) "receipt" means a receipt of tax issued under this Ordinance; and
- "Tax". (f) "tax" means a poll tax provided for under this Ordinance.

PART I

TERRITORIAL POLL TAX

COLLECTOR AND SUB-COLLECTOR

3. The Territorial Treasurer is the collector of the tax for the Territory. Collector.

4. The Commissioner may appoint such sub-collectors as he deems advisable who may exercise all the functions and perform all the duties of the collector under this Ordinance within such portion of the Territory as the Commissioner designates. Sub-collectors.

LIABILITY FOR TAX

5. (1) Except as provided in this Ordinance, every male person who is gainfully employed and has resided in the Territory for a period of at least one month shall pay an annual poll tax of five dollars on demand by his employer or the collector. By whom tax payable.

(2) Subject to subsection (3), the tax is due and payable on the 1st day of January in each year. When tax due.

(3) Where a person begins residing in the Territory after the 1st day of January in any year, the tax for that year is due and payable when the person has resided in the Territory one month. Exception.

6. (1) No tax is payable by any person who Exemptions.

(a) is over the age of sixty years or under the age of nineteen years and whose last yearly income did not exceed one thousand dollars;

(b) is a member on active service in the Armed Forces of Her Majesty;

(c) is a member of a visiting force, as defined in the *Visiting Forces (North Atlantic Treaty) Act*;

(d) is ordinarily a resident of the United States of America residing in the Territory as an official or

employee of the Government of the United States or a Commission of that Government or as a workman engaged on highway, railroad, pipeline or defence construction;

- (e) is an Indian;
- (f) has paid to the Commissioner or to a municipality in the Territory taxes assessed on land for the year ending the 31st day of December immediately preceding the day of the making of the demand for the poll tax and who exhibits to his employer and to the collector proof of the payment of such taxes either by the production of a receipt or certificate from the person who collected them that such taxes for that year have been paid, unless such taxes are less than five dollars in which case the tax payable is the amount by which the tax imposed by this Ordinance exceeds the amount of the taxes paid;
- (g) is attending a school or university and is employed on seasonal employment only;
- (h) is in receipt of a pension or annuity and not otherwise gainfully employed; or
- (i) was a resident of the Territory for the whole of the year next preceding the year in which the tax would, but for this paragraph, become due and payable; the burden of establishing residence is upon the person claiming exemption under this paragraph.

Ibid.

- (2) No poll tax imposed under section 5 is payable by any person who
 - (a) has paid or is liable to pay a poll tax for the current year under Part 11, and
 - (b) exhibits to the employer or to the collector proof of the payment or liability to pay a poll tax described in paragraph (a) by the production of a receipt or certificate from a municipal collector.

DUTIES OF EMPLOYER

7. (1) Every employer shall collect the tax from every male person directly or indirectly employed by him for a period of at least one week who is liable for the tax and who does not present a receipt on demand. Employer to collect tax.
- (2) An employer may collect the tax by deducting it from the amount of salary or wages due or to become due to a male person employed by him. Employer may deduct tax from salary.
- (3) When a male person is indirectly employed by an employer, the employer may collect the tax by deducting it from the amount payable to the contractor who employs such person. Where person employed by contractor.
8. (1) Every employer shall furnish to the collector, when so requested by the collector, a list of all male persons who are List to be furnished by employer to collector.
- (a) directly or indirectly employed by him, and
- (b) liable to pay the tax.
- (2) Where a male person presents a receipt to his employer, the employer shall furnish to the collector the name of the person and the number, date and place of issue of this ticket. Employer to give name, etc., of person furnishing receipt.
9. An employer shall remit the tax that he collects to the collector within two months after he collects it. When employer to remit tax.
10. An employer who fails to perform a duty imposed upon him by this Ordinance is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars. Offence and penalty.

DUTIES OF COLLECTOR AND SUB-COLLECTORS

11. The collector shall issue to each person who pays the tax a receipt in a form prescribed by the Commissioner setting out Collector to issue receipt:
- (a) the name in full of the person on whose behalf it is issued, and

(b) the place and date of the issue thereof.

Report by sub-collector.

12. (1) Every sub-collector shall, not later than the 15th day of each month, make a report to the collector setting out
- (a) all taxes collected by him in the preceding month,
 - (b) the name of each person who has paid during the preceding month, and
 - (c) the date of payment and the tax receipt numbers.

Sub-collector to remit tax to collector.

- (2) A sub-collector shall with the report referred to in subsection (1) remit to the collector the full amount of the tax collected by him during the preceding month.

Payment of fee to sub-collector.

13. Out of the Yukon Consolidated Revenue Fund there shall be paid to each sub-collector after making the report referred to in section 12 an amount equal to five percent of the tax collected by him during the preceding month.

Security by persons collecting tax.

14. The Commissioner may require such security as he thinks fit from every person empowered by this Ordinance to collect the tax.

Person required to produce receipt.

15. (1) The collector or any other person authorized by the Commissioner may demand the production of his receipt from any person who is liable to pay the tax.

Failure to comply with subsection (1).

- (2) If a person on whom a demand is made under subsection (1) fails to comply with that subsection or pay the tax in lieu thereof within one week, the collector or other person making the demand may levy the tax, together with a penalty of twice the amount of the tax.

Person producing false receipt.

16. (1) When a receipt is demanded by the collector or other person authorized by the Commissioner to make such demand, no person shall, with intent to evade payment of the tax, knowingly produce a receipt that purports to be but is not a receipt for the tax due by him.

Offence and penalty.

- (2) A person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

RECOVERY OF TAX

17. The tax and the penalty provided for by section 15 may be recovered by action brought in the name of the Collector of Poll Tax for the Yukon Territory as a debt in an ordinary action. Tax recoverable as debt in ordinary action.

18. In an action for the recovery of the tax the burden of proof that the tax has been paid is on the defendant. Burden of proof.

PART II

MUNICIPAL POLL TAX

19. (1) The Council of a municipality may by by-law fix and impose a poll tax not exceeding five dollars on every male person who resides within the boundaries of the municipality for a period of at least one month. Municipal Council may impose tax.

(2) A tax under this Part is payable to the municipal collector and is, in respect of the year in which the by-law passed, due on a day fixed by the by-law, and thereafter on the 1st day of January in each year. When tax due.

20. (1) Subject to this section Part I applies to a tax imposed under this Part. Part I applies to tax under this part.

(2) Paragraph (f) of subsection (1) of section 6 does not apply in respect of a tax imposed under this Part. Exception.

(3) In applying Part I to this Part "Municipal Council" shall be substituted for "Commissioner", and "municipal collector" shall be substituted for "collector". Substitution of "Municipal Council" for "Commissioner" and "municipal collector" for "collector".

21. (1) No tax under this Part is payable by a person who Exemptions.

(a) has paid to the collector of a municipality assessed taxes to the value of five dollars on real property, land or improvements for the year ending the 31st day of December immediately preceding the day a demand for the tax is made, and

(b) exhibits to his employer and to the municipal collector proof of the payment of such assessed taxes

either by the production of a receipt for the same or of a certificate from the municipal collector that states that such assessed taxes have been paid.

Ibid.

(2) Where the assessed taxes referred to in subsection (1) paid by any person for the preceding year are less than five dollars the amount of tax payable by him under this Part is limited to the amount by which the tax imposed exceeds the amount of the assessed taxes so paid.

Ibid.

(3) No tax imposed under this Part by a municipality is payable by a person who

(a) has paid a tax imposed under this Part by another municipality, and

(b) exhibits to the municipal collector for the former municipality proof of such payment by production of a receipt or certificate from the municipal collector for the other municipality.

Money collected under this Part to be placed to credit of municipality.

22. All money collected from tax under this Part in any municipality shall be placed to the credit of the municipality.

Repeal.

23. The *Poll Tax Ordinance*, chapter 1 of the Ordinances of 1951 (1st session), is repealed.

CHAPTER 30

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER OF YUKON TERRITORY TO ENTER INTO AN AGREEMENT WITH THE CITY OF WHITEHORSE RESPECTING THE CONSTRUCTION OF A WATERWORKS SYSTEM AND SEWAGE SYSTEM IN THE CITY OF WHITEHORSE AND IN THE NEW SUBDIVISION ADJACENT TO SUCH CITY, AND TO AUTHORIZE THE COMMISSIONER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF SUCH WATERWORKS SYSTEM AND SEWAGE SYSTEM

(Assented to March 29th, 1955.)

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

1. (1) The Commissioner is authorized to enter into an agreement with the City of Whitehorse in the form set out in Schedule A or to like effect. Commissioner and City of Whitehorse may make agreement.
- (2) The Council of the City of Whitehorse may by by-law authorize the Mayor and the City Clerk to execute the agreement referred to in subsection (1) on behalf of the City and may by by-law appoint the Commissioner of Yukon Territory its agent for the purpose of entering into a contract for the construction of water services and sewer services in the City of Whitehorse.
2. The Commissioner of Yukon Territory may, on behalf of the Territory and as agent of the City of Whitehorse enter into contracts for the purchase of material and the construction of the composite waterworks system and sewage disposal system referred to in the agreement in said Schedule A. Commissioner may enter into agreement.
3. The agreement made between the Government of Yukon Territory and the City of Whitehorse set out in Schedule B is ratified and confirmed. Agreement between Government of Yukon and City of Whitehorse ratified.

AND WHEREAS by an agreement dated the 18th day of December, 1954, the Government of the Yukon Territory agreed to loan to the City the said one million dollars for the said purpose;

AND WHEREAS it has been agreed between the Government of Canada and the Government of the Yukon Territory that land on the right bank of the Yukon River, adjacent to the present City of Whitehorse, shall be subdivided, and furnished with sewage and water services at an estimated cost of \$780,000, and shall be proclaimed part of the said City.

NOW, THEREFORE, the parties hereto agree as follows:

1. The City hereby authorizes the Commissioner of the Yukon Territory to enter into a contract or contracts for the purchase of materials and the construction of the sewer and water system in the City of Whitehorse as part of a composite system to serve both the present City of Whitehorse and the proposed subdivision, subject to the conditions hereinafter set out.

2. The City agrees to pay 10/17th of the cost of constructing the said composite system but in no event shall the City be liable to pay more than one million dollars towards such cost, and the Commissioner of the Yukon Territory, subject to the necessary funds being appropriated by the Commissioner in Council, agrees to pay the remainder of the cost of the said composite system.

3. The City will from time to time, on the requisition of the Commissioner, pay to the Commissioner as its agent for repayment to the contractor, its share of expenditures made from time to time based on progress certificates, approved by officers of the Territory.

4. The composite sewer and water system shall be constructed in accordance with plans prepared by the consulting engineers previously retained by the City in connection with the present sewer and water system and approved by the City.

IN WITNESS WHEREOF the Commissioner of the Yukon Territory and the City of Whitehorse by its duly authorized

officers in that behalf have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED by the Commissioner of the Yukon

In the presence of

CITY OF WHITEHORSE

.....
Mayor

.....
City Clerk

SCHEDULE "B"

WHITEHORSE SEWER AND WATER PROJECT AGREEMENT

THIS AGREEMENT made in duplicate this 18th day of December A.D. 1954.

BETWEEN:

The Government of the Yukon Territory
(hereinafter called "the Territory")

OF THE FIRST PART,

- and -

The Municipality of the City of Whitehorse
(hereinafter called "the City")

OF THE SECOND PART.

WHEREAS vote 540 of the Appropriation Act, No. 4, 1954, chapter 67 of the Statutes of Canada, 1953-54, reads as follows:

"540. To provide for loans in the present and ensuing fiscal years not exceeding in the aggregate \$1,000,000 to the Government of the Yukon Territory for the purpose

of lending such money to the City of Whitehorse for providing adequate water distribution and sewage disposal systems, the loans to be made to the said Territory in accordance with the terms of an agreement to be entered into between the Government of the Yukon Territory and the Government of Canada; and to authorize the Commissioner in Council to make Ordinances for the borrowing and lending of such money by the Commissioner of the Yukon Territory on behalf of the Territory;" and

WHEREAS the Governor in Council of Canada has authorized the Minister of Northern Affairs and National Resources to enter into an agreement on behalf of the Government of Canada pursuant to said Vote 540; and

WHEREAS the Commissioner in Council of the Yukon Territory has authorized the Commissioner to enter into the agreement on behalf of the Territory; and

WHEREAS such agreement between the said Governments has been executed; and

WHEREAS the Commissioner in Council of the Territory has further authorized the Commissioner on the security of debentures of the City of Whitehorse, to lend to the City of Whitehorse any part of the sum borrowed from the Government of Canada pursuant to the said agreement; and

WHEREAS By-law number 30 passed by the Whitehorse City Council on the 8th day of June, 1954, authorized the Mayor of the City of Whitehorse to raise by way of loan from the Government of Yukon Territory on the credit of debentures a sum not exceeding one million dollars for the purpose of constructing a waterworks and sewage disposal system; and

WHEREAS the said By-law, in accordance with the Whitehorse Waterworks and Sewage Disposal Ordinance, has been approved by the Commissioner and by a two-thirds majority of the rate-payers voting thereon;

NOW THEREFORE, in consideration of the undertakings of the respective parties, the parties hereto agree as follows:

1. In this agreement unless the context otherwise requires,
 - (a) "City" means the City of Whitehorse in Yukon Territory;
 - (b) "Commissioner" means the Commissioner of the Yukon Territory;
 - (c) "Mayor" means the Mayor of the City of Whitehorse;
 - (d) "Minister" means the Minister of Northern Affairs and National Resources;
 - (e) "work" means any preparation made, work done, or material or equipment, property or easement acquired that is necessary to build adequate water distribution and sewage disposal systems in the City in accordance with the plans and specifications approved by the parties hereto but does not include
 - (i) interest on money borrowed,
 - (ii) taxes on land,
 - (iii) the administration costs of the Territory and City other than additional costs occasioned by the construction of the water distribution and sewage disposal systems.
2. Subject to the terms and conditions of this Agreement, the Territory agrees to loan to the City sums not to exceed in aggregate the sum of one million dollars (\$1,000,000) to cover the cost of the work.
3. The City agrees to repay the Territory the sum loaned by the Territory together with interest thereon at the rate of three and seven-eighths ($3\frac{7}{8}\%$) per annum on the said loan, or so much thereof as at any time remains unpaid, whether before or after the same becomes due, in thirty equal annual instalments including principal and interest, the first of such instalments to become due and to be paid on the first day of October 1957, all interest on becoming overdue to bear interest at the rate aforesaid from the date when it becomes due until all the monies payable on the said loan are fully paid and satisfied.
4. Subject to this Agreement, the Territory agrees to make the said loan to the City as follows:

Fifty thousand dollars (\$50,000) as an advance to the City on the requisition of the Mayor and City Clerk and the balance to be paid out from time to time on requisitions of the Mayor and City Clerk based on progress certificates approved by officers of the Territory and the City.

5. All funds received by the City from the Territory under this Agreement will be deposited in a special account in a chartered bank of Canada and all issues therefrom shall be by cheque signed by the proper officers of the City.
6. (1) The City will secure all funds borrowed from the Territory in this Agreement by issuing debentures.
 - (2) In addition to the requirements respecting debentures in the Whitehorse Waterworks and Sewage Disposal Ordinance, all debentures issued by the City pursuant to subparagraph (1) will
 - (a) be in a form approved by the Commissioner,
 - (b) be in denominations of not less than \$10,000,
 - (c) be sealed with the seal of the City and bear the facsimile signature of the Mayor and signed by the City Clerk,
 - (d) be issued not later than October 1st, 1957.
 - (3) The City may redeem all or any portion of debentures issued under this section before maturity without notice or bonus.
7. (1) Subject to subparagraph (2), the City will construct the work in accordance with plans and specifications approved by the Commissioner through the award of a contract or contracts to persons tendering pursuant to an invitation therefor made by public advertisement by the City.
 - (2) Where in the opinion of the Commissioner any part of the work is so small an undertaking that it would be unsuitable to award a contract therefor pursuant to public advertisement and tender, the City may with the prior consent of the Commissioner award a contract

for that part of the construction pursuant to tenders invited from not fewer than two persons designated by the Commissioner and the City.

8. Notwithstanding anything in this Agreement, the Territory is not liable to advance to the City any portion of the loan unless

- (a) before tenders are invited for a contract for the work the form of advertisement for tenders, if any, the tender forms and the specifications, plan and profiles and the proposed terms of the contract are approved in writing by the Commissioner;
- (b) the contract has been awarded pursuant to tenders invited in the manner provided in paragraph 7;
- (c) at the time the contract is entered into the contractor is a resident of Canada or if the contractor is a corporation, it was, for a period of at least one year immediately prior to that time, incorporated and carried on business in Canada;
- (d) the construction to be performed under the contract is to be paid for at a lump sum price or unit prices or both;
- (e) it is a term of the contract that the contractor and any sub-contractor of the contractor in respect of the work to be carried out under the contract,
 - (i) will employ only residents of Canada; and
 - (ii) in the hiring or employment of labour for the execution of this contract the contractor will not refuse to employ or otherwise discriminate against any person in regard to employment because of that person's race, national origin, colour or religion, nor because the person has made a complaint or given information with respect to an alleged failure to comply with the provisions of this clause;
- (f) entry into the contract was agreed to in writing by the Commissioner before it was entered into;

(g) the Commissioner, or person authorized by the Commissioner in writing, has certified that, and the Minister is satisfied with, the work in respect of which the loan is to be made has been completed in accordance with that contract.

9. (1) Subject to this Agreement, the cost of construction of the work is the amount determined as the aggregate of expenditures in the following classes incurred by the City in the construction of the work;

(a) payments pursuant to contracts for construction of the work entered into by the City with any person;

(b) payments in respect of construction materials purchased by the City that are necessary for and used in constructing the work to the extent that the cost thereof incurred by the City does not exceed the aggregate of the current market price of those materials prevailing in the locality where and at the time when the City acquired them and the actual cost to the City of delivering those materials to the site of construction;

(c) payments in respect of wages and salaries of members of the engineering staff employed by the City while they were engaged in field engineering operations solely in connection with the construction of the work;

(d) payments in respect of the removal and relocation of obstructions such as power, telephone and telegraph lines and other services, buildings, trees, brush, debris and the like, that were necessarily incidental to the construction of the work; and

(e) payments in respect of the restoration and repair of real property destroyed or damaged in the course of constructing the work as approved by the Commissioner.

(2) Notwithstanding anything in this Agreement, where, in the opinion of the Commissioner,

- (a) the accounts and other information furnished by the City are insufficient for the purpose of determining the true expenditures by the City in respect of the work; or
 - (b) the expenditures by the City in respect of the construction of the work, by comparison with market costs prevailing when the construction was undertaken, are excessive;
- the Commissioner may cause an appraisal to be made of the cost of the construction in question at the time when the construction was undertaken and that appraisal will form the basis of the determination of the cost of construction of the work.
10. Notwithstanding anything in this Agreement, the cost of the work does not include expenditures by the City in respect of
- (a) wages, salaries and expenses of officers or servants of the City except those specified in paragraph 9;
 - (b) the amount of any payment made by the City in respect of the construction of the work that, in the opinion of the Commissioner, exceeds the amount that was necessary in respect of the matters for which the payment was made.
11. (1) The City may apply to the Territory for such advances as will permit the City to finance the work without interruption and such advances received by the City shall be deposited in a special account in a chartered bank in the City and utilized solely for expenditures in accordance with the terms of this Agreement.
- (2) The City will maintain such cost and accounting records as will provide proof that expenditures made by the City in relation to the work performed and covered by the debentures issued are in accordance with the terms of this Agreement and that such records are made available for examination and audit by the Commissioner, his representative, or representatives of the Government of Canada.

- (3) If the Territory advances to the City an amount that exceeds the amount required for the completion of the work by the City, the City will refund the excess, and the Territory may, in addition to any other recourse, recover any such amount from amounts payable by the Territory to the City on any account.
12. (1) The City will cause the work to be completed by the 16th day of August, A.D. 1957 unless the Territory agrees to an extension of time for the completion of the work.
 - (2) If the performance of the work is delayed by reason of any delay occasioned by Canada, the Territory, or by flood, fire, lightning, earthquake, cyclone, strike or act of God, or by any other cause beyond the control of the City and of the contractors to whom a contract is awarded, the time herein fixed for the completion of the work will be extended for a period equivalent to the time lost by reason of such delay.
13. Notwithstanding anything in this Agreement no claim for loan in respect of the cost of the work may be made by the City after the work has been completed and the debentures in respect of such completed work are exchanged by the City.
14. The City will maintain full records of the advances received from the Territory, cheques issued and the debentures exchanged and will make such records, documents and vouchers available to the Commissioner or his representative or representatives of the Government of Canada for examination and audit and will give to the Commissioner, his representative or representatives of the Government of Canada all reasonable assistance.
15. (1) The Commissioner and the Minister may appoint representatives of the Territory and of the Government of Canada to report on all phases of construction of the work and they may make any inspections, enquiries and tests they consider necessary to assist them in reporting on construction and determining the cost of the construction of the work, and may discuss with

the appropriate representatives of the City any matter concerning the completion of the work in accordance with this Agreement.

- (2) Where in order to give effect to this Agreement the Commissioner or the Minister considers it necessary to inspect or appraise any lands or works the Commissioner or the Minister may cause such special inspections and appraisals to be made as he deems advisable and the City shall afford the Commissioner and the Minister or their representatives every facility for the purpose.

16. This Agreement shall not be construed as vesting in the Territory any proprietary interest in the completed work.

17. The City will arrange that the completed work is maintained in order at all times.

18. The City will indemnify and save harmless the Territory and Canada against all claims of whatsoever nature arising from or out of, or in connection with the work.

19. This Agreement is hereby exempted from Section 3 of the Fair Wages and Hours of Labour Act, but the City will see that all persons employed in the construction of the work are paid fair wages and that the hours of work observed are those determined by the Territory, which shall generally be those applicable to similar work undertaken by the Territory in the district.

20. If the City defaults in repayment of any money loaned, the Territory may in addition to any other recourse it has, recover the amount in default from amounts payable by the Territory to the City on any account.

21. In addition to all other provisions in this Agreement, it is hereby agreed between the parties hereto the following:

- (a) The Commissioner and the legal adviser of the Territory will be present at the opening of all tenders for the work.
- (b) Tenders will be examined by an engineer of the Government of Canada who will act as technical adviser to the Commissioner.

- (c) The cost of the work will be confined solely as provided in paragraph 9.
- (d) The work will be completed by the City as expeditiously as possible but in no case will the date of completion extend beyond August 16th, 1957.
- (e) The City will obtain a security deposit in a reasonable amount on the award of any contract for the work and the City will hold such security deposit pending completion of the work.
- (f) Upon completion of the work, the City will obtain a performance bond covering a period of twenty-four months after completion.
- (g) The City will require the contractor to carry out all essential types of insurance including public liability, property damage and workmen's compensation.
- (h) If extra work is required the authority required for the contractor to undertake such extra work will be specified in the contract.
- (i) The City will, in the contract for the performance of the work, name the authority but may take the work away from the contractor and the authority for the approval of such contracts.
- (j) The City will in any contract for the performance of the work indicate what spares are to be made a charge to construction costs and the responsibility of the contractor in respect of surplus materials and supplies upon completion.
- (k) The City will indicate in any contract what percentage of value of materials delivered will be paid to the contractor prior to being placed on the work.
- (l) The City will maintain in a form satisfactory to the Commissioner its records in respect of construction costs, both after completion and commencement of operation of the work and keep such records intact for a period of five years after completion of the work.

(m) The City will in the construction of such work carry out the purpose and intent of this Agreement insofar as it is applicable.

IN WITNESS WHEREOF the Commissioner of Yukon Territory and the Mayor of the City of Whitehorse have executed this Agreement.

Signed by W. G. Brown,
Commissioner of Yukon
Territory

(SEAL)

IN THE PRESENCE OF
(Sgd.) "C. M. Bolger"

(Sgd.) "W. G. Brown"

Signed by H. G. Armstrong,
Mayor of the City of
Whitehorse

(SEAL)

IN THE PRESENCE OF
(Sgd.) "P. Hewitt"

(Sgd.) "H. G. Armstrong"



CHAPTER 31

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 ORDINANCES OF YUKON TERRITORY
 1955 (First Session)

AN ORDINANCE RESPECTING THE PRACTICE
 OF PROFESSIONAL ENGINEERING

(Assented to April 2nd, 1955.)

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

SHORT TITLE

1. This Ordinance may be cited as the *Engineering Profession Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "Association" means The Association of Professional Engineers of the Yukon Territory; "Association".
- (b) "Council" means the Council of the Association; "Council".
- (c) "practice of professional engineering" means the carrying on of any branch of chemical, civil, electrical, forestry, mechanical, mining, geological, metallurgical, structural or any other form of engineering, any professional service or creative work requiring engineering education, training and experience, or the application of special knowledge of any of the mathematical or physical sciences to such professional services or creative work as consultation, investigation, evaluation, planning, designing and engineering supervision of construction or operations in connection with any public or private utilities, structures, machines, equipment, processes, works or projects; "Practice of professional engineering".

- President. (d) "President" means President of the Association.
- "Professional engineer". (e) "professional engineer" means a person who is registered or duly licensed as such under this Ordinance;
- "Register". (f) "register" means the register kept by the Registrar under this Ordinance;
- "Registration". (g) "registration" means the entry in the register of the name of the person admitted to membership in the Association, and "registered" has a corresponding meaning; and
- "Registrar". (h) "Registrar" means the Registrar of the Association.

APPLICATION

- Exemptions. 3. (1) Nothing in this Ordinance shall be so construed as to prevent a person registered as an architect under any Act of the provinces relating to the practice of architecture from practising the profession of architecture or to require him to be registered under this Ordinance where the practice of such person is confined to architecture: and nothing in this Ordinance shall apply to a Dominion land surveyor practising his profession, except that such surveyor shall not style himself nor hold himself out as a professional engineer unless he is registered or licensed under this Ordinance.
- Architects and land surveyors. (2) This Ordinance does not apply to any member of the armed forces of Canada or of a visiting force as defined in the *Visiting Forces (North Atlantic Treaty) Act*, while actually employed on duty with such forces.
- Armed forces and visiting force. (3) Nothing in this Ordinance shall be construed as preventing the carrying on by any person on his own property of any work for the sole use of himself and his domestic establishment, or the designing, construction or installing by any individual for his own use of appliances, works or plants where such work does not involve the safety of the general public or of the property of others.
- Work for personal use.

- (4) Nothing in this Ordinance shall be so construed as to prevent any person from assisting in the execution of any professional service or creative work of the kind described in the definition of "practice of professional engineering" in section 2 where a professional engineer directly supervises and assumes full responsibility for such service or work.

Assistants
under
direction of
engineer.

ORGANIZATION

4. (1) The Association of Professional Engineers of the Yukon Territory is hereby constituted a body politic and corporate.

Incorporation
of Associa-
tion.

- (2) The head office of the Association shall be situated in the City of Whitehorse in Yukon Territory.

Head office.

5. The Association shall have power to acquire and hold real and personal property and to alienate, mortgage, lease or otherwise charge, deal with or dispose of the same or any part thereof as occasion may require.

Powers of
Association
with respect
to property.

6. The membership of the Association shall consist of all members of the Association who are in good standing under the provisions of this Ordinance and all persons admitted to membership by the Council under this Ordinance and the by-laws of the Association as long as they remain on the register.

Membership.

7. (1) (a) The powers conferred on the Association shall be exercised by the Council.

Council.

- (b) Subject to this Ordinance and the by-laws of the Association the Council shall govern, control and administer the affairs of the Association and shall exercise all rights and powers vested in it by this Ordinance or by the by-laws, and may pass resolutions necessary for those purposes.

Powers.

- (2) The Council shall consist of a President, vice-president, the immediate past-president, and one councillor, chosen from the members of the Association in the manner provided by the by-laws issued under the authority of this Ordinance.

Membership.

Term of office.

- (3) Members of the Council shall hold office until their successors are elected or appointed.
- (4) All persons who are members of the Council when this Ordinance comes into operation shall continue in office until their successors are elected or appointed under this Ordinance.

President.

- (5) The President shall be elected annually by the members of the Association, and shall hold office until his successor is elected.
- (6) The President if present shall act as presiding officer at the meetings of the Council and of the Association, voting only when votes are evenly divided unless he requests the meeting to appoint some other person to preside.

Vice-president.

- (7) The vice-president shall be elected annually by the members of the Association, and shall have all the powers and rights of the President during the absence of the President.

Vacancies in the Council.

- (8) In the case of the incapacity, resignation or death of a member of the Council, the other members of the Council shall appoint a member of the Association to fill the vacancy.

Commissioner to appoint Registrar.

- 8. The Commissioner shall appoint a Registrar who shall keep a register containing the roll of members.

Powers of Council exercisable by by-law.

- 9. The Council may pass, alter and amend by-laws not inconsistent with this Ordinance providing for
 - (a) the election of the Council;
 - (b) the government, discipline and honour of the members of the Association, including the prescribing of a code of ethics by which such members shall be bound;
 - (c) the management and maintenance of the Association and its property, both real and personal, the investment of its funds, banking, the borrowing of money, the

appointment of staff and their remuneration and generally for the carrying on of the general business of the Association;

- (d) the fixing of an annual fee not in excess of fifty dollars and other fees, including fees on admission;
 - (e) the levying, payment, remission and collecting of annual and other fees;
 - (f) the establishment and regulation of standards of admission to membership and the enrolment and qualifications of candidates for admission to membership;
 - (g) the designation of the different grades of membership in the Association and limitation of the rights of members within the different grades;
 - (h) the resignation and temporary withdrawal of members;
 - (i) the calling and conduct of meetings of the Association and of the Council, the necessary quorums, voting, the appointment of committees and their powers, the method of balloting and other matters in connection therewith;
 - (j) the assistance, pecuniary or otherwise, to individuals and organizations where, in the opinion of the Council, such assistance will be of benefit to the public, the Association or its members; and
 - (k) all other purposes reasonably necessary for the management, regulation and well-being of the Association.
10. (1) Subject to subsection (2), no by-law passed by the Council shall come into force
- (a) until the expiration of 30 days from the date of passage of such by-law, and
 - (b) unless a true copy of such by-law duly certified by the seal of the Association has been filed with the Commissioner.

By-laws to
be filed
with
Commissioner.

Ratification by letter ballot upon request.

- (2) Where, within 30 days of the passage of a by-law of the Council, a written request by at least four members of the Association has been received by the Council to have a vote taken among the membership to ratify the by-law, the Council shall take a vote of the members of the Association by letter ballot in the manner provided by the by-laws of the Association, and a vote so taken shall have the same force as if the vote had been taken at a general meeting of the Association.

By-laws to be tabled.

- (3) All by-laws passed by the Association shall be tabled by the Commissioner at the next session of the Council of the Yukon Territory who may, by resolution, disallow any by-law so tabled.

Meetings of Association.

11. (1) An annual meeting of the Association shall be held at such time and place as the Council shall appoint, at least once in every calendar year, and not more than fifteen months after the holding of the last preceding annual meeting.

Default in holding annual meeting.

- (2) If default is made in holding any annual meeting, the Commissioner or a Judge on the application of a member of the Association may call or direct the calling of an annual meeting of the Association.

Council may call general meeting.

- (3) The Council, at any time of its own motion, may call a general meeting of the Association.

Notice of meeting.

- (4) Council shall give notice of the time and place for holding a meeting of the Association by sending notice to each member of the Association through the post in a prepaid wrapper not less than twenty-one days before the date of the meeting, to his last recorded address.

MEMBERSHIP

Admission to membership.

12. (1) The Council shall admit a person to membership in the Association who
- (a) applies for membership in the Association in the form prescribed by the Council;

- (b) has attained the age of 23 years;
 - (c) has produced evidence to the Council that he is of good character and repute;
 - (d) produces a certificate of good standing as a member of an association or corporation of professional engineers of any province of Canada or of the Engineering Institute of Canada, signed by its proper officers and satisfies the Council that he is the person named in the certificate, save that if he produces a certificate of the Engineering Institute of Canada it must be that of the grade of Member and that he must have had at least two years' experience after graduation from a university;
 - (e) pays a fee of five dollars for the publication of his name in the Yukon gazette; and
 - (f) pays all other fees prescribed by the Council pursuant to its powers under section 9.
- (2) Notwithstanding subsection (1), the Council shall grant a temporary membership in the Association to every person who **Temporary membership.**
- (a) applies for temporary membership in the Association in the form prescribed by Council;
 - (b) is a non-resident of the Territory;
 - (c) desires to engage temporarily in the practice of professional engineering in the Territory;
 - (d) produces evidence of good character and repute;
 - (e) produces a certificate of good standing as a member or licensee of an association or corporation of professional engineering of any province of Canada or of the Engineering Institute of Canada, signed by its proper officers and satisfies the Council that he is the person named in the certificate, save that if he produces a certificate of the Engineering Institute of Canada it must be that of the grade of

Member and that he must have had at least two years' experience after graduation from a university;

(f) pays a fee of five dollars for publication of his name in the Yukon Gazette; and

(g) pays all other fees prescribed by Council pursuant to its powers under section 9.

Temporary membership rights and privileges.

(3) A temporary membership granted by Council under subsection (2) shall only entitle such member to engage in the practice of professional engineering in respect of particular work or for a stated period of time or both as the Council may decide and to no other rights or privileges.

Exemption

(4) Every person who becomes a member of the Association shall be exempt from payment of the annual fee for his first year of membership.

Corporations and partnerships.

(5) Corporations or partnerships as such may not become members of the Association.

(6) Where professional engineers are employed by corporations or are members of partnerships, they individually shall assume the functions of and be held responsible as professional engineers.

Council to examine credentials.

13. The Council shall examine all degrees, diplomas, certificates, and other credentials presented or given in evidence for the purpose of obtaining membership in the Association, and may require the holder of such credentials to attest by oath or by statutory declaration any matter involved in his application.

REGISTRATION

Registration of members.

14. (1) Except a person who becomes a member of the Association pursuant to subsection (2) of section 12, every person who has become a member of the Association is entitled to be entered in the register upon payment of a fee to the Registrar of two dollars.

- (2) The Registrar shall enter in the register the full name and address and the date of registration of every person who becomes entitled to registration, and he shall also cause a list of all members of the Association to be published in one issue of the *Yukon Gazette* during March in each year. Registrar to enter members in register.
- (3) As long as a member remains on the register, he shall be deemed to be a member of the Association with all the rights and privileges but subject to all the terms and provisions of this Ordinance.
15. (1) The Registrar shall issue a certificate of registration to every member of the Association upon his becoming registered, which certificate shall remain the property of the Association. Certificate of registration.
- (2) Every certificate shall be signed by the President and by the Registrar and bear the seal of the Association and shall constitute evidence of registration as at the date of issue, and upon receipt of the annual fee in each subsequent year the Registrar shall furnish the member with evidence of the renewal thereof.
- (3) Upon receipt of such certificate of registration, a member shall be entitled to use the title of "professional engineer" or such abbreviation thereof as may be approved by the Council and may procure a seal or stamp, the impression of which shall contain the member's name and the words "Professional Engineer, Yukon Territory," and any other designation that may be provided for in the by-laws, with which he shall seal or stamp all official estimates, specifications, reports, documents and plans that he, in his capacity as a professional engineer, has prepared or had prepared under his direct supervision. Use of term "professional engineer".
Seal.
- (4) A certificate issued under subsection (1) shall be at all times prominently displayed by the member in his office or other place of business. Display of certificate of registration.
16. (1) Every member of the Association shall pay in advance to the secretary, or any person deputed by the Council to receive it, such annual fee as is fixed by the Annual fee.

by-laws, which fee shall be deemed to be a debt due by him to the Association and in addition to any other remedy shall be recoverable with costs by the Association in any Court of competent jurisdiction.

Omission to pay annual fee.

- (2) If a member of the Association omits to pay the prescribed annual fee before the first day of March in any year, he shall be liable to have his name struck off the register; and if he is still in default three months after notice in writing has been sent by registered mail to him at his last recorded address, demanding payment, the Registrar, on direction of the Council, shall remove his name from the register without further notice, whereupon he shall cease to be registered, and he shall not be registered again except at the discretion of the Council and upon payment of such arrears of fees as the Council directs, and a further sum sufficient to meet the expenses of having his name published in one issue of the *Yukon Gazette*.

Practising without registration.

17. (1) Except as otherwise provided in this Ordinance, no person shall engage in the practice of professional engineering within the Yukon Territory or use the title "professional engineer" or any abbreviation thereof, unless he is a member of the Association and holds a certificate of registration issued pursuant to this Ordinance.

Offences.

- (2) Except as otherwise provided in this Ordinance, any person who, without being registered:
- (a) engages in the practice of professional engineering; or
 - (b) usurps the function of a professional engineer; or
 - (c) assumes, verbally or otherwise, the title of professional engineer, or advertises, uses or permits to be advertised or used in any manner whatsoever, in connection with his name or otherwise, any word, name, title or designation mentioned in the definition of professional engineering, or any combination or abbreviation thereof, or any other

word, name, title, designation, descriptive term, or statement implying, or calculated to lead any other person to believe, that he is a professional engineer, or is ready or entitled to engage in or is engaged in the practice of professional engineering; or

- (d) acts in such manner as to lead any other person to believe that he is authorized to fill the office of or act as a professional engineer; or
- (e) advertises, uses or displays any sign, card, letter-head or other device representing to the public that he is a professional engineer, or a person entitled to engage in the practice of professional engineering, or holds himself out to the public to be a professional engineer;

is guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars for the first offence, and a penalty not exceeding five hundred dollars for every subsequent offence. **Penalty.**

18. Any person who advertises or uses in any manner in connection with a person who is not a member of the Association, the title of professional engineer or any word, name, title or designation mentioned in the definition of professional engineering, or any combination or abbreviation thereof, or any other word, name, title, designation, descriptive term or statement implying or calculated to lead any other person to believe that such person is a professional engineer or is ready or entitled to engage in or is engaged in the practice of professional engineering is guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars for the first offence, and a penalty not exceeding five hundred dollars for every subsequent offence. **Offence and penalty for holding out non-members as engineers.**

19. In the event of any breach or threatened breach by any person of any provision of this Ordinance, the Association shall be entitled in an action brought for such purpose to an injunction to restrain such person from continuing or committing such breach ;and pending the trial of any such action and adjudication thereon, the Court or a Judge thereof, on being satisfied that there is reason to believe that **Injunction.**

such person has committed or is likely to commit a breach of this Ordinance, shall grant an interim injunction.

No unregistered person to recover fees.

20. (1) No person shall be entitled to recover any fee or remuneration in any Court of law in the Territory for any work or service comprised in the definition of the practice of professional engineering contained in section 2 unless at the time such work or service was performed he was a member of the Association and held a certificate of registration issued pursuant to this Ordinance or was a temporary member in accordance with the provisions of this Ordinance.

(2) No plans or specifications for any works or buildings or for any alteration thereto involving the safety of the public or costing over the sum of twenty thousand dollars shall be passed, approved or accepted by any municipality formed under the provisions of the *Municipal Ordinance* or by any official or employee thereof, unless the said plans or specifications have been duly signed and sealed by a professional engineer or by a person holding a temporary membership issued under the provisions of this Ordinance.

Falsification of register.

21. Where the Registrar makes or causes to be made any wilful falsification of any matters relating to the register, he is guilty of an offence and liable on summary conviction to a penalty not exceeding five hundred dollars.

Fraudulent registration.

22. Where a person wilfully procures or attempts to procure himself to be registered under this Ordinance by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, he, and every person knowingly aiding and assisting him therein, is guilty of an offence and liable on summary conviction to a penalty not exceeding five hundred dollars.

Proof of single act.

23. In any prosecution under this Ordinance it shall be sufficient proof of the offence alleged if it is proved that the accused has done or committed a single act of the kind complained of.

Limitation of time for prosecution.

24. No prosecution shall be commenced for any offence under this Ordinance after two years from the date on which it is alleged that the offence was committed.

25. Notwithstanding anything contained in this Ordinance, no person who has been convicted in Canada of an indictable offence shall be entitled to be registered, and the Council may remove from the register the name of any member of the Association who has been convicted in Canada of an indictable offence; but the Council may, if it sees fit, permit a person who has been so convicted to become or remain a member of the Association, or may restore to the register the name of any person whose name has been removed under this section; and the registration of a person shall not be refused and the name of a person shall not be removed on account of a conviction for an offence which ought not, in the opinion of the Council, either from the nature of the offence or from the circumstances under which it was committed, to disqualify a person from practising under this Ordinance.

Removal
from
register.

26. (1) The Council, after giving written notice to any person affected, may, and upon application of any three members of the Association shall, cause inquiry to be made into matters respecting any fraudulent or incorrect entry in the register, the unprofessional conduct, negligence or misconduct of, or relating to, any member, a person licensed under this Ordinance, or any violation of the Ordinance or the by-laws by any such member or temporary member.
- (2) Any person to whom notice is given shall be entitled to be heard and to submit evidence at the inquiry.
- (3) After the inquiry the Council may in its discretion order the removal or correction of any entry in the register or roll, and may reprimand, censure, suspend or expel from the Association any person found guilty.
- (4) Where a member of the Association is suspended from practice, the registration of such member shall be deemed to be cancelled during the term of his suspension and he shall not be deemed to be a member of the Association or entitled to any of the rights or privileges thereof so long as the suspension continues.
- (5) Where, as a result of any inquiry under the Ordinance a member of the Association is suspended, or the name

Inquiry by
Council.

Hearing
person
affected.

Council's
power.

Suspended
member.

Costs.

of any such person is removed from the register or roll, the Council may direct that the costs of and incidental to the inquiry, including fees payable to the solicitors, counsel and witnesses, or any part of such costs, shall be paid by such person, and any costs as aforesaid may be determined and recovered as in this section provided.

- (6) Where, as a result of a further inquiry, the name of the person whose name has been removed from the register or roll is restored thereto, or if such person is acquitted of any charge made against him, the Council may direct that the costs of and incidental to the inquiry, including the fees payable to solicitors, counsel, or witnesses, or any part thereof, shall be borne and paid by the Association.

Legal assistance.

27. The Council, for the purpose of carrying out its duties under this Ordinance, may employ at the expense of the Association such legal counsel or assistance as the Council may think necessary or proper; and a person whose status or conduct is the subject of inquiry shall also have the right to be represented by counsel.

Procedure upon inquiry.

- 28. (1) At least seven clear days before the first meeting of the Council to be held for taking evidence or otherwise ascertaining facts, a written notice shall be personally served upon the person whose status or conduct is the subject of inquiry, or failing personal service, by leaving same at, or by mailing the same by registered mail to, his last known address.
- (2) The notice mentioned in subsection (1) shall embody a copy of the charges made against him or a statement of the subject matter of the inquiry, and shall also specify the time and place of the meeting.
- (3) The testimony of witnesses shall be taken under oath, which the presiding member of the Council is authorized to administer, and there shall be full right to cross-examine all witnesses called, and to call evidence in defence and reply.
- (4) In the event of non-attendance of the person whose status or conduct is the subject of inquiry, the Council,

upon proof of the service upon him of the notice required by subsection (1), which proof may be made by statutory declaration, may proceed with the subject matter of the inquiry in his absence, and make its finding of the facts and its decision thereon without further notice to him.

29. The Council, or any person interested in the proceedings on any such inquiry, may make application to a Judge for the issue of a writ of subpoena for the attendance of any witness, and for the production of books, papers and documents, at the inquiry similar in form and effect to writs of that nature issued pursuant to the *Rules of Court*, and the fees payable to the Crown therefor and the procedure with regard thereto shall be governed by those rules and the appendices thereto as nearly as the same are applicable.

Subpoena of witness.

30. (1) Any person who feels himself aggrieved by any order of the Council made under section 26 of this Ordinance, or whose application for membership in the Association has been refused under clause (c) of subsection (1) of section 12, may appeal from the said order or the said refusal of the application for membership, to a Judge at any time within three months from the date of the order or the refusal as the case may be.
- (2) The appellant shall appeal by filing with the Clerk of the Territorial Court a notice of appeal setting out the ground on which the appeal is based.
- (3) With the notice of appeal the appellant shall also file a copy of the proceedings, the evidence taken, the order of the Council in the matter and the reasons therefor (if any), certified by the Registrar.
- (4) The appellant shall cause to be served upon the Registrar of the Association a copy of the notice of appeal.
- (5) The notice of appeal shall state a place and time not less than seven clear days after the service thereof on which the appeal shall be heard.
- (6) Upon the hearing of the appeal the Court may sustain, reverse, alter, or amend the order, or remit the matter

Appeal.

to the Council for rehearing, or may make such other order as to costs or otherwise in the premises as to the Court seems right.

- (7) Every appeal made in accordance with subsection (1) shall be heard and determined upon its merits and shall not be defeated by reason of any technical defect in the proceedings.
- (8) The Registrar, upon the request of any person desiring to appeal, shall furnish him with a certified copy of all proceedings, reports, orders, reasons and the papers upon which the Council has acted in making the order complained of.

Evidence of registration.

31. In any proceedings or prosecution under this Ordinance in which proof is required that any person is or is not a member of the Association, a certificate purporting to be signed by the Registrar and under the seal of the Association, that such person is or is not a member of the Association, as the case may be, shall be *prima facie* evidence of the fact so certified, without any proof of the signature or of the seal or of the person signing being in fact the Registrar.

Protection against actions.

32. No action shall lie against the Council or any member of the Association for any proceedings *bona fide* taken or enforced or attempted under a by-law of the Association or for anything done in good faith and pursuant to this Ordinance.

CHAPTER 32

 ORDINANCES OF YUKON TERRITORY
 1955 (First Session)

 AN ORDINANCE TO AMEND THE GOVERNMENT
 LIQUOR ORDINANCE

(Assented to April 2nd, 1955.)

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

1. The *Government Liquor Ordinance*, chapter 14 of the Ordinances of 1952 (first session), is amended by adding to section 5 the following subsections:

“(5) Notwithstanding subsection (3), the holder of a tavern licence may sell beer to an Indian for consumption in a tavern, but only if the said Indian

Indians may
consume
beer in
taverns.

(a) is over the age of 21 years,

(b) is not under the influence of liquor, and

(c) is not an interdicted person.

(6) Nothing in subsection (5) of this section shall be construed to permit an Indian to purchase beer at a tavern for the purpose of consuming it off the premises.”

2. This Ordinance shall come into force on a day to be fixed by proclamation of the Commissioner.

Coming into
force.

CHAPTER 33

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE TO AMEND THE
MOTOR VEHICLES ORDINANCE

(Assented to April 2nd, 1955.)

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

Section 84
amended.

1. The *Motor Vehicles Ordinance*, chapter 8 of the Ordinances of 1952 (1st session), is amended by repealing paragraph (k) of section 84 as enacted by chapter 1 of the Ordinances of 1953 (3rd session), and substituting therefor the following paragraphs :

“(k) prescribing terms and conditions with respect to registration and licensing of unregistered motor vehicles entering the Territory; and

(l) generally for carrying out the purposes and provisions of this Ordinance.”

Schedule
amended.

2. The said Ordinance is further amended by repealing item 15 of Part II of the Schedule.

CHAPTER 34

ORDINANCES OF YUKON TERRITORY
1955 (First Session)AN ORDINANCE FOR GRANTING TO THE
COMMISSIONER CERTAIN SUMS OF MONEY TO
DEFRAY EXPENSES OF THE PUBLIC SERVICE
OF THE TERRITORY

(Assented to April 2nd, 1955.)

WHEREAS it appears by message from Wilfrid George Brown, Esquire, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending March 31, 1956.

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

1. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two million one hundred and seventy thousand five hundred and forty-five dollars for defraying the several charges and expenses of the Public Services of the Yukon Territory and for the twelve months ending March 31st, 1956, as set forth in Schedule "A" and "B" of this Ordinance.

2. The due application of all moneys expended shall be duly accounted for.

SCHEDULE "A"

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31st, 1956, and the purposes for which they are granted.

Vote
No.

1. **Yukon Council**

| | | |
|--|-------------|--------------|
| Salaries | \$ 1,250.00 | |
| Travelling Expenses | 2,375.00 | |
| Freight, Express and Cartage | 225.00 | |
| Telephone and Telegraph..... | 50.00 | |
| Publication of Reports and other material | 4,500.00 | |
| Advertising, Film Displays, etc. | 100.00 | |
| Office Stationery | 700.00 | |
| Sundry | 300.00 | |
| Sessional Indemnities | 10,000.00 | |
| Election — 1955 | 3,000.00 | \$ 22,500.00 |

2. **Territorial Treasurer**

| | | |
|---|--------------|-----------|
| Salaries | \$ 36,394.00 | |
| Travelling Expenses | 650.00 | |
| Removal Expenses | 300.00 | |
| Freight, Express and Cartage | 200.00 | |
| Postage | 550.00 | |
| Telephone and Telegraph..... | 275.00 | |
| Publication of Reports, etc. | 500.00 | |
| Office Stationery, Supplies, etc. | 1,600.00 | |
| Materials and Supplies..... | 50.00 | |
| Public Utilities Service | | |
| Sundry | 150.00 | |
| Unemployment Insurance ... | 200.00 | |
| Holiday Pay | 400.00 | |
| Superannuation Fund | 975.00 | 42,244.00 |

3. **Education**

| | | |
|--|--------------|------------|
| Salaries | \$251,681.00 | |
| Professional and Special Services | 210.00 | |
| Travelling Expenses | 1,360.00 | |
| Removal Expenses | 4,530.00 | |
| Freight, Express and Cartage | 2,300.00 | |
| Postage | 225.00 | |
| Telephone and Telegraph..... | 745.00 | |
| Films, Displays, Advertis- ing, etc. | 1,000.00 | |
| Office Stationery, Supplies, etc. | 2,180.00 | |
| Materials and Supplies..... | 4,145.00 | |
| Public Utilities Services..... | 20,615.000 | |
| Repairs and Upkeep of Buildings | 10,030.00 | |
| Repairs and Upkeep of Equipment | 2,865.00 | |
| Rental of Land and Buildings | 2,700.00 | |
| Rental of Equipment | | |
| Sundry | 1,000.00 | |
| Fuel | 33,905.00 | |
| Unemployment Insurance ... | 400.00 | |
| School Supplies | 22,000.00 | |
| Holiday Pay | 3,500.00 | |
| Grants | 119,500.00 | |
| Correspondence Courses | 1,096.00 | |
| Superannuation Fund | 270.00 | 486,257.00 |
| | | <hr/> |

4. **Territorial Secretary**

| | |
|--|--------------|
| Salaries | \$ 28,075.00 |
| Travelling Expenses | 1,820.00 |
| Removal Expenses | 200.00 |
| Freight, Express and Cartage | 600.00 |
| Postage | 700.00 |
| Telephone and Telegraph..... | 868.00 |
| Films, Displays, Advertis- ing, etc. | 600.00 |

| | | |
|--|--------------|------------|
| Office Stationery, Supplies, etc. | 5,570.00 | |
| Public Utilities Services | | |
| Sundry | 100.00 | |
| Fuel | | |
| Unemployment Insurance ... | 100.00 | |
| Holiday Pay | 300.00 | |
| Grants | 2,000.00 | |
| Superannuation Fund | 548.00 | 41,481.00 |
| <hr/> | | |
| 5. Health & Public Welfare | | |
| Salaries | \$ 24,690.00 | |
| Professional and Special Services | 14,625.00 | |
| Travelling Expenses | 3,850.00 | |
| Removal Expenses | 200.00 | |
| Freight, Express and Cartage | 225.00 | |
| Postage | 75.00 | |
| Telephone and Telegraph.... | 450.00 | |
| Films, Displays, Advertis- ing, etc. | 125.00 | |
| Office Stationery, Supplies, Equipment, etc. | 1,040.00 | |
| Materials and Supplies | 800.00 | |
| Public Utilities Services..... | 600.00 | |
| Repairs and Upkeep of Equipment | 2,000.00 | |
| Acquisition or Construction of Equipment | 660.00 | |
| Rental of Land and Buildings | 400.00 | |
| Rental of Equipment | | |
| Sundry | 300.00 | |
| Fuel | 400.00 | |
| Unemployment Insurance ... | 60.00 | |
| Grants | 63,000.00 | |
| Subsistence | 70,200.00 | |
| Clothing | 750.00 | |
| Superannuation Fund | 225.00 | |
| Hospitalization | 113,470.00 | |
| Transportation of Patients | 4,000.00 | 302,145.00 |
| <hr/> | | |

6. **Municipal & Town Administration**

| | | |
|--|-------------|-----------|
| Salaries | \$ 3,800.00 | |
| Freight, Express and Cartage | 150.00 | |
| Telephone and Telegraph.... | 260.00 | |
| Materials and Supplies | 2,000.00 | |
| Public Utilities Services | 1,260.00 | |
| Repairs and Upkeep of Buildings | 200.00 | |
| Repairs and Upkeep of Equipment | 750.00 | |
| Rental of Equipment | 1,400.00 | |
| Fuel | 875.00 | |
| Grants | 77,223.00 | |
| Sundry | 150.00 | |
| Unemployment Insurance ... | 30.00 | 88,098.00 |
| | | <hr/> |

7. **Game Department**

| | | |
|--|-------------|-----------|
| Salaries | \$ 9,280.00 | |
| Travelling Expenses | 1,600.00 | |
| Freight, Express and Cartage | 50.00 | |
| Postage | 150.00 | |
| Telephone and Telegraph.... | 300.00 | |
| Films, Displays, Advertis- ing, etc. | 250.00 | |
| Office Stationery, Supplies, etc. | 600.00 | |
| Materials and Supplies | 75.00 | |
| Public Utilities Services | | |
| Repairs and Upkeep of Equipment | 450.00 | |
| Rental of Equipment | 50.00 | |
| Sundry | 3,100.00 | |
| Unemployment Insurance ... | 40.00 | 15,945.00 |
| | | <hr/> |

| | | |
|---|--------------|------------|
| 8. General | | |
| Sundry | \$ 2,000.00 | |
| Insurance — Property | 8,500.00 | |
| Compensation Liability | | |
| Claim (Stuart) | 600.00 | |
| Workmen's Compensation — | | |
| Reserve for Claims | 5,000.00 | |
| Rent of Office Space | 7,200.00 | 23,300.00 |
| | | <hr/> |
| 9. Roads, Bridges and Public Works | | |
| Salaries | \$108,800.00 | |
| Travelling Expenses | 2,450.00 | |
| Removal Expenses | 250.00 | |
| Freight, Express and | | |
| Cartage | 2,100.00 | |
| Postage | 100.00 | |
| Telephone and Telegraph..... | 150.00 | |
| Films, Advertising, etc. | 100.00 | |
| Office Stationery, Supplies, | | |
| etc. | 750.00 | |
| Materials and Supplies..... | 10,800.00 | |
| Public Utilities Services | 5,425.00 | |
| Repairs and Upkeep | | |
| of Buildings | 4,750.00 | |
| Repairs and Upkeep | | |
| of Equipment | 26,750.00 | |
| Acquisition or Construction | | |
| of Equipment | | |
| Rental of Equipment | 52,225.00 | |
| Sundry | 2,000.00 | |
| Fuel | 7,675.00 | |
| Unemployment Insurance... | 835.00 | |
| Holiday Pay | 1,600.00 | |
| Subsistence | 1,000.00 | |
| Superannuation Fund | 540.00 | |
| Supplies and Spare Parts..... | 25,000.00 | 253,300.00 |
| | | <hr/> |
| 9a. Roads Under Contract | | |
| Mayo District | \$ 49,000.00 | |
| Whitehorse-Mayo Road | 311,000.00 | 360,000.00 |
| | | <hr/> |

| | | | |
|-----|---|--------------|-----------------|
| 10. | Capital Account | | |
| | Construction of Roads | \$175,000.00 | |
| | Construction of Public Buildings | 201,400.00 | |
| | Acquisition of Furniture and Fixtures | 12,000.00 | |
| | Acquisition of Equipment..... | 55,000.00 | |
| | Carmacks Garage — Fuel Tanks and Pumps, etc. | 3,000.00 | 446,400.00 |
| | | <hr/> | |
| 11. | Loan to City of Whitehorse | | 50,000.00 |
| | | | <hr/> |
| | | | \$ 2,131,670.00 |
| | | | <hr/> |

SCHEDULE "B"

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31st, 1956, and the purposes for which they are granted.

| | | | |
|-------------|--|-------------|--------------|
| Vote No. | | | |
| 3. | Education | | |
| | Professional and Special | | |
| | Services | \$ 100.00 | |
| | Travelling Expenses | 2,075.00 | |
| | Office Stationery, Supplies | | |
| | etc. | 4,500.00 | |
| | School Supplies | 500.00 | \$ 7,175.00 |
| | | | <hr/> |
| 5. | Health & Public Welfare | | |
| | Grants | | 2,000.00 |
| 6. | Municipal and Town Administration | | |
| | Sundry | \$ 1,000.00 | |
| | Material and Supplies | 200.00 | |
| | Welfare Grants | 25,000.00 | 26,200.00 |
| | | | <hr/> |
| 8. | General | | |
| | Witness Fees, Etc., | | |
| | Territorial Court | | 2,500.00 |
| 10. | Capital Account | | |
| | Construction of Public | | |
| | Buildings & Works | | 1,000.00 |
| | | | <hr/> |
| | | | \$ 38,875.00 |
| | | | <hr/> |

CHAPTER 35

ORDINANCES OF YUKON TERRITORY
1955 (First Session)

AN ORDINANCE FOR GRANTING TO THE
COMMISSIONER CERTAIN SUMS OF MONEY TO
DEFRAY THE EXPENSES OF THE PUBLIC
SERVICE OF THE TERRITORY

(Assented to April 2nd, 1955.)

WHEREAS it appears by message from Wilfrid George Brown, Esquire, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending March 31, 1955.

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

1. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole thirty-two thousand three hundred and twenty-five dollars for defraying the several charges and expenses of the Public Services of the Yukon Territory and for the twelve months ending March 31, 1955, as set forth in Schedule "A" of this Ordinance.
2. The due application of all moneys expended shall be duly accounted for.

SCHEDULE "A"

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31st, 1955, and the purposes for which they are granted.

Vote
No.

| | | |
|-------|---------------------------------|--------------|
| <hr/> | | |
| 1. | Yukon Council | |
| | Sessional Indemnities | \$ 2,000.00 |
| 10. | Capital | |
| | Whitehorse School Addition...\$ | 15,000.00 |
| | Mayo School | 15,325.00 |
| | | <hr/> |
| | | \$ 32,325.00 |
| | | <hr/> |
| <hr/> | | |

ORDINANCES
OF THE
YUKON TERRITORY

Passed in the ninth session of the sixteenth Council of the Yukon Territory begun and holden at the City of Whitehorse on the twenty-eighth day of July, 1955, and prorogued on the twenty-ninth day of July, 1955.

CHAPTER 1

ORDINANCES OF YUKON TERRITORY

1955 (Second Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER
TO BORROW A SUM NOT EXCEEDING
SEVEN HUNDRED AND EIGHTY THOUSAND DOLLARS
FROM THE GOVERNMENT OF CANADA AND TO
AUTHORIZE THE COMMISSIONER TO EXECUTE AN
AGREEMENT RELATING THERETO

(Assented to July 29th, 1955.)

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

SHORT TITLE

1. This Ordinance may be cited as the *Yukon Loan Ordinance, 1955*. Short title.

2. The Commissioner may, on behalf of the Territory, borrow from the Government of Canada a sum not exceeding \$780,000 to enable the Territory to construct water distribution and sewage disposal systems for the development of a new subdivision adjoining the present City of Whitehorse, and the sum so borrowed may be repaid with interest at the rate of three and seven-eighths per cent per annum out of the Yukon Consolidated Revenue Fund, and for those purposes the Commissioner may, on behalf of the Territory, enter into an agreement with the Government of Canada substantially in the form set out in the Schedule. Commissioner may borrow and enter into an agreement.

SCHEDULE

THIS AGREEMENT made in.....this.....
day of.....A.D. 1955.

BETWEEN:

The Government of Canada (hereinafter called
"Canada") represented by the Honourable Jean
Lesage, Minister of Northern Affairs and National
Resources,

THE PARTY OF THE FIRST PART

AND

The Government of the Yukon Territory (hereinafter
called the "Territory") represented by Frederick
Howard Collins, Commissioner of the Yukon
Territory,

THE PARTY OF THE SECOND PART

WHEREAS Vote 542 of the Appropriate Act No. 5,
Chapter 60 of the Statutes of Canada, 1954-55, reads as
follows:

"To authorize the making of loans in the present and
ensuing fiscal years in accordance with such terms and
conditions as the Governor in Council prescribes not ex-
ceeding in the aggregate \$780,000, to the Government of
the Yukon Territory for the development of an Addition
to the City of Whitehorse and to authorize the Commis-
sioner in Council to make Ordinances for the borrowing of
such money by the Commissioner of the Yukon Territory
and for the repayment thereof out of the Yukon Consoli-
dated Revenue Fund";

AND WHEREAS the Governor in Council of Canada has
authorized the Minister of Northern Affairs and National
Resources to enter into this agreement on behalf of the
Government of Canada;

AND WHEREAS the Commissioner in Council of the
Yukon Territory has authorized the Commissioner to enter
into this agreement on behalf of the Territory.

NOW, THEREFORE, in consideration of the undertakings of the respective parties, the parties hereto agree as follows:

1. In this agreement, unless the context otherwise requires,

- (a) "Commissioner" means the Commissioner of the Yukon Territory;
- (b) "Minister" means the Minister of Northern Affairs and National Resources;
- (c) "work" means any preparation made, work done, or material or equipment, property or easement acquired that is necessary to build adequate water distribution and sewage disposal systems in the proposed addition to the City of Whitehorse on the right bank of the Yukon River in accordance with the plans and specifications approved by the parties hereto, but does not include
 - (i) interest on money borrowed,
 - (ii) taxes on land,
 - (iii) the administration costs of the Territory, other than additional costs occasioned by the construction of the water distribution and sewage disposal systems.

2. Subject to funds being voted by Parliament and to the terms and conditions of this agreement, Canada agrees to loan to the Territory sums not to exceed in aggregate the sum of Seven Hundred and Eighty Thousand Dollars (\$780,000) to cover the cost of the work.

3. The Territory agrees to repay Canada the sum loaned by Canada, together with interest thereon at the rate of three and seven-eighths ($3\frac{7}{8}$) per cent per annum on the said loan, or so much thereof as at any time remains unpaid, whether before or after the same becomes due, in thirty equal, consecutive, annual instalments, including principal and interest, the first of such instalments to become due and

to be paid on the first day of October 1957; all interest on becoming overdue to bear interest at the rate aforesaid from the date when it becomes due until all the moneys payable on the said loan are fully paid and satisfied.

4. In order to assist the Territory in developing the addition to the City of Whitehorse mentioned in clause (c) of paragraph 1, Canada agrees

- (a) to survey and lay out in lots and blocks the proposed new addition;
- (b) upon completion of the survey and plan thereof, to enter into an agreement with the Territory for the sale of the first two hundred lots for the sum of one dollar, subject to the following terms and conditions;
 - (i) the said two hundred lots may be sold by the Territory at prices which shall not be less than prices fixed by the Minister;
 - (ii) all moneys received by the Territory from the sale of the said lots will be paid by the Territory into a special account;
 - (iii) no money will be paid out of the said special account except to Canada until the moneys borrowed under this agreement and interest thereon are fully paid and satisfied;
 - (iv) when the purchase price of any such lot is paid in full, Canada agrees, upon receiving
 - (A) an amount equal to the purchase price,
 - (B) a quit claim deed of all the Territory's interest in the lot, and
 - (C) a request from the Territory to issue Letters Patent to the purchaser of the lot, to cause Letters Patent to be issued to such purchaser; and
 - (v) such other terms and conditions as the Minister may deem necessary.

5. Subject to this agreement, Canada agrees to make the said loan to the Territory as follows: Fifty Thousand Dollars (\$50,000) as an advance to the Territory on the requisition of the Commissioner, and the balance to be paid out from time to time on requisitions of the Commissioner based on progress certificates approved by officers of the Territory.

6. All funds received by the Territory from Canada under this agreement will be deposited in a special account in a chartered Bank of Canada and all issues therefrom shall be by cheque signed by the proper officers of the Territory.

7. (1) Subject to sub-paragraph (2), the Territory will cause the work to be constructed in accordance with plans and specifications approved by the Minister and the Commissioner through the award of a contract or contracts to persons tendering pursuant to an invitation therefor made by public advertisement by the Territory.

(2) Where, in the opinion of the Commissioner, any part of the work is so small an undertaking that it would not be suitable to award a contract therefor, pursuant to public advertisement and tender, the Territory may, with the prior consent of the Minister, award a contract for that part of the construction pursuant to tenders invited from not fewer than two persons designated by the Commissioner.

8. Notwithstanding anything in this agreement, Canada is not liable to advance to the Territory any portion of the loan unless

- (a) before tenders are invited for a contract for the work, the form of advertisement for tenders, if any, the tender forms and the specifications, plan and profiles, and the proposed terms of the contract are approved in writing by the Minister;
- (b) the contract has been awarded pursuant to tenders invited in the manner provided in paragraph 7;
- (c) at the time the contract is entered into, the contractor is a resident of Canada, or if the contractor is a corpor-

ation, it was, for a period of at least one year immediately prior to that time incorporated and carried on business in Canada;

- (d) the construction to be performed under the contract is to be paid for at a lump sum price or unit prices, or both;
 - (e) it is a term of the contract that the contractor and any sub-contractor of the contractor in respect of the work to be carried out under the contract,
 - (i) will employ only residents of Canada, and
 - (ii) in the hiring or employment of labour for the execution of this contract, the contractor will not refuse to employ or otherwise discriminate against any person in regard to employment because of that person's race, national origin, colour or religion, nor because the person has made a complaint or given information with respect to alleged failure to comply with the provisions of this clause;
 - (f) entry into the contract was agreed to in writing by the Minister before it was entered into;
 - (g) the Commissioner, or person authorized by the Commissioner in writing, has certified that the work in respect of which the loan is to be made, has been completed in accordance with the contract and the Minister is satisfied therewith.
9. (1) Subject to this agreement, the cost of construction of the work is the amount determined as the aggregate of expenditures in the following classes incurred by the Territory in the construction of the work:
- (a) payments pursuant to contracts for construction of the work entered into by the Territory with any person;
 - (b) payments in respect of construction materials purchased by the Territory that are necessary for and used in constructing the work to the extent that

the cost thereof incurred by the Territory does not exceed the aggregate of the current market price of these materials prevailing in the locality where and at the time when the Territory acquired them and the actual cost to the Territory of delivering those materials to the site of construction;

- (c) payments in respect of wages and salaries of members of the engineering staff employed by the Territory while they were engaged in field engineering operations solely in connection with the construction of the work;
 - (d) payments in respect of rentals for equipment of the Territory used in the development of the addition to the City of Whitehorse mentioned in clause (c) of paragraph 1 at such rate as may be agreed between the Minister and the Commissioner;
 - (e) payments in respect of the removal and relocation of obstructions such as power, telephone and telegraph lines, and other services, buildings, trees, brush, debris, and the like, that were necessarily incidental to the construction of the work; and
 - (f) payments in respect of the restoration and repair of real property destroyed or damaged in the course of constructing the work as approved by the Minister.
- (2) Notwithstanding anything in this agreement, where, in the opinion of the Minister,
- (a) the accounts and other information furnished by the Territory are insufficient for the purpose of determining the true expenditures by it in respect of the work; or
 - (b) the expenditures by the Territory in respect of the construction of the work by comparison with market costs prevailing when the construction was undertaken, are excessive,

the Minister may cause an appraisal to be made of the cost of the construction in question at the time when the construction was undertaken and that appraisal will form the basis of the determination of the cost of construction of the work.

10. Notwithstanding anything in this agreement, the cost of the work does not include expenditures by the Territory in respect of

- (a) wages, salaries and expenses of officers or servants of the Territory except those specified in paragraph 9;
- (b) the amount of any payment made by the Territory in respect of the construction of the work that, in the opinion of the Minister, exceeds the amount that was necessary in respect of the matters for which the payment was made.

11. (1) The Territory may apply to Canada for such advances as will permit it to finance the work without interruption, and such advances received by the Territory will be utilized solely in the issue of cheques in payment of duly certified accounts for work.

(2) The Territory will maintain such cost and accounting records as will provide proof that expenditures made by it in relation to the work performed are in accordance with the terms of this agreement, and that such records are made available for examination and audit by the Minister or his representatives.

(3) If Canada advances to the Territory an amount that exceeds the amount required for the completion of the work, the Territory will refund the excess and Canada may, in addition to any other recourse, recover any such amount from amounts payable by Canada to the Territory on any account.

12. (1) The Territory will cause the work to be completed within three years from the date of this agreement unless Canada agrees to an extension of time for the completion of the work.

- (2) If the performance of the work is delayed by reason of any delay occasioned by Canada, or by flood, fire, lightning, earthquake, cyclone, strike or act of God, or by any other cause beyond the control of the Territory, and of the contractors to whom a contract is awarded, the time herein fixed for the completion of the work will be extended for a period equivalent to the time lost by reason of such delay.
13. Notwithstanding anything in this agreement, no claim for loan in respect of the cost of the work may be made by the Territory after the work has been completed and the debentures in respect of such completed work accepted and exchanged by the Territory.
14. The Territory will maintain full records of the advances received from Canada, and cheques issued, and will make such records, documents and vouchers available to the Minister or his representative for examination and audit and will give to the Minister or his representative all reasonable assistance.
15. (1) The Minister may appoint representatives of Canada to report on all phases of construction of the work and they may make any inspections, enquiries and tests they consider necessary to assist them in reporting on construction, and determining the cost of the construction of the work, and may discuss with the appropriate representatives of the Territory any matter concerning the completion of the work in accordance with this agreement.

(2) Where in order to give effect to this agreement, the Minister considers it necessary to inspect or appraise any lands or works, the Minister may cause such special inspections and appraisals to be made as he deems advisable, and the Territory will afford the Minister and his representatives every facility for the purpose.
16. This agreement shall not be construed as vesting in Canada any proprietary interest in the completed work.
17. The Territory will arrange that the completed work is maintained in order at all times.

18. The Territory will indemnify and save harmless Canada against all claims of whatsoever nature arising from or out of or in connection with the work.

19. This agreement is hereby exempted from section 3 of the Fair Wages and Hours of Labour Act, but the Territory will see that all persons employed in the construction of the work are paid fair wages and that the hours of work observed are those determined by the Territory, which shall generally be those applicable to similar work undertaken by the Territory in the district.

20. If the Territory defaults in the repayment of any money loaned, Canada may in addition to any other recourse it has, recover the amount in default from amounts payable by Canada to the Territory on any account.

21. The Territory agrees that—

- (a) except as provided in paragraph 7, it will call for tenders for the work by public advertisement;
- (b) the Commissioner and the legal adviser of the Territory will be present at the opening of tenders;
- (c) the tenders will be examined by an engineer of Canada, who will act as technical adviser to the Commissioner;
- (d) the cost of the work will be confined to the construction thereof and any supervisory and overhead expenses solely incidental to the construction thereof as provided in this agreement;
- (e) the work will be completed as expeditiously as possible and by a specified date;
- (f) a security deposit in a reasonable amount will be obtained on the award of the contract by the Territory, and will be held by it pending completion of the work;
- (g) upon completion of the work, the Territory shall obtain a performance bond covering the period of twenty-four (24) months after completion;
- (h) the Territory will require the contractor to carry all essential types of insurance, including public liability, property damage, and workmen's compensation;

- (i) if extra work is required, the authority required for the contractor to undertake such extra work shall be specified in the contract;
- (j) the Territory will in the contract for the performance of the work, name the authority who may take the work away from the contractor, and the authority for the approval of subcontracts;
- (k) the Territory will in any contract for the performance of the work, indicate what spares are to be made a charge to construction costs and the responsibility of the contractor in respect of surplus materials and supplies upon completion;
- (l) what percentage of value of materials delivered will be paid to the contractor prior to being placed on the work;
- (m) the Territory will maintain in a form satisfactory to the Minister its records in respect of construction costs, both after commencement and completion of the work, and keep such records intact for a period of five (5) years after the completion of the work; and
- (n) the Territory will in the construction of said work carry out the purposes and intents of this agreement insofar as it is applicable.

IN WITNESS WHEREOF the Minister of Northern Affairs and National Resources on behalf of Canada and the Commissioner of Yukon Territory have executed this agreement.

SIGNED by the Honourable
Jean Lesage, Minister of
Northern Affairs and Na-
tional Resources in the
presence of

.....
} Minister of Northern Affairs
and National Resources

SIGNED by Frederick
Howard Collins, Commis-
sioner of the Yukon
Territory, in the
presence of

.....
} Commissioner of the
Yukon Territory

CHAPTER 2

ORDINANCES OF YUKON TERRITORY

1955 (Second Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER TO BORROW A SUM NOT EXCEEDING \$750,000 FROM THE GOVERNMENT OF CANADA TO ENABLE THE YUKON TERRITORY TO CONTRIBUTE A SUM NOT EXCEEDING THAT AMOUNT TOWARDS THE CONSTRUCTION OF A HOSPITAL AT WHITEHORSE

(Assented to July 29th, 1955.)

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

Short title.

1. This Ordinance may be cited as the *Yukon Hospital Loan Ordinance*.

Commissioner may borrow and enter into an agreement.

2. The Commissioner may, on behalf of the Territory, borrow from the Government of Canada a sum not exceeding seven hundred and fifty thousand dollars and the sum so borrowed may be repaid with interest at the rate of three and seven-eighths per cent per annum out of the Yukon Consolidated Revenue Fund, and for those purposes the Commissioner may enter into an agreement with the Government of Canada substantially in the form set out in the Schedule.

Payment out of Y.C.R.F.

3. Out of the Yukon Consolidated Revenue Fund, there may be paid the sum of seven hundred and fifty thousand dollars as a contribution towards the cost of erecting a hospital at or near the City of Whitehorse.

THIS AGREEMENT made in duplicate this day
of 1955.

BETWEEN:

The Government of Canada (hereinafter called "Canada"), represented by the Honourable Jean Lesage, Minister of Northern Affairs and National Resources,

OF THE FIRST PART

AND:

The Government of Yukon Territory (hereinafter called the "Territory"), represented by Frederick Howard Collins, Commissioner of the Yukon Territory,

OF THE SECOND PART

WHEREAS, due to the increased population in the City of Whitehorse, it is essential that hospital facilities be increased in the said City;

AND WHEREAS Vote 541 of the Appropriation Act No. 5, Chapter 60 of the Statutes of Canada, 1955, reads as follows:

"To authorize the making of loans in the present and ensuing fiscal years in accordance with such terms and conditions as the Governor in Council prescribes not exceeding in the aggregate \$1,150,000 to the Government of the Yukon Territory—

- (a) for the purpose of constructing a hospital at Mayo Landing at an estimated cost of \$400,000, and
- (b) to enable the Government of the Yukon Territory to contribute approximately \$750,000 towards the cost of constructing a hospital at Whitehorse;

and to authorize the Commissioner in Council to make ordinances for the borrowing of such money by the Commissioner of the Yukon Territory and for the repayment thereof out of the Yukon Consolidated Revenue Fund."

AND WHEREAS the Governor in Council has authorized the Minister of Northern Affairs and National Resources to enter into this agreement on behalf of the Government of Canada;

AND WHEREAS the Commissioner in Council of the Yukon Territory has authorized the Commissioner of the Yukon Territory to enter into this agreement on behalf of the Government of the Yukon Territory;

NOW, THEREFORE, in consideration of the undertaking of the respective parties, the parties hereto agree as follows:

1. Subject to funds being voted by Parliament and to the terms and conditions of this agreement, Canada agrees to loan to the Territory sums not to exceed in the aggregate the sum of \$750,000 to be applied towards the cost of constructing a hospital at Whitehorse.

2. The Territory agrees to repay Canada the sum loaned by Canada with interest thereon at the rate of three and seven-eighths per cent per annum on the said loan or so much thereof that at any time remains unpaid whether before or after the same becomes due, in thirty equal consecutive instalments, including principal and interest, the first of such instalments to become due and to be paid on the first day of October, 1957; all interest on becoming overdue to bear interest at the rate aforesaid from the date when it becomes due until all the moneys payable on the said loan are fully paid and satisfied.

3. If the Territory defaults in the repayment of any money loaned, Canada may in addition to any other recourse it has, recover the amount in default from amounts payable by Canada to the Territory on any account.

IN WITNESS WHEREOF the Minister of Northern Affairs and National Resources on behalf of Canada, and the Commissioner of the Yukon Territory have executed this agreement.

SIGNED, SEALED AND
DELIVERED by the Hon-
ourable Jean Lesage, Min-
ister of Northern Affairs
and National Resources, in
the presence of

.....
Minister of Northern Affairs
and National Resources

.....
Witness

SIGNED, SEALED AND
DELIVERED by Frederick
Howard Collins, Commis-
sioner of the Yukon Terri-
tory, in the presence of

.....
Commissioner of the Yukon
Territory

.....
Witness

CHAPTER 3

ORDINANCES OF YUKON TERRITORY

1955 (Second Session)

AN ORDINANCE TO APPROVE AN AGREEMENT
RESPECTING A TERRITORIAL SCHOOL AT WHITE-
HORSE MADE BETWEEN THE GOVERNMENT OF
CANADA AND THE COMMISSIONER OF
YUKON TERRITORY

(Assented to July 29th, 1955.)

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

1. The Agreement set out in the Schedule is hereby ratified and confirmed.

SCHEDULE

MEMORANDUM OF AGREEMENT made, in triplicate, this Thirteenth day of April A.D. 1955, supplementary to agreement dated the 9th day of August, 1951, as amended and altered by agreement dated the 12th day of November, A.D. 1952.

BETWEEN:

THE GOVERNMENT OF CANADA, as represented herein by the Minister of National Defence, and the Minister of Northern Affairs and National Resources, (hereinafter jointly referred to as "Canada")

OF THE FIRST PART

AND:

THE GOVERNMENT OF THE YUKON TERRITORY, represented herein by the Commissioner of the Yukon Territory (hereinafter referred to as "Yukon")

OF THE SECOND PART

WHEREAS by agreement dated the 9th day of August, 1951, as amended, (hereinafter referred to as the "principal agreement") between the parties hereto, Canada provided financial assistance to Yukon for the construction of a school and the installation of school furniture and equipment therein at Whitehorse in Yukon Territory, by contributing the total sum of Four hundred and thirty-three thousand Five hundred dollars (\$433,500.00); and

WHEREAS the parties hereto have agreed that the school facilities provided under the terms of the principal agreement are inadequate and that an additional ten (10) classrooms, including teachers' accommodation and furnishings, are needed to meet the requirements of estimated school enrolments up to and including the year 1956; and

WHEREAS Canada has agreed to contribute an additional sum not exceeding Two hundred and twenty-five thousand Five hundred dollars (\$225,500.00) to assist Yukon in the construction of the said classrooms, of which the Department of Northern Affairs and National Resources will contribute Twenty thousand five hundred dollars (\$20,500.00), and the Department of National Defence Two hundred and five thousand dollars (\$205,000.00), plus a sum not exceeding Twelve thousand dollars (\$12,000.00) to assist Yukon in providing necessary furnishings for the said school, of which the Department of Northern Affairs and National Resources will contribute One thousand One hundred dollars (\$1,100.00), and the Department of National Defence Ten thousand nine hundred dollars (\$10,900.00), subject to the terms and conditions hereinafter provided.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto mutually covenant and agree as follows:

1. Upon Canada approving plans for the construction of ten (10) additional classrooms and teachers' accommodation to a school building constructed in accordance with the terms of the principal agreement by Yukon, and upon the production of evidence that a firm price contract has been entered into for the construction of

the said ten (10) additional classrooms by Yukon, subject to the necessary funds being appropriated by Parliament, Canada agrees to pay to Yukon a sum equal to the amount by which the cost of the construction of the said classrooms and teachers' accommodation exceeds One hundred and eighty-five thousand dollars (\$185,000.00), but does not exceed Four hundred and ten thousand dollars (\$410,000.00).

2. Subject to the necessary funds being appropriated by Parliament, Canada agrees to pay to Yukon, as a contribution towards the cost of providing necessary furnishings for the said additional classrooms and teachers' accommodation, a sum equal to the amount by which the cost of the said furnishings exceeds Nine thousand eight hundred dollars (\$9,800.00) but does not exceed Twenty-one thousand eight hundred dollars (\$21,800.00).
3. Yukon agrees—
 - a) to construct or cause to be constructed ten (10) additional classrooms and teachers' accommodation to a school building constructed at Whitehorse, Yukon Territory, under the terms of the principal agreement, which will include school accommodation for children of armed forces personnel at and near Whitehorse, in accordance with plans and specifications which have been approved by Canada;
 - b) to maintain, operate and use the said additional classrooms and teachers' accommodation as part of the existing school building, it being understood and agreed that clauses 2(b), (c) and (d) of the principal agreement shall apply mutatis mutandis to the maintenance, operation and use of the said additional classrooms and teachers' accommodation.
4. The covenants, provisos and stipulations as expressed in the principal agreement shall continue as fully and effectively as if the same had been repeated in full in

this supplementary agreement with such modifications only as are necessary to make the same applicable to the said principal agreement as altered and amended hereby.

IN WITNESS WHEREOF the Minister of National Defence and the Minister of Northern Affairs and National Resources have hereunto set their hands and seals on behalf of Canada and the Commissioner of the Yukon has hereunto set his hand and seal on behalf of Yukon, on the day and in the month and year first above written.

SIGNED on behalf of Canada by the Minister of National Defence and the Minister of Northern Affairs and National Resources, in the presence of:—

Marguerite Dufour

Witness

R. G. Robertson

Witness

Signed on behalf of Yukon by the Commissioner of the Yukon, in the presence of:

V. Faulkner

Witness

THE GOVERNMENT
OF CANADA

Paul Mathieu

Associate Deputy Minister
Minister of National Defence

Jean Lesage

Minister of Northern Affairs
and National Resources

THE GOVERNMENT OF
THE YUKON TERRITORY

W. G. Brown

Commissioner of the Yukon

CHAPTER 4

ORDINANCES OF YUKON TERRITORY

1955 (Second Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER
TO ENTER INTO AN AGREEMENT WITH
LA COMMUNAUTE DES SOEURS DE CHARITE DE LA
PROVIDENCE AND THE CATHOLIC EPISCOPAL
CORPORATION OF WHITEHORSE FOR THE ERECTION
OF A SCHOOL AT WHITEHORSE AND TO AUTHORIZE
A GRANT TO ASSIST IN THE ERECTION OF
SUCH SCHOOL

(Assented to July 29th, 1955.)

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

Commissioner
may enter
agreement

1. The Commissioner may, on behalf of the Territory, enter into an agreement with La Communaute des Soeurs de Charite de la Providence and The Catholic Episcopal Corporation of Whitehorse (in this Ordinance called the "Trustees") substantially in the form set out in the Schedule.

Payment out
of Y.C.R.F.

2. Subject to the conditions set out in the agreement entered into under section 1, out of the Yukon Consolidated Revenue Fund there may be paid to the Trustees such sums not exceeding in the aggregate the sum of two hundred and forty-nine thousand, five hundred dollars as a grant towards the erection of a school at Whitehorse by the Trustees.

MEMORANDUM OF AGREEMENT, made in duplicate,

this day of 1955.

BETWEEN:

THE GOVERNMENT OF THE YUKON TERRITORY,
(hereinafter called "Yukon", represented by Frederick
Howard Collins, Commissioner of the Yukon Territory.

OF THE FIRST PART

AND:

LA COMMUNAUTE DES SOEURS DE CHARITE DE
LA PROVIDENCE and THE CATHOLIC EPISCOPAL
CORPORATION OF WHITEHORSE (hereinafter called
"Trustees")

OF THE SECOND PART

WHEREAS a defence establishment under the control and
administration of Canada is located at Whitehorse in the
Yukon Territory;

AND WHEREAS it is necessary to provide additional
school facilities for the children of persons serving or em-
ployed at the defence establishment who reside at or in the
vicinity of the municipality of Whitehorse;

AND WHEREAS school facilities are required for approxi-
mately seventy-two children of persons serving or employed
at the defence establishment and who live in quarters pro-
vided by Canada which are exempt from property taxation;

AND WHEREAS the Roman Catholic ratepayers of the
municipality of Whitehorse have petitioned the Commissioner
of the Yukon Territory to declare that a school established
by them is a public school within the meaning of Part (I) of
the School Ordinance of the Yukon Territory;

AND WHEREAS the Commissioner of the Yukon Territory
in pursuance of the prayer of such petition, has so declared
the school to be a school within Part (I) of the School Ordi-
nance of the Yukon Territory;

AND WHEREAS the property upon which the school will be erected by the Roman Catholic ratepayers of the municipality of Whitehorse is held in trust by the trustees as set forth in a trust deed, dated June 25th, 1954, to be so held by the said trustees until the Roman Catholic ratepayers of Whitehorse have organized a separate school district under the provisions of Part (II) of the School Ordinance of the Yukon Territory;

AND WHEREAS there are seventy-six children who will attend the said school whose parents reside in the municipality of Whitehorse, but are not employed by Canada;

AND WHEREAS the trustees propose to construct a school building of sufficient capacity to accommodate the children referred to, and such other children as may be determined by the trustees from time to time;

AND WHEREAS subject to the necessary appropriations being made by Parliament and upon the completion of this agreement by the trustees, the Governor in Council has authorized the payment of \$162,000 to Yukon to be applied towards the cost of construction of said school building, of which amount the Department of National Defence will contribute \$151,000 and the Department of Northern Affairs and National Resources will contribute \$11,000;

AND WHEREAS the Yukon has agreed to contribute the sum of \$87,500 to the trustees in addition to the sum of \$162,000 being contributed to Yukon Territory by such Departments.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the terms, conditions, covenants and provisoes hereinafter contained and set out, the parties hereto agree as follows:

1. Unless the context otherwise requires in this agreement, "cost of work" means the cost of construction of the said school building, including installation of lighting fixtures, heating, water, desks and blackboards, but excluding therefrom the cost of the lands on which the school building is constructed, landscaping, walks, roads and all other works beyond the confines of the school building.

2. (1) Yukon agrees to pay to the trustees the sum of \$249,500.
- (2) Payments on account of the said sum of \$249,500 equal to sixty-nine per cent of the value of the work done on said school building approximately estimated from progress measurements and computed at the price or prices agreed upon or determined by the Commissioner of Yukon Territory, will be made to the trustees monthly, if practicable, on the written certificate of the architect in charge of the construction of the said school including installation of the fixtures referred to in paragraph 1. of this agreement and stating the value of the work computed as above mentioned, and the said certificate shall be a condition precedent to the right of the trustees to be paid the said sixty-nine per cent thereof of said sum. The remaining portion of said sum shall be retained until the final completion of the school building to the satisfaction of the architect and will be paid within two months of such completion. The written certificate of the architect certifying to the completion of the said works to his satisfaction shall be a condition precedent to the right of the trustees to receive or to be paid the remaining portion of said sum.
3. The trustees agree—
 - (a) to erect and complete the construction of an eight-room school building on lands registered in the name of the trustees in accordance with the plans approved by the Minister of Northern Affairs and National Resources, and to provide lighting, heating, water fixtures and the necessary desks and blackboards in said school building;
 - (b) to pay the cost of the work;
 - (c) to maintain, operate and use such school building, when completed, for school purposes in accordance with the laws, ordinances and regulations of Yukon Territory relating to education of children, until such time as a separate school district at Whitehorse is established and the said school building is turned over to the separate school district; and

(d) to require the trustees to agree to turn over said school building and the land upon which it is located to the separate school district when a separate school district is formed.

IN WITNESS WHEREOF the Commissioner of the Yukon Territory has executed this agreement and La Communauté des Soeurs de Charite de la Providence and The Catholic Episcopal Corporation of Whitehorse have hereunto affixed their corporate seals attested to by their proper Officers in that behalf.

SIGNED on behalf of the Yukon by Frederick Howard Collins, Commissioner of the Yukon Territory, in the presence of:

.....
Commissioner of the Yukon Territory

.....
SIGNED on behalf of the Trustees whose corporate seal is affixed hereto, in the presence of:

.....
La Communauté des Soeurs de Charite de la Providence

.....
.....
.....

.....
The Catholic Episcopal Corporation of Whitehorse

CHAPTER 5

ORDINANCES OF YUKON TERRITORY
1955 (Second Session)

AN ORDINANCE TO APPROVE AN AGREEMENT
RESPECTING THE MAINTENANCE OF THE ROAD
BETWEEN WHITEHORSE AND MAYO IN THE YUKON
TERRITORY BETWEEN THE GOVERNMENT OF
CANADA AND THE COMMISSIONER OF THE
YUKON TERRITORY

(Assented to July 29th, 1955.)

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

1. The Agreement set out in the Schedule is hereby ratified and confirmed.

SCHEDULE

MEMORANDUM OF AGREEMENT ENTERED INTO
THIS FOURTH DAY OF JUNE, 1955 A.D.

BETWEEN:

THE GOVERNMENT OF CANADA hereinafter called "Canada" represented by the Honourable the Minister of Northern Affairs and National Resources, hereinafter called the "Minister"

OF THE FIRST PART

AND

THE GOVERNMENT OF THE YUKON TERRITORY hereinafter called the "Territory" represented by the Commissioner of the Yukon Territory, hereinafter called the "Commissioner"

OF THE SECOND PART

WHEREAS Canada and the Territory have entered into an agreement dated June 30th, 1953, whereby Canada agreed

to contribute one half of the cost of the maintenance of the road between Whitehorse and Mayo in the Yukon Territory, the contribution of Canada however not to exceed \$130,500 in each of the fiscal years 1953-54, 1954-55, 1955-56;

AND WHEREAS His Excellency the Governor General in Council has by Order in Council P.C. 195-20/711 authorized the Minister of Northern Affairs and National Resources to execute this agreement on behalf of Canada.

NOW THIS AGREEMENT WITNESSETH, in consideration of the premises, that the said parties hereto, hereby covenant, promise and agree each with the other as follows:

1. Section 2 of said agreement is amended by deleting from the last line thereof the figures and word "1954-55 and 1955-56" and substituting therefore the words and figures "and 1954-55 nor \$150,500 in the fiscal year of 1955-56".

IN WITNESS WHEREOF the Honourable Jean Lesage, Minister of Northern Affairs and National Resources, has hereunto set his hand and seal on behalf of Canada and the Commissioner has hereunto affixed his hand and seal on behalf of the Territory.

SIGNED on behalf of Canada by the Honourable J. Lesage, Minister of Northern Affairs and National Resources

Jean Lesage

IN THE PRESENCE OF

Annette Rivard

SIGNED on behalf of the Yukon Territory
IN THE PRESENCE OF

GOVERNMENT OF THE YUKON TERRITORY

W. G. Brown

V. Faulkner

Commissioner of the Yukon Territory

CHAPTER 6

ORDINANCES OF YUKON TERRITORY
1955 (Second Session)

AN ORDINANCE RESPECTING THE ATTACHMENT
OF DEBTS

(Assented to July 29th, 1955.)

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

SHORT TITLE

1. This Ordinance shall be cited as the *Garnishee Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance, Interpretation.
- (a) "court" means "Court".
- (i) in the case of a judgment, order or action in the Territorial Court, the Territorial Court, and
- (ii) in the case of a judgment, order or action in a Police Magistrate's Court, a Police Magistrate's Court; and
- (b) "garnishee" means a person against whom a garnishee summons is directed under this Ordinance. "Garnishee".

GARNISHEE SUMMONS AND SERVICE

3. (1) Upon receiving an affidavit described in subsection (2) from a person who has obtained a judgment or order for the recovery or payment of money or who is a plaintiff in an action for debt or liquidated demand or the solicitor or agent of such a person, the clerk of the court may issue a garnishee summons, in form Issue of summons.

A, with such variations as circumstances may require, directed to one or more persons alleged to be indebted, either jointly or severally, to the defendant or judgment debtor.

Nature of affidavit.

- (2) The affidavit mentioned in subsection (1) shall
 - (a) show the nature and amount of the claim against the defendant or the amount remaining due and unsatisfied under the judgment, and
 - (b) state positively that the defendant or judgment debtor is indebted to the plaintiff or judgment creditor;
 - (c) state that, to the best of the deponent's information and belief, the proposed garnishee, naming him, is indebted to the defendant or judgment debtor.

Service binds debts.

- 4. (1) Service of a garnishee summons on a garnishee binds any debt due or accruing due from the garnishee to the defendant or judgment debtor.

Manner of service.

- (2) A garnishee summons may be served in any way that a writ of summons may be served.

Service on defendant or judgment debtor.

- (3) A copy of the garnishee summons shall be served on the defendant or judgment debtor or his solicitor within twenty days after service on the garnishee, or within such further time as the court or a judge may, *ex parte*, order.

Money payable out of Territorial funds.

- 5. Any money due or accruing due to a defendant or judgment creditor that is payable out of public funds of the Territory may be garnisheed under this Ordinance by serving a garnishee summons upon the Territorial Secretary.

SETTING ASIDE THE GARNISHEE SUMMONS

Application to set aside garnishee.

- 6. The defendant or judgment debtor or the garnishee or any person claiming to be interested in any money attached under a garnishee summons issued under this Ordinance, may apply to a judge in chambers to set aside the garnishee summons.

DISPUTE BY GARNISHEE

7. (1) Where a garnishee disputes his liability or claims that the debt sought to be attached is or may not be attachable, he shall, within the time specified in the garnishee summons or such further time as the court may allow, file with the clerk of the court a statement showing the grounds on which he disputes liability or claims that the debt is or may not be attachable. Dispute by garnishee.
- (2) When the statement mentioned in subsection (1) has been filed, the court may, on application of the plaintiff or any other person interested, on two days' notice given to the garnishee, Trial of issue.
- (a) fix a time and place for summarily determining the question of liability or whether the debt is attachable, or
- (b) order that any issue or question necessary for determining such liability or whether the debt is attachable be tried and determined in any manner in which an issue or question in any action may be tried or determined,
- and may direct who shall be the parties to such issue or question.
- (3) Any determination under this section becomes a judgment of the court and may be enforced as such. Determination enforceable as judgment.

8. Where the plaintiff or judgment creditor does not proceed to have the question of liability determined as provided in section 7 within two months after the garnishee has entered the statement referred to in that section, the garnishee may apply for an order to set aside the garnishee summons. Delay by plaintiff.

PAYMENT INTO AND OUT OF COURT

9. A garnishee who pays money into court pursuant to a garnishee summons is entitled to deduct from the amount owing by him any disbursement necessarily made by him. Garnishee's costs.

Order for payment to plaintiff.

10. (1) No order shall be made against a garnishee or for payment out of any money paid into court by a garnishee until at least ten days after service of the garnishee summons on the defendant or judgment debtor and on the garnishee, nor when a garnishee summons issues prior to judgment until the plaintiff has recovered a judgment against the defendant.

Payment out of court.

(2) No money paid into court pursuant to a garnishee summons shall be paid out except on the written consent of the parties interested or by order of the court, which order may be made *ex parte* or on such notice as the court directs.

DETERMINING THE INTEREST OF THIRD PERSONS

Suggestion of claim of third party.

11. When it is suggested by the garnishee or any person claiming to be interested that the debt attached belongs to a third person or that a third person has a lien or charge upon it, the court may order the third person or any other person to appear and state the nature and particulars of his claim.

Procedure in determining claim.

12. After hearing the allegations of a third person appearing pursuant to an order made under section 11 and of any other person whom by the same or any subsequent order the court may require to appear, or in case of a third person not appearing when ordered, the court may order execution to issue to levy the amount due from the garnishee or any issue or question to be tried or determined in accordance with the provisions of this Ordinance, and may bar the claim of the third person or make such other order, upon such terms as the court thinks fit, with respect to the lien or charge, if any, of the third person and to costs as the court thinks fit.

JUDGMENT AND EXECUTION

Default by garnishee.

13. Where a garnishee does not pay into court the amount due from him to the defendant or judgment debtor or an amount equal to the claim or judgment and costs and does not dispute the debt due or claimed to be due from him to the debtor, the court may, after judgment has been entered against the defendant or at once when the garnishee summons is founded on a judgment already recovered, order that judgment be entered against the garnishee and that execution

issue to levy the amount due from the garnishee or so much thereof as is sufficient to satisfy the judgment or order, together with the costs of the garnishee proceedings.

14. Payment made by or execution levied upon the garnishee shall be a valid discharge to him against the defendant or judgment debtor to the amount paid or levied even though such proceedings may be set aside or the judgment or order reversed.

Garnishee discharged by payment or levy.

15. (1) Subject to this section, the costs of any application for garnishee summons and any proceedings arising from or incidental to such application shall be in the discretion of the court.

Costs in garnishee proceedings.

(2) A garnishee is not liable for the costs of proceedings under this Ordinance except in so far as occasioned by setting up a defence that, in the opinion of the court, he knew or should have known was untenable.

Garnishee's costs.

(3) The plaintiff or judgment creditor is entitled, unless the court otherwise orders, to have the costs of proceedings taken by him under this Ordinance taxed against the defendant or judgment debtor and to add the amount of such costs to the debt or judgment.

Plaintiff's or judgment creditor's costs.

16. No execution shall issue to levy any money owing from a garnishee until and so far only as such money has become fully due.

Execution stayed till money due.

ATTACHMENT OF WAGES OR SALARY

17. (1) No debt due or accruing due to an employee for or in respect of wages or salary is liable to attachment under this Ordinance unless such debt exceeds the sum of three dollars per day for the period in respect of which the wages or salary are owing on the day the garnishee summons is served on the garnishee, and then only to the extent of the excess.

Exemption from attachment.

(2) Where the plaintiff or judgment creditor claims that an employee, in addition to a fixed money wage or salary is given board or lodging or the use of a house,

Exception.

or any other thing of value, in part payment or compensation for his service, the plaintiff or judgment creditor may apply, on not less than five days' notice, to the judge for an order appraising the money value of such board or lodging, use of house or other thing, and the value thus ascertained shall be deducted from the amount of the exemption to which the defendant or judgment debtor would otherwise be entitled.

ATTACHMENT OF SMALL DEBTS

Application
to Small
Debts
Proceedings.

18. The provisions of this Ordinance apply to proceedings before Small Debts Officials with such changes in the title of the court, the style of the officers, the forms of process and other matters as are necessary to make the same applicable to such proceedings.

SCHEDULE

Form A
(Section 3)

Garnishee Summons

In the Court,
Between of , plaintiff,
and
of , defendant,
and
of , garnishee.

To the above named garnishee.

You are hereby notified that the plaintiff has recovered a judgment in this Court against the defendant for

(or You are hereby notified that a suit has been entered in this Court in which the plaintiff claims of the defendant the sum of as shown by his Statement of

Claim filed in Court, a copy of which is hereto annexed) and it is alleged on affidavit filed that you are indebted to the said defendant. You are required within twenty days from the service hereof to notify the Clerk of this Court by statement in writing whether or not there is any debt due or accruing due from you to the defendant (*or* judgment debtor) and, if so, what debt and why you should not pay the same into Court to the extent of the plaintiff's claim and costs.

Issued at _____ this _____ day of _____
 _____, 19 _____

(L.S.) _____ Clerk.

NOTE:—Take notice that in default of your so notifying the Clerk you are liable to have judgment entered against you.

(To be endorsed in the same manner as a Writ of Summons)

CHAPTER 7

ORDINANCES OF YUKON TERRITORY
1955 (Second Session)

AN ORDINANCE TO AMEND AN ORDINANCE
RESPECTING THE COUNCIL OF THE YUKON
TERRITORY

(Assented to July 29th, 1955.)

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

1. *An Ordinance respecting the Council of the Yukon Territory*, chapter 23 of the Consolidated Ordinances of the Yukon Territory, 1914, is amended by repealing sections 7 and 8 thereof.

CHAPTER 8

ORDINANCES OF YUKON TERRITORY
1955 (Second Session)AN ORDINANCE FOR GRANTING TO THE
COMMISSIONER CERTAIN ADDITIONAL SUMS OF
MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC
SERVICE OF THE TERRITORY

(Assented to July 29th, 1955.)

WHEREAS it appears by message from Frederick Howard Collins, Esquire, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending March 31, 1956,

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

1. This Ordinance may be cited as the *Yukon Supplementary Supply Ordinance, 1955, No. 1.*
2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eighty thousand five hundred dollars for defraying the several charges and expenses of the Public Services of the Yukon Territory and for the twelve months ending March 31, 1956, as set forth in Schedule "A" of this Ordinance.
3. The due application of all moneys expended shall be duly accounted for.

SCHEDULE "A"

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31, 1956, and the purposes for which they are granted:

Vote
No.

| | | | |
|-----|----------------------------------|-------------|--------------|
| 1. | Yukon Council | | |
| | Living Expenses for Members | | |
| | @ \$25.00 per day | | \$ 1,400.00 |
| 2. | Territorial Treasurer | | |
| | Salaries | | 3,000.00 |
| 5. | Health and Public Welfare | | |
| | Acquisition of Equipment | \$ 1,000.00 | |
| | Hospitalization | 40,000.00 | 41,000.00 |
| | | <hr/> | |
| 10. | Capital Account | | |
| | Acquisition of Equipment | \$ 3,000.00 | |
| | Construction of Buildings | 32,100.00 | 35,100.00 |
| | | <hr/> | |
| | | | <hr/> |
| | | | \$ 80,500.00 |
| | | | <hr/> |

CHAPTER 9

ORDINANCES OF YUKON TERRITORY

1955 (Second Session)

AN ORDINANCE FOR GRANTING TO THE
COMMISSIONER CERTAIN ADDITIONAL SUMS OF
MONEY TO DEFRAY THE EXPENSES OF THE
PUBLIC SERVICE OF THE TERRITORY*(Assented to July 29th, 1955.)*

WHEREAS it appears by message from Frederick Howard Collins, Esquire, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending March 31, 1956,

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

1. This Ordinance may be cited as the *Yukon Supplementary Supply Ordinance, 1955, No. 2.*
2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two million four hundred sixty-seven thousand three hundred and thirty-five dollars for defraying the several charges and expenses of the Public Services of the Yukon Territory and for the twelve months ending March 31, 1956, as set forth in Schedule "A" of this Ordinance.
3. The due application of all moneys expended shall be duly accounted for.

SCHEDULE "A"

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31, 1956, and the purposes for which they are granted:

Vote Service

| | | | |
|-----|----------------------------|---|------------------------|
| No. | | | |
| 10. | Capital Account | | |
| | Construction of Public | | |
| | Works | 1 | \$ 1,555,335.00 |
| | Construction of Buildings: | | |
| | Whitehorse Sep- | | |
| | arate School.. | 2 | \$162,000.00 |
| | Whitehorse | | |
| | Hospital | 2 | 750,000.00 |
| | | | <u>912,000.00</u> |
| | | | <u>\$ 2,467,335.00</u> |



ORDINANCES
OF THE
YUKON TERRITORY

Passed in the first session of the seventeenth Council of the Yukon Territory begun and holden at the City of Whitehorse on the second day of November, 1955, and prorogued on the seventeenth day of November, 1955.

CHAPTER 1

ORDINANCES OF YUKON TERRITORY

1955 (Third Session)

AN ORDINANCE RESPECTING
CEMETERIES AND BURIAL SITES*(Assented to November 17, 1955)*

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

SHORT TITLE

1. This Ordinance may be cited as the *Cemeteries and Burial Sites Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "company" means a cemetery company incorporated under this Ordinance or under any Ordinance respecting cemeteries in force in the Territory before the coming into force of this Ordinance; "Company".
- (b) "municipality" means a municipality as defined in the *Municipal Ordinance*; and "Municipality".
- (c) "trustees" means trustees who hold land as a cemetery for the use of religious societies or congregations under this Ordinance or under any Ordinance respecting cemeteries in force in the Territory before the coming into force of this Ordinance. "Trustees".

PART I

CEMETERIES

CEMETERY COMPANIES

3. Ten or more persons may form a company for the purpose of establishing one or more public cemeteries outside the limits of a municipality or, if permission to do so Formation of companies.

is given by a by-law of the municipal council, within the limits of a municipality, if they

- (a) subscribe stock to an amount adequate to purchase the ground required for a cemetery;
- (b) execute an instrument in form A;
- (c) pay to the treasurer of the proposed company twenty-five per cent of the capital stock intended to be raised; and
- (d) deposit the instrument mentioned in paragraph (b) or a duplicate thereof together with a receipt from the treasurer for the first instalment of twenty-five per cent in the office of the Territorial Secretary.

Notice of
formation.

4. Where an instrument has been deposited with the Territorial Secretary pursuant to section 3 and he is satisfied that the provisions of this Ordinance have been complied with, the Territorial Secretary may cause to be published in the Yukon Gazette a notice setting out that the company has been formed, the name of the company and the names of the shareholders of the company.

Powers.

5. From and after the date of publication of the notice referred to in section 4, the persons named in the notice and their successors are a body corporate and politic under the name mentioned therein, with power to acquire, hold and alienate both real and personal property for the purposes of the company.

Interest on
paid-up stock.

6. (1) Out of the proceeds of the sales by a company of burial sites in a cemetery, the company may pay to its shareholders, who do not desire to take land in the cemetery to the full extent of the stock subscribed and paid for by them, interest on their paid-up stock not represented by land in the cemetery at such rate, not exceeding five per cent per annum, as may be determined by the by-laws of the company, and may also repay to such shareholders the amount of paid-up stock held by them not represented by lands in the cemetery.

- (2) Every person who holds fully paid-up shares of the capital stock of a company that are not represented by land in the cemetery is entitled to all the rights of shareholders in respect of such shares until they are repaid to him by the company. Rights of persons holding paid-up stock.
- (3) A person ceases to be a shareholder in respect of any share repaid to him by the company. Repayment by company.
- (4) Except as provided by this section, no dividend or profit of any kind shall be paid by the company to a shareholder. No dividend, etc., payable to shareholder.
7. (1) Subject to section 6, one-half of the proceeds of all sales of burial sites in a cemetery made by a company shall be applied first to the payment of the purchase money of the land acquired by the company and the residue to preserving, improving and embellishing the land as a cemetery and to the incidental expenses of the company. Application of proceeds of sale.
- (2) After the purchase money of all land acquired by a company has been paid, the proceeds of all future sales of burial sites in a cemetery and any gifts or other revenue the company may acquire shall be applied exclusively to the preservation, improvement and embellishment of the cemetery and to the incidental expenses thereof. Idem.
8. Every proprietor of a lot in a cemetery of one hundred square feet or more in area who has paid twenty-five per cent or more of the price of the lot is a shareholder of the company, and every such lot represents a share in the company. Owner of lot a shareholder.
9. A company may sell a lot of any size, but no proprietor of a lot or lots under one hundred square feet in area thereby becomes a shareholder of the company. Size of lots. Rights of owners.
10. A company may reserve any part of a cemetery held by it upon such terms as may be agreed upon for the exclusive use of any religious society or congregation. Reservations for religious societies, etc.

**Graves for
strangers.**

11. (1) A company shall furnish graves for strangers free of charge.

**Graves for
poor.**

(2) A company shall furnish graves for indigents free of charge if a minister or clergyman of the denomination to which the deceased belonged or the Commissioner or a person authorized by him certifies that the relatives of the deceased are indigent and cannot afford to purchase a burial lot or that the deceased has no relatives.

**Religious
rites.**

12. A company shall permit the religious denomination to which a deceased belongs to perform its usual religious rites on the interment of the deceased.

DIRECTORS**Directors.**

13. The affairs and property of a company shall be managed by five directors, a majority of whom constitute a quorum.

**Qualifications
of director.**

14. Every shareholder who has paid to the company not less than five dollars on his share or shares is eligible to be elected director.

**Election of
directors.**

15. The first directors shall be elected by ballot from among the subscribers to the instrument mentioned in section 3, and thereafter the directors shall be annually elected by ballot by the shareholders on the 1st Monday in June in each year.

**Qualifications
of shareholder
to vote.**

16. A shareholder is entitled to one vote at an election of directors for every share he holds in excess of ten shares, and for the purposes of this section a share shall not be considered unless at least two dollars have been paid in respect thereof.

President.

17. (1) The directors of a company or a majority of them shall, at their first meeting, elect one of their number to be president of the company.

**President to
preside.**

(2) The president of a company, or if he is absent, another director chosen by the directors for the occasion, shall preside at every meeting of the directors of a company and shall not vote, except in a case of an equality of votes, when he has the deciding vote.

18. (1) The directors may call for instalments on the sums subscribed and may appoint a time for the payment thereof. Calls on stock.
- (2) Where instalments are called under subsection (1) and are not paid at the time specified for payment, the rights of the subscriber and every instalment formerly paid are forfeited to the company unless the directors think it expedient to remit the forfeiture. Forfeiture and remission.
- (3) A forfeiture may not be remitted if the instalment called is not paid with interest within one year after the day when it ought to have been paid. No remission after one year.
19. (1) The directors shall record in a book kept for the purpose minutes of all their proceedings and by-laws. Minutes.
- (2) The directors shall record in a book kept for the purpose an accurate account of all monies received and expended by them. Record of monies.
- (3) Every shareholder of a company shall have access to the records kept by the directors under subsections (1) and (2) for the purpose of searching and making extracts therefrom without payment of any fee. Access to records.

TRUSTEES OF RELIGIOUS BODIES

20. (1) Subject to subsection (2), where one or more religious societies or congregations in the Territory desire to take a transfer of land for the purpose of establishing a cemetery for the use of the society or congregation or for the use in common of the societies or congregations, the society or congregation or societies or congregations may appoint trustees to whom and their successors, to be appointed in such manner and subject to such rules as may be specified in the transfer, the land requisite for that purpose may be transferred; and the trustees and their successors in perpetual succession by the name expressed in the transfer may take, hold and possess the land and maintain and defend actions for the protection thereof or of their property therein. Organization of board of trustees.
- (2) Trustees cannot take, hold or possess land for the purpose set out in subsection (1) within the limits of a Except with permission, land to be outside municipality.

municipality unless permission to do so is given by a by-law passed by the municipal council of the municipality.

Appointment of successors of trustees.

21. (1) Where a transfer of land for the purpose of establishing a cemetery for the use of one society or congregation does not specify the manner in which the successors of the trustees therein named are to be appointed, the society or congregation may, at a meeting called in accordance with its constitution or in accordance with the practice of the church with which it is connected, by the votes of the majority of those persons present at the meeting who, by such constitution or practice are entitled to vote in respect of church business, pass a resolution specifying the manner in which the successors of the trustees for the term then being are to be appointed.

Idem.

(2) Where a transfer of land for the purpose of establishing a cemetery for the use of two or more societies or congregations does not specify the manner in which successors of the trustees therein named are to be appointed, the societies or congregations may enter into an agreement with each other in writing in such manner as seems to them best, and the agreement shall specify the manner in which the successors of the trustees for the term then being are to be appointed.

Trustees personally liable.

22. Trustees are personally liable for any judgment recovered against them as trustees.

Records.

23. Trustees shall keep a record of all rules made by them under this Ordinance, and such rules shall be open for inspection by every member of the society or congregation or societies or congregations.

GENERAL

Purposes of land.

24. Land that has been used as a cemetery and held by a company or trustees shall be held and conveyed exclusively as a cemetery.

25. (1) A company or trustees shall

Cemetery to be fenced, kept in good repair, etc.

- (a) enclose every part of the cemetery held by them with walls or fences of a height of at least four feet;
- (b) keep such cemetery and its buildings and fences in good order and repair;
- (c) take every reasonable step required to prevent animals from trespassing and straying in such cemetery; and
- (d) construct and maintain all proper and necessary sewers and drains in and about such cemetery for draining it and keeping it dry.

(2) The company or trustees may cause any sewer or drain for draining or keeping the cemetery dry to open into an existing sewer with the consents in writing of the persons having the management of any street or road where the existing sewer is located and of the owner or occupier of any land through which the opening is intended to be made, and shall restore the street, road or land to as good a condition as it was before being disturbed.

Repairs to drains, etc.

26. The location of every cemetery is subject to the approval of the Commissioner or, where it is within the limits of a municipality, of the municipal council of the municipality.

Location of cemetery subject to approval of Commissioner or municipal council.

27. Real estate of a company or trustees and the lot or plots that have been conveyed by the company or trustees to individual proprietors for burial sites are exempt from taxation of any kind and are not liable to be seized or sold under execution.

Exemption from taxation and execution.

28. The directors of a company may pass by-laws and trustees may make rules

By-laws and rules.

- (a) respecting the laying out and management of a cemetery held by them,
- (b) respecting the sale of land in such cemetery,

- (c) respecting the erection of tombs, monuments and gravestones in such cemetery, and
- (d) providing that burials within such cemetery are conducted in a decent manner.

Record of burial.

29. (1) The directors of a company and trustees shall keep a record of all burials showing the name, age, occupation and date of burial of every person buried in a cemetery held by them or, if they cannot obtain this information, they shall show in the record why the information cannot be obtained.

Search.

(2) Every person is entitled to search and make extracts from a burial record kept under this section without paying a fee.

Chapels and vaults.

30. (1) A company or trustees may erect within the bounds of a cemetery held by them a chapel and a vault or a vault alone for use as a repository for the dead during the winter months.

Chapels and vaults to be of permanent construction.

(2) Any chapel or vault referred to in subsection (1) shall be of permanent construction and all vault windows and other openings shall be protected by fast wooden or metal sheeting shutters.

No connections between vault and chapel.

(3) There shall be no open connections between a vault and a chapel except underneath the floor for the reception of a coffin.

No burial in vault, chapel, etc.

31. Except as described in section 30, no person shall be buried in a vault or in or under any chapel or other building in a cemetery or within fifteen feet of the outer wall of any chapel or building in a cemetery.

Map of cemetery to be deposited.

32. (1) A company or trustees shall deposit with the Territorial Secretary, or where the cemetery is within a municipality, with the municipal clerk of the municipality, a map of each cemetery held by them, whether or not a certificate of title has been granted for such land, signed by the person or persons authorized by the by-laws to sign for the company, or the trustees

and certified by a Dominion land surveyor whose signatures are duly witnessed and attached.

- (2) The map referred to in subsection (1) shall be made on a scale of not less than one inch to four chains and shall show Description of map.
- (a) the number of the lots and blocks in a townsite or the number of the lot and group, or the name of the district or reservation, as the case may be, in which the land lies;
 - (b) all boundary lines within the limits of the land shown on the map of blocks and lots or reservations;
 - (c) all paths, lanes, woods, passages, thoroughfares or reservations set apart within the cemetery with the courses and woods thereof;
 - (d) the length and width of all burial lots;
 - (e) the courses of all division lines between burial lots; and
 - (f) the courses of all streams or waters within the limits of the land included in the map.
- (3) Burial lots in a cemetery shall be marked on the map mentioned in this section with distinct numbers or symbols. Marking of lots.

33. Every transfer of a burial lot in a cemetery shall be in writing and signed by the directors of the company or trustees who hold the cemetery and shall describe the lot clearly with reference to its description upon the map deposited under section 32. Transfer of lots.

34. All burial lots in a cemetery when numbered and transferred by the company or trustees as burial sites shall be indivisible but may afterwards be held and owned in individual shares. Lots may be owned in shares.

Register of lots.

35. (1) A company or trustees shall keep a register of the lots in a cemetery held by them, showing with respect to each lot
- (a) its distinct number or symbol with respect to the map filed under section 32;
 - (b) its dimensions;
 - (c) whether or not it has been transferred or conveyed;
 - (d) the name or names and addresses of the owner or owners of the lot;
 - (e) whether or not it has been used as a burial site;
 - (f) the name of every person buried in the lot; and
 - (g) the date of every burial in the lot.

Copy of register to be filed with Territorial Secretary.

- (2) Every company or trustees who hold a cemetery shall file in the office of the Territorial Secretary, or where the cemetery is within a municipality, with the municipal clerk of the municipality, a copy of the register kept under this section signed by the person or persons authorized by the by-laws to sign for the company or trustees and authenticated by the affidavit of such person or persons or trustees.

Additions to register.

- (3) After a copy of the register has been filed under this section, a company or trustees shall on or before the 1st day of January in each year thereafter file in the office where the copy is filed a statement certified by the affidavit of the directors of the company or trustees stating every addition or alteration entered upon or made to the register since the date when the copy of the register or the last such statement was filed.

Befouling of water.

36. (1) Any company or trustees who cause or allow to be brought to or flow into any river, spring, well, stream, canal, reservoir, aqueduct, lake, pond or watering place any offensive matter from a cemetery

held by them whereby the water is fouled, is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

- (2) In addition to the penalty provided by subsection (1), Action for fouling water. any person having a right to use the water may sue the owner of a cemetery and may recover any special damage suffered by him by reason of the water being fouled.
- (3) Where, in an action mentioned in subsection (2), Damages. no special damage is alleged or proved, the court shall award a sum not exceeding ten dollars for every day during which the fouling has continued after the expiration of twenty-four hours from the time when notice of the fouling was served by the person mentioned in that subsection upon the company or trustees who hold the cemetery.
37. No person shall Offences.
- (a) wilfully destroy, mutilate, deface, injure or remove any tomb, monument, marker, gravestone or other structure placed in a cemetery or any fence, railing or other work for the protection or ornament of a cemetery, or any tomb, monument, marker, gravestone or other structure or any lot or plot within a cemetery;
- (b) wilfully destroy, cut, break or injure any tree, shrub, or plant in a cemetery;
- (c) play in any game or sport in a cemetery;
- (d) except at a military funeral, discharge firearms in a cemetery;
- (e) wilfully disturb persons assembled for the purpose of burying a body in a cemetery; or
- (f) commit a nuisance in a cemetery.
38. (1) Any person who commits any of the acts prohibited by section 37 is liable to an action for damages Action by company or trustees.

or trespass in the name of the company or trustees who hold the cemetery and to pay all damages occasioned by his unlawful act.

Application of damages.

(2) A company or trustees who collect any money as damages pursuant to subsection (1) shall apply it to the reparation and reconstruction of any property destroyed.

Penalty.

39. Every company or trustees who violate any provision of this Ordinance for which no penalty is otherwise provided is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Only company or trustee to hold lands for cemetery.

40. Every person who, not being a company or a trustee, holds land for a cemetery is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars, and such person is liable for a separate offence for each day that he so holds.

PART II
BURIAL SITES

Definition of "burial site".

41. In this Part, "burial site" means the site of any human grave or graves, tomb, burial mound or other burial place not located within a cemetery.

No disturbance of burial sites.

42. Except as permitted by the Commissioner in writing and in accordance with this Part, no person shall excavate or investigate a burial site or remove or disturb a body, marker, monument or fence from a burial site.

Prohibitions.

43. No person shall deposit garbage, rubble, brush, ashes or refuse within a distance of three hundred feet of a burial site.

No markers to be erected on burial sites.

44. Except with the approval in writing of the Commissioner, no person shall erect any marker, monument, sign or notice on any burial site unless he is a relative of a person whose body is buried or a member of the Royal Canadian Mounted Police engaged in marking or protecting such site in the course of his duties.

Permit to care for burial site.

45. (1) The Commissioner may grant a permit to such persons or organizations as he may deem desirable

authorizing such persons or organizations to care for, ornament and protect a burial site, but any such permit does not entitle a person to demand any remuneration for services performed thereunder from the Territory or any person.

(2) The Commissioner may, at any time, revoke any permit granted under subsection (1). **Revocation of permit.**

(3) During the month of January in each year every person who holds a permit under subsection (1) shall furnish a report in duplicate to the Commissioner stating in detail the work done under his permit during the preceding year. **Report by permit holder.**

46. Any person who violates any provision of this Part, is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a period not exceeding six months, or to both fine and imprisonment. **Offence and penalty.**

REPEAL

47. The following Ordinances are repealed: **Repeal**

- (i) *The Cemetery Ordinance*, chapter 12 of the Consolidated Ordinances, 1914;
- (ii) the *Burial Site Ordinance*, Chapter 4 of the Ordinances of 1949 (2nd session); and
- (iii) the *Cemeteries Ordinance*, Chapter 13 of the Ordinances of 1951 (1st session).

SCHEDULE

FORM A

RESOLUTION TO FORM CEMETERY COMPANY

Be it remembered that on this _____ day of _____ in the year one thousand nine hundred and _____ we, the undersigned shareholders, met at _____ in the Yukon Territory and resolved to form a cemetery company to be called The _____ Cemetery Company under the provisions of the Cemeteries and Burial Sites Ordinance; and we do hereby agree that the capital stock of the said company shall be _____ dollars to be divided into shares of _____ dollars, each such share entitling the holder to one hundred surface square feet; and we, the undersigned shareholders, do hereby agree to accept and take the number of shares set by us opposite our respective signatures; and we do hereby agree to pay the calls thereon according to the provisions of the said Ordinance and the by-laws of the said company to be made in that behalf.

| Name | No. of Shares | Amount |
|------|---------------|--------|
| | | |

CHAPTER 2

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE RESPECTING MASTERS
AND SERVANTS

(Assented to November 17, 1955)

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

SHORT TITLE

1. This Ordinance may be cited as the *Masters and Servants Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "contract" means a contract of personal service between a master and a servant and includes any hiring; "Contract".
 - (b) "master" includes any employer, whether a corporation, partnership or individual; "Master".
 - (c) "servant" means any person engaged or hired by or bound to a master whether as employee, labourer, workman or otherwise; "Servant".
 - (d) "wages" includes salary whether the employment in respect of which the same is payable is by time or by the job or piece or otherwise. "Wages".
3. Subject to section 10, this Ordinance applies to every hiring or contract of personal service. Scope of Ordinance.
4. Unless a contract of personal service for a period of more than one year is in writing and signed by the contracting parties, it is void and of no effect. Certain contracts to be in writing.

**Misconduct
of servant.****5. A servant who**

- (a) is guilty of drunkenness;
- (b) absents himself by day or night without leave from his proper service or employment;
- (c) refuses or neglects to perform his duties or to obey the lawful commands of his master;
- (d) dissipates his master's property or effects; or
- (e) abandons his employment by leaving his master's service before the expiration of his contract without the consent of his master and without lawful excuse;

shall be deemed to have violated his contract and upon summary conviction is liable to a fine not exceeding thirty dollars with costs.

**Misconduct
of master.****6. (1) A master who**

- (a) neglects after demand to pay wages due to,
- (b) ill uses, or
- (c) improperly dismisses,

a servant is guilty of violation of his contract and upon the oath of such servant a justice of the peace having jurisdiction may summon the master to appear before him at a reasonable time to be stated in the summons.

- (2) At the time and place appointed the justice shall examine into the matter of the complaint whether the master appears or not; and upon due proof of the personal service of the summons and the cause of complaint may discharge the servant from the service of the master and may direct the payment to him of any wages found to be due, not exceeding six months' wages, together with costs, and in default of payment forthwith may issue his warrant for the distress and sale of the goods and chattels of the master.

7. Proceedings may be taken under this Ordinance within three months after the contract has ceased or has been terminated or within three months after the last instalment of wages under the contract has become due, whichever day is the later. Limit of time for taking proceedings.

8. The provisions of the *Criminal Code* relating to summary convictions that deal with the enforcement of an order requiring payment of a sum of money do not apply to proceedings under this Ordinance. Criminal Code.

9. This Ordinance applies to contracts made out of the Territory in respect of service or labour performed in the Territory. Foreign contracts.

10. Except as provided in section 4, nothing in this Ordinance curtails, abridges or defeats any civil or other remedy for the recovery of wages or damages that masters may have against their servants or that servants may have against their masters. Civil rights preserved.

REPEAL

11. *An Ordinance Respecting Masters and Servants*, chapter 62 of the Consolidated Ordinances, 1914, is repealed. Repeal.

CHAPTER 3

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE RESPECTING TRUSTEES AND
EXECUTORS AND THE ADMINISTRATION
OF ESTATES

(Assented to November 17, 1955)

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

SHORT TITLE

- Short title. 1. This Ordinance may be cited as the *Trustee Ordinance*.

INTERPRETATION

- Definition of "trustee". 2. In this Ordinance "Trustee" includes an executor or administrator and a trustee whose trust arises by construction or implication of law as well as an express trustee and includes several joint trustees.

INVESTMENTS

- Investments by trustees. 3. (1) Trustees having in their hands trust money that it is in their discretion to invest at interest may, subject to the terms of the trust, invest trust money in
- (a) securities that are a first charge upon land in the Territory or any province of Canada;
 - (b) the debentures or securities of the Government of Canada, of the Territory or of any of the provinces of Canada or any debentures or securities the payment of which is guaranteed by the Government of Canada, by the Territory or by any province of Canada, if such investments are in other respects reasonable and proper.

- (2) Trustees may at their discretion call in any trust funds invested in securities other than those mentioned in subsection (1) and invest the trust funds in any stock, debentures, or securities of a nature authorized by this Ordinance, and vary any such investments for others of the same nature.
- (3) Money invested at the commencement of this Ordinance in the manner authorized by subsection (1) shall be held and taken to have been lawfully and properly invested.
4. (1) A trustee may, unless expressly forbidden by the instrument, if any, creating the trust, deposit trust funds in his hands with or invest such funds in terminable debentures or debenture stock of a society or company mentioned in subsection (2), if such deposit or investment is in other respects reasonable and proper, the debentures are registered and are transferable only on the books of the society or company in his name as trustee for the particular trust estate for which they are held and the deposit account in the ledger of the company or society is in the name of the trustee for the particular trust estate for which it is held and the deposit, receipt or pass book is not transferable by indorsement or otherwise.
- Trustees may invest or deposit trust funds in certain debentures or debenture stock.
- (2) An incorporated society or company authorized to lend money upon mortgages on real estate and having a capitalized, fixed paid up and permanent stock not liable to be withdrawn amounting to at least four hundred thousand dollars and a reserve fund of not less than twenty-five per cent of its paid up capital, and the stock of which has a market value of not less than seven per cent premium, is a society or company for the purposes of subsection (1).
- (3) The trustees may from time to time vary any investments authorized by this section.
- (4) No deposits or investments shall be made under the authority of this section with or in the debentures or debenture stock of any society or company that has

not obtained an order of the Commissioner approving of the deposits or investments, and such approval shall not be granted to any society or company that does not appear to have kept strictly within its legal powers in relation to borrowing and investment.

(5) The Commissioner may at any time revoke an order approving of deposits with or investments in the debentures or debenture stock of any society or company, and such revocation does not affect the propriety of deposits or investments made before revocation.

Additional powers given.

5. The powers conferred by sections 3 and 4 are in addition to the powers conferred by the instrument, if any, creating the trust; but nothing in this Ordinance authorizes a trustee to do anything that he is in express terms forbidden to do or to omit anything that he is in express terms directed to do by the instrument creating the trust.

When trustee not chargeable on insufficient security.

6. (1) No trustee lending money upon the security of property is chargeable with breach of trust, by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made where it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be an able practical surveyor or valuer instructed and employed independently or any owner of the property whether such surveyor or valuer carried on business in the locality where the property is situated or elsewhere and that the amount of the loan does not exceed two-thirds of the value of the property as stated in the report and that the loan was made under the advice of the surveyor or valuer expressed in the report.

(2) This section applies to a loan upon property upon the security of which the trustee can lawfully lend and to transfers of existing securities as well as to new securities and to investments made as well before as after the commencement of this Ordinance.

Trustees lending more than authorized amount.

7. Where a trustee has improperly advanced trust money on mortgage security that would at the time of the investment have been a proper investment in all respects for a

less sum than was actually advanced thereon the security shall be deemed an authorized investment for such less sum and the trustee is only liable to make good the sum advanced in excess thereof with interest.

8. No trustee is liable for breach of trust by reason only of his continuing to hold an investment that has ceased to be an investment authorized by the instrument of trust or by the general law.

Liability in case of change of character of investment.

RIGHTS AND LIABILITIES OF TRUSTEES

9. Every deed, will or other document creating a trust either expressly or by implication shall without prejudice to the clauses actually contained therein be deemed to contain a clause in the words or to the effect following, that is to say:

Every trust instrument to be deemed to contain clause for the indemnity and reimbursement of the trustees.

“That the trustees or trustee for the time being of the said deed, will or other instrument shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall respectively actually receive notwithstanding their respectively signing any receipt for the sake of conformity and shall be answerable and accountable only for their own acts, receipts, neglects or defaults and not for those of each other nor for any banker, broker or other person with whom any trust moneys or securities may be deposited; nor for the insufficiency or deficiency of any stocks, funds or securities nor for any other loss unless the same shall happen through their own wilful neglect or default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the said deed, will or other instrument to reimburse themselves or himself or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will or other instrument.”

10. (1) Whenever it is expedient to appoint one or more trustees, and it is inexpedient, difficult or impracticable so to do without the assistance of the court, a Judge may make an order for the appointment of a new trustee or new trustees, either in substitution for or in addition to any existing trustee or trustees, or although there is no existing trustee; and in particular, and without limiting the generality of the foregoing

Appointment of new trustees by Judge.

provision, the Judge may make an order for the appointment of a new trustee in substitution for a trustee who is convicted of an indictable offence, or is insolvent.

- (2) No order under subsection (1) or a consequential vesting order or conveyance shall operate further or otherwise as a discharge to any former or continuing trustee than an appointment of new trustees under a power for that purpose contained in an instrument would have operated.
- (3) Nothing in this section gives power to appoint a personal representative.

Appointment of new trustees by surviving or continuing trustees.

- 11. (1) Where a trustee dies or desires to be discharged from the trust or refuses or becomes unfit to act or incapable of acting therein, the person nominated for that purpose by the deed, will or other instrument creating the trust, if any, or if there be no such person, or no such person able and willing to act, then the surviving or continuing trustees or the personal representative of the last surviving and continuing trustee, may appoint any other person or persons to be a trustee or trustees in place of the trustee or trustees dying, or desiring to be discharged, or refusing, or becoming unfit, or incapable of acting.
- (2) So often as any new trustee or trustees is or are appointed under subsection (1) all the trust property that for the time being is vested in the surviving or continuing trustees or trustee or in the heirs, executors or administrators of any trustee or trustees shall with all convenient speed be assigned and transferred so that the same may be legally and effectually vested in such new trustee or trustees either solely or jointly with the surviving or continuing trustees or a surviving or continuing trustee as the case may require.
- (3) Every new trustee, as well before as after a conveyance, assignment or transfer pursuant to subsection (2), and every trustee appointed by the Judge, shall have the same powers, authorities and discretions, and

shall in all respects act as if he had originally been nominated a trustee by the deed, will, or other instrument creating the trust.

12. On the appointment of a new trustee for the whole or any part of trust property

- (a) the number of trustees may be increased;
- (b) a separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part of the trust property notwithstanding that no new trustees or trustee are or is to be appointed for other parts of the trust property and any existing trustee may be appointed or remain one of such separate set of trustees; or, if only one trustee was originally appointed, then one separate trustee may be so appointed for any such part of the trust property;
- (c) it is not obligatory to appoint more than one new trustee where only one trustee was originally appointed, or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee is not discharged under section 11 from his trust unless there remain at least two trustees to perform the trust; and
- (d) any assurance or thing requisite for vesting the trust property or any part thereof jointly in the persons who are the trustees shall be executed or done.

Increase in number of trustees.

Separate trustees for part of trust property.

Minimum number of trustees.

Vesting trust property.

13. Every new trustee appointed has, as well before as after all the trust property becomes by law or by assurance or otherwise vested in him, the same powers, authorities and discretions and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

Powers of new trustee.

14. The provisions of this Ordinance relative to a trustee who has died include the case of a person nominated trustee in a will but dying before the testator, and those relative to

Interpretation of certain provisions.

a continuing trustee include a refusing or retiring trustee if willing to act in the execution of the provisions of section 11.

Application
of sections
11 to 14.

15. Sections 11 to 14 apply only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust and shall have effect subject to the terms of that instrument.

Discharge of
retiring
trustee.

16. (1) Where there are more than two trustees, if one of them by deed declares that he is desirous of being discharged from the trust, and if his co-trustees and such other person, if any, as is empowered to appoint trustees, consent by deed to the discharge and to the vesting of the trust property in the co-trustees alone, then the trustee desirous of being discharged shall be deemed to have retired from the trust and shall, by the deed, be discharged therefrom without any new trustee being appointed in his place.

(2) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done.

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust and shall have effect subject to the terms of that instrument.

Vesting of
trust
property in
new or
continuing
trustees
without
conveyance.

17. (1) Where an instrument by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subjected shall vest in the persons who by virtue of such instrument become and are the trustees for performing the trust, that declaration shall, without any conveyance or assignment but subject to the provisions of the *Land Titles Act*, operate to vest in these persons as joint tenants and for the purposes of the trust, that estate, interest or right.

- (2) Where an instrument by which a retiring trustee is discharged under this Ordinance contains a declaration made under this section by the retiring and continuing trustees and by the other person, if any, empowered to appoint trustees, such declaration shall, without any conveyance or assignment but subject to the conditions in subsection (1), operate to vest in the continuing trustees alone as joint tenants and for the purposes of the trust, the estate, interest or right to which the declaration relates.
- (3) This section does not extend to any share, stock, annuity or property transferable only in books kept by a company or other body, or in manner prescribed by or under any Ordinance.
- (4) For the purposes of registration of an instrument the person or persons making the declaration shall be deemed the conveying party or parties and the conveyance shall be deemed to be made by him or them under a power conferred by this Ordinance.

18. Where an estate or interest of inheritance in real property is vested on an express trust in any person solely, the estate or interest shall on his death, notwithstanding any testamentary disposition, devolve to and become vested in his executor or administrator in like manner as if the same were personal estate vesting in him and, accordingly, all the like powers for one only of several joint executors or administrators as well as for a single executor or administrator and for all the executors and administrators together to dispose of and otherwise deal with the same shall belong to the deceased's executor or administrator with all obligations as if the same were personal estate vesting in him, and for the purposes of this section the executor or administrator of the deceased shall be deemed in law his heirs and assigns within the meaning of all trusts and powers.

Trustee's death.

PURCHASE AND SALE

19. (1) Where a trust for sale or a power of sale of property is vested in a trustee he may sell or concur with any other person in selling all or any part of the property either subject to prior charges or not, and

Power of trustee for sale to sell by auction, etc.

either together or in lots by public auction or by private contract subject to any such conditions respecting title or evidence of title or any other matter as the trustee thinks fit with power to vary any contract for sale and to buy in at any auction or to rescind any contract for sale and to resell without being answerable for any loss.

- (2) This section applies only if and as far as a contrary intention is not expressed in the instrument creating the trust or power and shall have effect subject to the terms of that instrument and to the provisions therein contained.

Power to sell subject to deprecia- tory conditions.

- 20. (1) No sale made by a trustee shall be impeached by any beneficiary upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily deprecia- tory unless it also appears that the consideration for the sale was thereby rendered inadequate.

- (2) No sale made by a trustee shall after the execution of the conveyance be impeached as against the purchaser upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily deprecia- tory unless it appears that the purchaser was acting in collusion with the trustee at the time when the contract for sale was made.

- (3) No purchaser upon any sale made by a trustee shall be at liberty to make any objection against the title upon the grounds in this section mentioned.

Fee simple estates of bare trustee to vest in their personal representatives.

- 21. Upon the death of a bare trustee of any corporeal or incorporeal hereditaments of which such trustee was seized in fee simple the hereditaments shall vest in the legal personal representative, from time to time, of such trustee.

Conveyances by married woman as bare trustee.

- 22. Where a freehold hereditament is vested in a married woman as bare trustee she may convey or surrender the same as if she were a *feme sole* and without her husband joining in the conveyance.

23. (1) Where in the management or administration of property vested in trustees, a sale, lease, mortgage, surrender, release, or other disposition, or a purchase, investment, acquisition, expenditure, or other transaction, is in the opinion of a Judge expedient, but the same cannot be effected by reason of the absence of any power for that purpose vested in the trustees by the trust instrument, if any, or by law, the Judge may by order confer upon the trustees, either generally or in any particular instance, the necessary power for the purpose, on such terms, and subject to such provisions and conditions, if any, as the Judge may think fit and may direct in what manner any money authorized to be expended, and the costs of any transaction, are to be paid or borne as between capital and income.
- (2) A Judge may, from time to time, rescind or vary any order made under this section, or may make any new further order.
- (3) An application to a Judge under this section may be made by the trustees, or by any of them, or by any person beneficially interested under the trust.

Power of
Judge to
make order.

24. The *bona fide* payment of any money to and the receipt thereof by any person to whom the same is payable upon any express or implied trust, or for any limited purpose, and such payment to and receipt by the survivors or survivor of two or more mortgagees or holders or the executors or administrators of such survivors or survivor on their or his assigns, effectually discharges the person paying the same from seeing to the application or being answerable for the misapplication thereof, unless the contrary is expressly declared by the instrument creating the trust or security.

Receipts of
trustees
effectual
discharges.

VARIOUS POWERS AND LIABILITIES

25. (1) A trustee may appoint a solicitor to be his agent to receive and give a discharge for any money or any valuable consideration or property receivable by such trustee under the trust; and no trustee shall be chargeable with breach of trust by reason only of his having made or concurred in making the appointment;

Appointment
of agents
by trustees
for certain
purposes.

but nothing in this section exempts a trustee from any liability that he would have incurred but for this section for permitting such money, valuable consideration or property to remain in the hands or under the control of the solicitor for a period longer than is reasonably necessary to enable the solicitor to pay or transfer the same to the trustee.

- (2) A trustee may appoint a chartered bank or solicitor to be his agent to receive and give a discharge for any money payable to such trustee under or by virtue of a policy of assurance or otherwise; and no trustee shall be chargeable with a breach of trust by reason only of his having made or concurred in making any such appointment; but nothing in this section exempts a trustee from any liability that he would have incurred but for this section for permitting such money to remain in the hands or under the control of the bank or solicitor for a period longer than is reasonably necessary to enable him to pay the same to the trustee.

Powers of trustees to insure property.

26. (1) A trustee may insure against loss or damage by fire any building or other insurable property to any amount, including the amount of any insurance then in effect, not exceeding three-fourth parts of the full value of such building or property and to pay the premiums for such insurance out of the income thereof or out of the income of any other property subject to the same trusts without obtaining the consent of any person entitled wholly or partly to such income.

- (2) This section does not apply to any building or property that a trustee is bound forthwith to convey absolutely to any *cestui que trust* upon being requested to do so.

Trustee committing breach of trust at instigation of beneficiary.

27. Where a trustee has committed a breach of trust at the instigation or request or with the consent in writing of a beneficiary, a Judge may, if he thinks fit, and notwithstanding that the beneficiary is a married woman entitled for her separate use, whether with or without a restraint upon anticipation, make such order as to the Judge seems

just for impounding all or any part of the interest of the beneficiary in the trust estate by way of indemnity to the trustee or person claiming through him.

28. The receipt in writing of any trustee for any money, securities or other personal property or effects payable, transferable or deliverable to him under any trust or power is a sufficient discharge for the same and effectually exonerates the person paying, transferring, or delivering, the same from seeing to the application or being answerable for any loss or mis-application thereof.

Powers of trustee to give receipts.

29. (1) An executor or administrator or two or more trustees, acting together, or a sole acting trustee where by the instrument, if any, creating the trust a sole trustee is authorized to execute the trusts and powers thereof may, if and as he or they may think fit, accept any composition or any security real or personal for any debt or for any property real or personal claimed and may allow any time for payment for any debt and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the testator's or intestate's estate or to the trust, and for any of these purposes may enter into, give and execute such agreements, instruments of composition or arrangement and releases and do such other things as to him or them seem expedient without being responsible for any loss occasioned by any act or thing so done by him or them in good faith.

Power for executors, administrators, trustees to compound, etc.

(2) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust and shall have effect subject to the terms of that instrument.

30. Where a power or trust is given to or vested in two or more trustees jointly then unless the contrary is expressed in the instrument, if any, creating the power or trust the same may be exercised or performed by the survivor or survivors of them for the time being.

Powers of surviving trustees.

31. (1) A trustee acting or paying money in good faith under or in pursuance of any power of attorney is not

Exoneration of trustee in respect of certain powers of attorney.

liable for any such act or payment by reason of the fact that at the time of the payment or act the person who gave the power of attorney was dead or had done some act to avoid the power if this fact was not known to the trustee at the time of his so acting or paying.

- (2) Nothing in this section affects the right of any person entitled to the money against the person to whom the payment is made and the person so entitled shall have the same remedy against the person to whom the payment is made as he would have had against the trustee.

MAINTENANCE OF INFANTS

In case property held in trust for infant, trustees may apply income for maintenance of infant.

32. Where any property is held by trustees in trust for an infant, either absolutely or contingently on his attaining the age of twenty-one years or on the occurrence of any event previously to his attaining that age, the trustees may at their sole discretion pay to the guardians, if any, of such infant, or otherwise apply for or towards the maintenance or education of such infant, the whole or any part of the income to which such infant may be entitled in respect of such property whether there be any fund applicable to the same purpose or any other person bound by law to provide for such maintenance or education or not, and such trustees shall accumulate all the residue of such income by way of compound interest by investing the same and the resulting income thereof from time to time in proper securities for the benefit of the person who ultimately becomes entitled to the property from which such accumulation arose; but such trustees at any time if it appears to them expedient may apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Property held in trust for infants may be sold by leave of Judge.

33. Where any property either real or personal is held by trustees in trust for an infant either absolutely or contingently on his attaining the age of twenty-one years or on the occurrence of any event previously to his attaining that age and where the income arising from such property is insufficient for the maintenance and education of such infant the trustee by leave of a Judge to be obtained in a summary manner, may sell and dispose of any portion of such real or

personal property and pay the whole or any part of the money arising from the sale to the guardians, if any, of the infant or otherwise to be applied for or towards the maintenance or education of such infant; and in the event of the whole of the money arising from any sale of the real or personal property not being immediately required for the maintenance and education of such infant then the said trustees shall invest the surplus moneys and the resulting income therefrom from time to time in proper securities and shall apply such moneys and the proceeds thereof from time to time for the education and maintenance of such infant and shall hold all the residue of the moneys and interest thereon not required for the education and maintenance of such infant for the benefit of the person who ultimately becomes entitled to the property from which such moneys and interest have arisen.

PAYMENT INTO COURT — RELIEF

34. (1) Trustees, or the majority of trustees, having in their hands or under their control money or securities belonging to a trust, or to the estate of a deceased person, may as provided in the *Judicature Ordinance* pay the same into Court; and the same shall subject to the rules of Court be dealt with according to the order of a Judge.
- (2) The receipt or certificate of the Clerk of the Court shall be a sufficient discharge to trustees for the money or securities so paid into Court.
- (3) Where any moneys or securities are vested in any persons as trustees and the majority are desirous of paying the same into Court but the concurrence of the other or others cannot be obtained a Judge may order the payment into Court to be made by the majority without the concurrence of the other or others, and where any such moneys or securities are deposited with any banker, broker or other depository, a Judge may order payment or delivery of the moneys or securities to the majority of the trustees for the purpose of payment into Court and every transfer, payment and delivery made in pursuance of any such order is valid and takes effect as if the same had been made on

Trustees may pay trust moneys or securities into court.

the authority or by the act of all the persons entitled to the moneys and securities so transferred, paid, or delivered.

Relief of trustees committing technical breach of trust.

35. Whenever in any proceeding affecting trustees or trust property it appears to the Court that a trustee whether appointed by the Court or by an instrument in writing or otherwise, or that any person who in law may be held to be fiduciarily responsible as a trustee, is or may be personally liable for any breach whether the transaction alleged or found to be a breach of trust occurred before or after the passing of this Ordinance but has acted honestly and reasonably and ought fairly to be excused for the breach of trust and for omitting to obtain the directions of the Court in the matter in which he committed such breach then the Court may relieve the trustee either wholly or partly from personal liability for the same.

RIGHTS AND LIABILITIES OF EXECUTORS AND ADMINISTRATORS

Action by executors and administrators for torts.

36. The executors or administrators of a deceased person may maintain an action for all torts or injuries to the person or to the real or personal estate of the deceased except in cases of libel and slander, in the same manner and with the same rights and remedies as the deceased would, if living, have been entitled to do; and the damages when recovered shall form part of the personal estate of the deceased; but such action shall be brought within one year after his decease.

Actions against executors and administrators for torts.

37. Where any deceased person committed a wrong to another in respect of his person or of his real or personal property, except in cases of libel and slander, the person so wronged may maintain an action against the executors or administrators of the person who committed the wrong; but such action shall be brought within one year after the decease.

Damages in actions under two preceding sections.

38. In estimating the damages in any section under section 36 or 37 the benefit, gain, profit or advantage that in consequence of or resulting from the wrong committed may have accrued to the estate of the person who committed the wrong shall be taken into consideration and shall form part or may constitute the whole of the damages to be recovered, whether or not any property or the proceeds of value of property

belonging to the person bringing the action or to his estate has or have been appropriated by or added to the estate or moneys of the person who committed the wrong.

39. (1) The executors or administrators of a lessor may distraint upon the lands demised for any terms or at will for the arrears of rent due to the lessor in his lifetime in like manner as such lessor might have done if living. Executors or administrator of a lessor may distraint for arrears.
- (2) The arrears mentioned in this section may be distrained for at any time within six months after the determination of the term of lease and during the continuance of the possession of the tenant from whom the arrears became due; and the law relating to distress for rent is applicable to the distress so made.

40. Where one or more joint contractors, obligors or partners die, the person interested in the contract, obligation or promise entered into by such joint contractors, obligors or partners may proceed by action against the representatives of the deceased contractor, obligor or partner in the same manner as if the contract, obligation or promise had been joint and several, notwithstanding that there may be another person liable under the contract, obligation, or promise still living, and an action pending against such person; but the property and effects of stockholders in chartered banks or the members of other incorporated companies are not liable to a greater extent than they would have been if this section had not been passed. Representatives of deceased joint contractors liable although the other joint contractors be living.

41. Where by any will a testator charges his real estate or any specific portion thereof with the payment of his debts or with the payment of any legacy or other specific sum of money and devises the estate so charged to any trustee or trustees for the whole of his estate or interest therein and does not make any express provision for the raising of such debts, legacy or sum of money out of such estate the said trustee or trustees notwithstanding any trusts actually declared by the testator may raise such debt, legacy or money by a sale and absolute disposition by public auction or private contract of the said real estate or any part thereof or by a mortgage of the same or partly in one mode and partly in Devisee in trust may raise money by sale or mortgage to satisfy charges notwithstanding want of express power in will.

the other and a mortgage so executed may reserve such rate of interest and fix such period of repayment as the person or persons executing the same think proper.

Power given by preceding section extended to survivors, devisees, etc.

42. The powers conferred by section 41 extend to every person in whom the estate devised is for the time being vested by survivorship, descent or devise, or to any person appointed under any power in the will or by the Court to succeed to the trusts created by the will.

Purchasers, etc., not bound to enquire as to exercise of powers.

43. Purchasers or mortgagees are not bound to inquire whether the powers conferred by sections 41 and 42 or any of them have been duly and correctly exercised by the person or persons acting in virtue thereof.

Directions to sell, etc., may be exercised by executor when no other person is appointed to exercise same.

44. Where there is in any will or codicil of a deceased person a direction, whether express or implied, to sell, dispose of, appoint, mortgage, incumber or lease any real estate and no person is by the said will, or some codicil thereto, or otherwise by the testator appointed to execute and carry the same into effect, the executors, if any, named in the will or codicil shall execute and carry into effect every such direction to sell, dispose of, appoint, incumber or lease such real estate, and any estate or interest therein in as full, large and ample a manner and with the same legal effect as if the executors were appointed by the testator to execute and carry the same into effect.

Administrator with will annexed may exercise powers of sale given to the executor.

45. Where in a will or codicil thereto power is given to an executor or executors to sell, dispose of, appoint, mortgage, incumber, or lease any real estate, or any estate or interest therein, whether such power is express, or arises by implication, and where from any cause letters of administration with such will annexed have been committed by a Court of competent jurisdiction to any person and such person has given the security required by this Ordinance such person shall exercise every such power and sell, dispose of, appoint, mortgage, incumber or lease such real estate and any estate or interest therein in as full, large, and ample a manner and with the same legal effect as if such last named person had been appointed by the testator to execute such power.

46. Where a person has entered into a contract in writing for the sale and conveyance of real estate, or any estate or interest therein, and such person has died intestate, or without providing by will for the conveyance of such real estate, or estate or interest therein, to the person entitled or to become entitled to such conveyance under such contract then, if the deceased would be liable to execute a conveyance were he alive, the executor, administrator, or administrator with the will annexed, as the case may be, of the deceased person, shall give to the person entitled to the same a good and sufficient conveyance or conveyances of such estates and of such nature as the said deceased, if living, would be liable to give: and such conveyances are as valid and effectual as if the deceased were alive at the time of the making thereof and had executed the same but shall not have any further validity.

Or when no person named in the will to execute powers of sale.

47. Every executor, administrator, and administrator with the will annexed shall, as respects the additional powers vested in him by this Ordinance and any money or assets by him received in consequence of the exercise of such powers, be subject to all the liabilities and compellable to discharge all the duties of whatsoever kind that as respects the acts to be done by him under such powers would have been imposed upon an executor or other person appointed by the testator to execute the same or in case of there being no such executor or person would have been imposed by law or by any court of competent jurisdiction.

Duties and liabilities of an executor and administrator acting the powers of this Ordinance.

48. (1) Where there are several executors, administrators or administrators with the will annexed and one or more of them die, the powers created by this Ordinance shall vest in the survivor or survivors.

Powers given by this Ordinance to two or more vest in survivors.

(2) On the administration of the estate of a deceased person, in case of the deficiency of assets, debts due to the Crown and to the executor or administrator of the deceased person, and debts to others including therein respectively debts by judgment or order, and other debts of record, debts by speciality, simple contract debts, and such claims for damages as by any ordinance are payable in like order or administration

In case of deficiency of assets debts to rank *pari passu*

as simple contract debts, shall be paid *pari passu* and without any preference or priority of debts of one rank or nature over those of another; but nothing in this section contained shall prejudice any lien existing during the lifetime of the debtor on any of his real or personal estate.

If claims rejected and notice given an action must be brought within a certain period.

49. (1) Where the executor or administrator gives to any creditor or other person of whose claims against the estate he has notice, or to the solicitor or agent of such creditor or other person, notice in writing that he disputes the claim and that he intends to avail himself of this section, such creditor or other person shall commence his action in respect of the claim within six months after the notice is given in case the debt or some part thereof is due at the time of the notice or within three months from the time the debt or some part thereof falls due if no part thereof is due at the time of the notice, and in default the claim shall be forever barred.

(2) Unless the creditor or other person within ten days after the receipt of the notice notifies the executor or administrator that he withdraws his claim, such executor or administrator may, if he thinks fit, apply to a Judge for an originating summons calling upon such creditor or other person to establish his claim and upon the return of such summons the Judge may allow or bar the claim or make such other order as to him may seem meet with or without costs against either party.

As to liability of executor or administrator in respect of covenants, etc., in leases.

50. (1) Where an executor or administrator liable as such to the rents, covenants or agreements contained in any lease or agreement for a lease granted or assigned to the testator or intestate whose estate is being administered, has satisfied all such liabilities under the said lease or agreement for a lease as have accrued due and been claimed up to the time of the assignment hereinafter mentioned and has set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property

demised, or agreed to be demised, although the period for laying out the same may not have arrived, and has assigned the lease or agreement to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and among the persons entitled thereto respectively without appropriating any part or any further part, as the case may be, of the estate of the deceased to meet any future liability under the said lease or agreement for a lease; and the executor or administrator shall not, after having assigned the lease or agreement and having, where necessary, set apart such sufficient fund, be personally liable in respect of any subsequent claim under the said lease or agreement.

- (2) Nothing in this section prejudices the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

51. (1) Where an executor or administrator liable as such to the rents, covenants or agreements contained in any conveyance or rent charge, whether such rent be by limitation of use, grant or reservation or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate whose estate is being administered, has satisfied all such liabilities under the said conveyance or agreement for a conveyance as may have accrued due and been claimed up to the time of the conveyance herein-after mentioned and has set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed or agreed to be conveyed, although the period for laying out the same may not have arrived, and has conveyed such property or assigned the said agreement for such conveyance to a purchaser, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the persons entitled thereto respectively without appropriating any part or any further part, as the case may be, of the estate of the

As to liability of executor or administrator in respect of rents, etc., in conveyances or rent charges, etc.

deceased to meet any future liability under the said conveyance or agreement for a conveyance; and the executor or administrator so distributing the residuary estate shall not, after having made or executed such conveyance or assignment and having, where necessary, set apart such sufficient fund, be personally liable in respect of any subsequent claim under the said conveyance or agreement for conveyance.

- (2) Nothing in this section prejudices the right of the grantor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or among whom the said assets may have been distributed.

**Notices to
creditor.**

52. (1) Where a trustee or assignee acting under the trusts of a deed or assignment for the benefit of a particular class or classes of creditors in which the creditors are not designated by name, or an executor or an administrator, has given such or the like notices as in the opinion of the court in which such trustee, assignee, executor or administrator is sought to be charged, would have been given by the court in an action for the execution of the trusts of the deed or assignment or in an administration suit, for creditors and others to send in their claims against the person for the benefit of whose creditors such deed or assignment is made or against the estate of the testator or intestate, the trustee, assignee, executor or administrator shall, at the expiration of the time named in the notices or the last of the notices for sending in claims, be at liberty to distribute the proceeds of the trust estate or the assets of the testator or intestate, as the case may be or any part thereof, among the persons entitled thereto having regard to the claims of which the trustee, assignee, executor or administrator has then notice, and shall not be liable for the proceeds of the trust estate or assets, or any part thereof so distributed to any person of whose claim the trustee, assignee, executor or administrator had notice at the time of the distribution thereof or a part thereof, as the case may be.

- (2) Nothing in this section prejudices the right of any creditor or claimant to follow the proceeds of the trust estate or the assets, or any part thereof, into the hands of the person or persons who may have received the same respectively.

SUMMARY APPLICATION TO COURT FOR ADVICE

53. (1) Any trustee, guardian, executor, or administrator may without the institution of an action apply to a Judge in the manner prescribed by rules of Court for the opinion, advice, or direction of the Judge on any question respecting the management or administration of the trust property or the assets of a testator or intestate.
- Trustee, etc., may apply for advice on management of trust property.
- (2) The trustee, guardian, executor or administrator acting upon the opinion, advice, or direction given by a Judge is deemed so far as regards his own responsibility to have discharged his duty as trustee, guardian, executor or administrator in the subject matter of the application, unless he has been guilty of any fraud or wilful concealment or misrepresentation in obtaining the opinion, advice, or direction.

ALLOWANCE TO TRUSTEES, ETC.

54. A trustee under a deed, settlement or will, an executor or administrator, a guardian appointed by a court and testamentary guardian or other trustee, howsoever the trust is created, is entitled to such fair and reasonable allowance for his care, pains and trouble and his time expended in and about the trust estate as may be allowed by a Judge.
- Allowance to trustees.
55. Where application is made to a Judge for the purpose of settling the amount of compensation allowed by section 54, the Judge may settle such amount although the trust estate is not before a Judge in any action.
- Allowance to be made although the estate not before the Judge.
56. A Judge may allow to the executor or trustee or administrator acting under a will or letter of administration a fair and reasonable allowance for his care, pains and trouble and his time expended in or about the executorship, trusteeship or administration of the estate and effects vested in
- Judge may order an allowance to executor, etc., out of the estate for his trouble.

him under the will or letters or administration, and in administering, disposing of and arranging and settling the same and generally in arranging and settling the affairs of the estate and may make orders from time to time therefor, and compensation shall be allowed to an executor, trustee or administrator in passing his accounts.

Where allowance fixed by instrument.

57. Sections 54, 55 and 56 do not apply where the allowance is fixed by the instrument creating the trust.

Solicitor entitled to profit costs.

58. Where a solicitor is a trustee, guardian or personal representative and has rendered necessary professional services to the estate, regard may be had, in making his allowance, to that circumstance, and the allowance shall be increased by such amount as may be deemed fair and reasonable in respect of these services.

JUDICIAL TRUSTEES

Power of Judge to appoint judicial trustee.

59. (1) Where application is made to a Judge by or on behalf of the person creating or intending to create a trust or by or on behalf of a trustee or beneficiary the Judge may in his discretion appoint a person (in this Ordinance called a judicial trustee) to be a trustee of the trust either jointly with any other person or as sole trustee, and if sufficient cause is shown, in place of all or any existing trustees.
- (2) The administration of the property of a deceased person whether a testator or intestate shall be a trust and the executor or administrator shall be a trustee within the meaning of this section.
- (3) Any fit and proper person nominated for the purpose in the application may be appointed a judicial trustee and in the absence of such nomination or if the Judge is not satisfied of the fitness of a person nominated, any other competent person may be appointed, and in any case a judicial trustee shall be subject to the control and supervision of a Judge.
- (4) A Judge may either on request or without request give to a judicial trustee any general or special directions in regard to the trust or the administration thereof.

- (5) There may be paid to a judicial trustee out of the trust property such remuneration not exceeding the prescribed limits as a Judge may assign in each case and the remuneration so assigned to any judicial trustee shall, save as the Judge may for special reasons otherwise order, cover all his work and personal outlay.
- (6) Once in every year the accounts of every trust of which a judicial trustee has been appointed shall be audited and a report thereon made to a Judge by the prescribed persons and in any case where a Judge so directs an inquiry into the administration by a judicial trustee of any trust, or into any dealing or transaction of a judicial trustee shall be made in the prescribed manner.

CHAPTER 4

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO PROVIDE FOR THE
MAINTENANCE OF CHILDREN OF
UNMARRIED PARENTS

(Assented to November 17, 1955)

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

SHORT TITLE

Short title. 1. This Ordinance may be cited as the *Illegitimate Children Maintenance Ordinance*.

INTERPRETATION

Definitions. 2. (1) In this Ordinance

"Mother of an illegitimate child".

(a) "mother of an illegitimate child" means

(i) a single woman or widow who has been delivered of an illegitimate child, or who is pregnant and likely to be delivered of an illegitimate child, or

(ii) a married woman who is living apart from her husband and who has been delivered of an illegitimate child, or who is pregnant and likely to be delivered of an illegitimate child, and who was living apart from her husband at the time of the conception of the child; and

"Superintendent".

(b) "Superintendent" means the Superintendent of Child Welfare appointed under the *Protection of Children Ordinance*.

- (2) A reference in this Ordinance to an information, order, summons or warrant means an information, order, summons or warrant under this Ordinance.
- References to information, order, summons or warrant.

GENERAL

3. Every district registrar of vital statistics shall notify the Superintendent of the birth of every child born to a mother of an illegitimate child registered in his office under the *Vital Statistics Ordinance* and of every birth so registered in such a manner as to suggest that the parents are unmarried or unknown, and with such notification he shall give such particulars as the Superintendent may require.

District registrar of vital statistics to notify Superintendent of birth of illegitimate child.

4. The Superintendent shall make enquiries to obtain all possible information with respect to every child born to a mother of an illegitimate child and may take any proceedings or do any other act permitted or required under this Ordinance as he deems advisable in the interest of the child.

Duties of Superintendent respecting illegitimate child.

5. A mother of an illegitimate child may apply to the Superintendent for advice in any matter connected with the child or its birth, and the Superintendent shall take such action as may seem to him advisable in the interests of the mother and child.

Mother may apply to Superintendent for advice.

6. No agreement entered into between the mother of an illegitimate child and the putative father of the child relating to any matter within the scope of this Ordinance shall be deemed a bar to any proceedings under this Ordinance.

Agreement between mother and putative father no bar to proceedings under this Ordinance.

7. Where a putative father admits the paternity of a child, he may enter into an agreement with the Superintendent to provide for the adequate maintenance and education of the child, and upon failure on the part of the putative father to comply with the terms of the agreement the Superintendent may lay an information before a justice under section 9, and for the purposes of this Ordinance the agreement constitutes sufficient proof of paternity.

Agreement between putative father and Superintendent.

8. Nothing in this Ordinance shall be deemed to take away or abridge any right of action or remedy that might have been maintained against the putative father if this Ordinance had not been passed.

Remedies now existing not affected.

INFORMATION, EXAMINATION AND ORDER

Summons to or warrant for apprehension of putative father.

9. (1) Upon information on oath laid before a justice by any person mentioned in subsection (2) stating
- (a) that any woman is the mother of an illegitimate child,
 - (b) whether or not the child has been born, and
 - (c) the name of the putative father of the child,

the justice may issue a summons requiring the putative father to appear at a time and place mentioned in the summons, or, if he sees fit, he may issue a warrant for the apprehension of the putative father to answer to the information.

Who may lay information.

- (2) An information under subsection (1) may be laid by
- (a) the mother of an illegitimate child, her next friend or guardian,
 - (b) the guardian of the illegitimate child, or
 - (c) the Superintendent.

Person who lays information to notify Superintendent.

- (3) Where an information is laid under this section by any person other than the Superintendent, the person instituting the proceedings shall notify the Superintendent thereof, who may appear and intervene in person or by counsel in the proceedings arising out of the information.

Warrant may issue though summons has been issued.

- (4) The fact that a summons has been issued does not prevent any justice from issuing a warrant at any time before or after the time mentioned in the summons for the appearance of the putative father.

Warrant need not be returnable at specified time.

- (5) A warrant issued under this section need not be returnable at any specified time and such warrant remains in force until it is executed.

Procedure at hearing.

10. (1) Where a putative father
- (a) appears at the time and place mentioned in a summons,

- (b) does not appear at the time and place mentioned in a summons and proof is furnished to the satisfaction of the justice present at the hearing of the service of the summons a reasonable time before the time appointed for the appearance, or
 - (c) is brought before the justice present at the hearing by virtue of a warrant,
 the justice may inquire into the matter of the information, and may make an order declaring the putative father to be the father of the child and requiring him to pay either to the Superintendent or to the mother, as the justice considers advisable, Powers of justice.
 - (d) the reasonable expenses for the maintenance and care, medical and otherwise, of the mother during the three months last preceding the birth of the child, at the birth and during such period after the birth as may in the opinion of the justice have been or be necessary in connection with or as a consequence of the birth of the child, taking into consideration all the circumstances of the case and the evidence, if available, of any medical practitioner who has personal knowledge of the matter;
 - (e) the expenses of the burial of the mother if she dies in consequence of giving birth to the child;
 - (f) a sum of money weekly towards the maintenance and education of the child until the child attains the age of sixteen years according to the probable standard of living the child would have enjoyed if he had been born to his parents in lawful wedlock; and
 - (g) the expenses in connection with the burial of the child, if the child dies before the order is made.
- (2) The justice may, by the order or by a subsequent order varying it, require the mother to contribute a sum of money weekly towards the maintenance of the child until the child attains the age of sixteen years. Justice may order contribution by mother.

Warrant may be issued if putative father fails to appear.

(3) Where a putative father fails to appear at the time and place mentioned in a summons and proof is furnished to the satisfaction of the justice of the due service of the summons a reasonable time before the time appointed for the appearance, the justice may, if he considers it advisable, instead of proceeding *ex parte* to hear and determine the information in the absence of the putative father, issue his warrant as the justice before whom the information was laid might have done in the first instance for the apprehension of the putative father and adjourn the hearing of the complaint until the putative father is apprehended, but nothing done under this subsection shall be deemed to prevent the justice from proceeding *ex parte* at any time he thinks fit if the putative father is not apprehended.

Proof of paternity.

11. (1) Subject to subsection (3), paternity may, for the purposes of this Ordinance, be established upon such evidence as the justice considers sufficient.

Married woman competent and compellable to prove paternity.

(2) Notwithstanding any Ordinance or other law, in all proceedings under this Ordinance a married woman who is the mother of the child in respect of whom the proceedings are taken is a competent and compellable witness to testify as to the paternity of the child.

Corroboration for evidence of mother.

(3) Where a mother gives evidence as to the paternity of a child, no order shall be made unless such evidence is corroborated by some other material evidence.

When information must be laid.

12. No order shall be made upon an information unless the information is laid in the lifetime of the putative father and within one year after

- (a) the birth of the child,
- (b) the doing of any act on the part of the putative father that constitutes evidence of acknowledgment of paternity, or
- (c) the return to the Territory of the putative father if he was absent from the Territory at the expiration of the period of one year from the birth of the child.

13. Where an order has been made, then upon application by the child or any person who is entitled to lay an information under section 9 and upon proof that the means of either parent or the needs of the child have altered since the order or the latest subsequent order varying it was made, any justice may vary the original or subsequent order so made.

Variation of order.

14. Where an order is made or varied the justice may require the putative father against whom the order is made to furnish such security for the performance of the order in such manner as the justice directs, and if the putative father fails to furnish the security required, the justice may order that he be imprisoned for a term not exceeding twelve months, or until he furnishes the security and pays the costs and charges of his commitment and conveyance to jail.

Security for performance of order.

PROCEDURE AND ENFORCEMENT

15. (1) Except as provided in this Ordinance, proceedings under this Ordinance shall be on summary conviction.

Proceedings on summary convictions.

(2) Subject to section 12, an information or any other proceedings under this Ordinance, other than an appeal, may be commenced at any time.

Proceedings may be commenced at any time.

16. The room or place in which a justice sits to hear a matter arising out of an information is not an open or public court, and all persons other than the officers of the court, the parties interested and their witnesses and counsel shall be excluded therefrom.

Exclusion of persons from hearing.

17. The Superintendent shall not be debarred from instituting or continuing proceedings under this Ordinance by the death of the mother of the illegitimate child for whom relief is sought.

Superintendent not debarred from proceeding.

18. The Superintendent shall

(a) see that all payments directed to be made by a putative father under an order are duly made;

Duties of Superintendent after order.

(b) where a putative father defaults in any payment directed to be made under an order, take all necessary proceedings for the enforcement of the order, including

the enforcement of any security given by the putative father; and

- (c) see that all monies collected under any order are paid and applied forthwith, without any deduction, to or for the persons entitled to relief in accordance with the terms of the order and the provisions of this Ordinance.

On filing with Clerk order becomes judgment of Territorial Court.

19. A copy of every order shall be filed by the Superintendent with the Clerk of the Territorial Court, and thereupon the order becomes a judgment of the Territorial Court and may, subject to this Ordinance, be enforced in the same manner as any other judgment of that Court in a civil matter.

Order binding on estate of putative father.

20. Every order binds the estate of the putative father and every sum payable thereunder is a debt due from and chargeable upon the estate of the putative father; but every such order is, as to any payment falling due either before or after the putative father's death, subject to review under section 13, and no action or other proceedings shall be taken thereon after the death of the father without the leave of a justice, and the justice before granting leave shall direct that notice be given to the widow and legitimate children of the putative father.

APPEAL

Appeal from justice.

21. (1) Subject to this section, an appeal may be taken from an order in the same manner and times as an appeal from a judgment of a police magistrate in a civil action may be taken.

Order not stayed pending appeal.

(2) Where a putative father appeals from an order, proceedings on the order shall not be stayed pending the appeal, and the putative father shall pay all costs of the appeal.

Mother need not give security on appeal.

(3) Where a mother of an illegitimate child appeals from an order or other decision of a justice, she need not give any bond or security for the costs of the appeal.

REPEAL

Repeal.

22. *An Ordinance respecting Children of Unmarried Parents*, chapter 9 of the Ordinances of 1942, is repealed.

CHAPTER 5

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE RESPECTING LANDS OF THE
YUKON TERRITORY

(Assented to November 17, 1955)

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

SHORT TITLE

1. This Ordinance may be cited as the *Yukon Lands Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance, "Yukon lands" or "lands" means Definition of
"Yukon
lands".
- (a) lands acquired by the Territory before or after the coming into force of this Ordinance with Territorial funds, and
- (b) any other lands that are subject to the control of the Commissioner in Council.

SALE

3. (1) The Commissioner may, on such terms and conditions as he sees fit, sell Yukon lands after the following steps have been taken: Sale.
- (a) the value of any lands sold shall, within one year preceding the sale of the lands or an agreement to sell them, be appraised by an appraiser appointed by the Commissioner;
- (b) subject to paragraph (d), only one appraisal shall be made within one year preceding the sale and no lands shall be sold for less than the appraised value;

- (c) where the appraised value exceeds two thousand dollars, the land shall be sold only after public tender to the person making the largest offer; and
- (d) where lands have been offered for sale by public tender and no offer equal to or greater than the appraised value has been made, the value of the lands shall be re-appraised and may be sold for an amount equal to or greater than the re-appraised value.

Lands re-quired for public purposes.

- (2) No Yukon lands shall be sold that, in the opinion of the Commissioner, are required for public purposes.

LEASE

Lease.

- 4. (1) Within one year after the value of any Yukon lands has been appraised by any appraiser appointed by the Commissioner, the Commissioner may lease such lands subject to the following terms and conditions:
 - (a) a lease shall be for a term not exceeding twenty-one years but may be once renewed for a period not exceeding twenty-one years;
 - (b) the rental shall not be less than six per cent per annum of the appraised value and shall be payable yearly in advance;
 - (c) a lease of lands that have been declared by the Commissioner, before or at the time the lease is entered into, to be necessary for public purposes is subject to cancellation by the Commissioner on giving six months' notice to the lessee;
 - (d) a lessee can assign his lease after paying all outstanding rental and filing a properly executed unconditional assignment thereof in duplicate to the Commissioner together with the fee therefor set out in section 6; and
 - (e) such other terms and conditions as the Commissioner sees fit.

GENERAL

5. Where any contract, lease or other agreement for the sale, lease or other disposition of Yukon lands is entered into and interest is payable under the terms thereof, the rate of interest shall be five per cent per annum. **Interest.**

6. The following fees are payable to the Commissioner: **Fees.**

- (a) on issuing a transfer, lease, agreement for sale or other disposition\$5.00
- (b) on an assignment of a lease, agreement for sale or other disposition being filed with him\$5.00
- (c) on issuing a certified copy of lease\$2.00
- (d) for copying documents, per folio\$.25.

7. All contracts, transfers, leases, agreements for sale or other dispositions of Yukon lands shall be signed by the Commissioner and the Territorial Secretary, and sealed with the seal of the Territory. **Execution of contracts.**

8. The Territorial Secretary shall lay before the Territorial Council a copy of every document disposing of Yukon lands at the session of the Council next following the date of such document.



CHAPTER 6

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE RESPECTING NEWSPAPERS

(Assented to November 17, 1955)

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

- | | |
|-------------------------------------|---|
| Short title. | 1. This Ordinance may be cited as the <i>Newspaper Ordinance</i> . |
| Definitions. | 2. In this Ordinance |
| "Clerk". | (a) "Clerk" means the Clerk of the Court; |
| "Newspaper". | (b) "newspaper" means any paper sold and distributed to the public containing public news or observations on such news, published periodically at intervals not exceeding twenty-six days; and |
| "Proprietor". | (c) "proprietor" includes any person financially interested, directly or indirectly, in a newspaper. |
| Declaration to be filed with Clerk. | 3. (1) Every proprietor, editor and business manager of a newspaper published in the Territory shall not later than seven days after becoming such proprietor, editor or business manager file with the Clerk a declaration under oath setting forth the name, place of birth and nationality of the person filing the declaration, and the place where such newspaper is published, but no proprietor, editor, or business manager need file a declaration if he has already filed one before the passing of this Ordinance under the provisions of <i>An Ordinance Respecting Newspapers</i> , chapter 67 of the Consolidated Ordinances of 1914. |
| Offence. | (2) Every proprietor, editor or business manager of a newspaper who neglects to file a declaration in |

accordance with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each day of such neglect.

4. A person who makes a declaration pursuant to section 3 shall pay to the Clerk a fee of five dollars with the declaration and no declaration shall be accepted by the Clerk unless such fee is paid. **Fee.**

5. On a declaration being filed with him pursuant to Section 3 the Clerk shall forthwith send a copy thereof to the Commissioner. **Clerk to transmit declaration to Commissioner**

6. *An Ordinance respecting Newspapers*, chapter 67 of the Consolidated Ordinances of 1914, is repealed. **Repeal.**

CHAPTER 7

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE RESPECTING
THE PRACTICE OF CHIROPRACTIC

(Assented to November 17, 1955)

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

SHORT TITLE

Short title. 1. This Ordinance may be cited as the *Chiropractic Ordinance*.

INTERPRETATION

- Definitions. 2. In this Ordinance
 - "Chiro-practic". (a) "chiropractic" means the method of treating human beings for disease and the causes of disease by means of adjustment by hand and the articulations of the spinal column and other adjustments by hand incidental thereto;
 - "Chiro-practor". (b) "chiropractor" means a person who is entitled to practise chiropractic in the Territory under this Ordinance;
 - "Licence". (c) "licence" means a valid and subsisting licence issued under this Ordinance to practise chiropractic in the Territory; and
 - "Register". (d) "register" means the Chiropractic Register referred to in section 3.

REGISTRATION AND LICENSING

Registration and licensing. 3. The Territorial Secretary shall keep a register called the Chiropractic Register and shall enter therein the names,

addresses and qualifications of all persons who are pursuant to this Ordinance entitled to be registered in the register and he may issue licences to such persons.

4. (1) A person who

Qualifications
for licence.

- (a) at the time this Ordinance comes into force was entitled by law to practise chiropractic in the Territory,
- (b) produces to the Territorial Secretary a certificate under the hand of the proper authority showing that he is licensed under a chiropractic Act of any Province, and satisfies the Territorial Secretary that he is the person named in the certificate and that he is in good standing in that Province, or
- (c) produces to the Territorial Secretary a certificate under the hand of the proper authority showing that he has been admitted to practise as a chiropractor in either of the states of Oregon or Washington and satisfies the Territorial Secretary that he is the person named in the certificate and that he is in good standing in the state in which he is so entitled to practise,

and who pays the fees required by this Ordinance, is entitled to be registered in the register.

- (2) Every person who applies for registration in the register shall, with his application for registration, send to the Territorial Secretary a registration fee of twenty-five dollars payable to the Territorial Treasurer.

Registration
fee.

5. Every person who is registered in the register shall send to the Territorial Secretary at the time his name is registered in the register and subsequently on or before the 31st day of March in each year an annual licence fee in the sum of twenty-five dollars.

Licence fee

6. No licence is valid unless

Validity of
licence.

- (a) the licence fee in respect of the year for which the licence is issued has been paid, and

- (b) the holder of the licence has been registered pursuant to section 3.

Expiration of licence.

7. A licence expires on the 31st day of March next following the day upon which it came into force.

PRACTICE OF CHIROPRACTIC

Practice limited to holders of licences.

8. No person shall practise chiropractic or recover a fee, reward or remuneration for professional services rendered or material or appliances provided by him in practising chiropractic unless he holds a licence under this Ordinance at the time the services are rendered or material or appliances are provided.

Licencee's right to practise and to recover fees.

9. A person who holds a licence is entitled to practise chiropractic in the Territory and to bring an action before a Judge for the recovery of reasonable charges for professional aid, advice and visits and the costs of any materials or appliances supplied by him to his patients.

Limitations of actions for malpractice.

10. No chiropractor is liable to an action for negligence or malpractice by reason of professional services requested or rendered unless the action is commenced within one year from the day when, in the matter complained of, the professional services terminated.

Use of X-ray photographs.

11. A chiropractor may in connection with his practice use X-ray shadow photographs of the human spinal column, but no such photographs shall be taken except under the supervision of a medical practitioner under the *Medical Profession Ordinance*.

OFFENCES AND PENALTIES

Offences respecting unlicensed practice.

12. (1) A person who is not the holder of a licence under this Ordinance and who, in the Territory,
- (a) practises chiropractic;
 - (b) appends to his name the title of chiropractor or any word indicative of any such title or used in substitution or abbreviation thereof;
 - (c) holds himself out in any way to be a duly qualified chiropractor; or

- (d) assumes any title or description implying or designed to lead the public to believe that he is duly qualified to practise as a chiropractor,

is guilty of an offence.

(2) A chiropractor who

Offences by
chiropractor.

- (a) prescribes or administers drugs or medicinal preparations;
- (b) treats venereal disease or any other communicable disease;
- (c) performs any surgical operation;
- (d) practises obstetrics or any branch of medicine or osteopathy;
- (e) uses or directs or prescribes the use of anaesthetics for any purpose;
- (f) uses any method other than chiropractic in the treatment of disease; or
- (g) takes X-ray photographs without supervision by a medical practitioner;

is guilty of an offence.

- (3) A person who commits an offence against this Ordinance is liable on summary conviction therefor to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Penalty.

13. In the case of an offence under this Ordinance a complaint shall be made, or an information laid, within one year from the time when the matter of the complaint or information arose.

Time for
prosecution.

14. In a prosecution for an offence under this Ordinance the onus of proof that the person against whom the charge is laid is the holder of a licence is upon the person against whom the charge is laid.

Onus of
proof.

INVESTIGATION AND REMOVAL**Removal for non-payment of fees.**

15. (1) Subject to subsection (2) the Territorial Secretary shall remove from the register the name of a person registered therein who fails to comply with the provisions of this Ordinance with respect to licence fees and the licence issued to that person is invalid until such time as he is again registered in the register.

Extension of time.

(2) Where reasons satisfactory to the Commissioner are advanced to him as to why the licence fee has not been paid at the required time or within the required period, the Commissioner may grant an extension for payment of fees before having the name of the person on whose behalf they are paid struck off the register, but shall in no case grant an extension of time exceeding sixty days.

Reinstatement.

(3) A person whose name is removed from the register pursuant to subsection (1) is entitled to have his name restored to the register if he pays a fee of ten dollars in addition to the fee in respect of which his name was removed from the register.

Board of Inquiry.

16. (1) The Commissioner may appoint two or more persons to act as a Board of Inquiry for the purpose of investigating any complaint made against a chiropractor with respect to an alleged contravention of this Ordinance or any complaint of malpractice or infamous, disgraceful or improper conduct on the part of a chiropractor.

Powers of Board.

(2) The Board of Inquiry appointed pursuant to subsection (1) may make rules and regulations under which the inquiry is to be held and has power

- (a) to summon and bring before it any person whose attendance it considers necessary to enable the Board properly to inquire into the matter complained of;
- (b) to swear and examine all such persons under oath;
- (c) to compel the production of documents; and
- (d) to do all things necessary to provide a full and proper inquiry.

- (3) A Board of Inquiry may direct that the person who made the complaint it is appointed to investigate shall deposit with the Board, as security for the costs of the inquiry and to the person complained against, a sum not exceeding five hundred dollars. Security for costs.
- (4) Where the Board of Inquiry finds that a complaint is frivolous or vexatious, it may cause to be paid to the Territorial Secretary out of the deposit for security mentioned in subsection (3) such portion of the costs of the inquiry and to the person complained against as it deems advisable, and where the Board does not so find or where there is any balance of the deposit remaining the deposit or balance thereof shall be returned to the person who deposited it. Frivolous and vexatious complaint.
- (5) A majority of the members of the Board of Inquiry is a quorum. Quorum.
- (6) A Board of Inquiry shall, after investigation of a complaint pursuant to this section, make a finding and shall immediately report its finding to the Commissioner, and where it finds that the person complained against is guilty of contravention of this Ordinance or of malpractice or of infamous, disgraceful or improper conduct, may, in its report to the Commissioner, recommend that such person be Findings and recommendations.
- (a) reprimanded;
- (b) find in an amount named by the Board, such amount not to exceed five hundred dollars;
- (c) struck off the register and his licence cancelled;
- or
- (d) struck off the register and his licence suspended for a definite period named by the Board.
- (7) The Board of Inquiry shall, at the time it sends its report to the Commissioner pursuant to subsection (6), notify the person complained against of its finding and of the recommendations for punishment, if any, made by it in such report. Notification to the person complained against.

Offences.

- (8) Every person who
 - (a) fails, without valid excuse, to attend an inquiry as required under this section;
 - (b) fails to produce any document, book or paper in his possession or under his control, as required under this section; or
 - (c) at an inquiry under this section
 - (i) refuses to be sworn or to affirm, or to declare, as the case may be, or
 - (ii) refuses to answer any proper question put to him by the Board of Inquiry,
- is guilty of an offence.

Appeal to Judge.

- 17. (1) A person against whom a finding has been made by a Board of Inquiry may, within thirty days after the finding has been made, appeal from such finding to a Judge.

Powers of Judge.

- (2) The Judge before whom an appeal is made under subsection (1) may hear the appeal at such time and in such manner as he deems just and he may, by order, quash, alter or confirm the finding of the Board of Inquiry.

Commissioner Powers on Recommendation by Board.

- 18. (1) Where a chiropractor has been found guilty of a contravention of this Ordinance or of malpractice or of infamous, disgraceful or improper conduct by a Board of Inquiry and no appeal has been taken from the finding or the time for appeal has expired, the Commissioner shall, after receiving the report from the Board, impose the penalty recommended by it, and
 - (a) in the case of a reprimand, reprimand the chiropractor in writing and note the reprimand in the register;
 - (b) in the case of a fine, make an order fining the chiropractor, which order shall be filed in the appropriate court and have the same effect as an order of that court;

- (c) in the case of a recommendation to strike off the register and cancel his licence, have the name of the practitioner struck off the register and cancel his licence; and
 - (d) in the case of a recommendation to strike off the register and suspend his licence, have the name of the chiropractor struck off the register and suspend his licence for such time as the Board has recommended.
- (2) Where a Judge on appeal confirms or alters the finding of a Board of Inquiry, his order in the case of a fine shall be carried out in the usual way and in the case of any other punishment referred to in subsection (1) shall be directed to the Commissioner and carried out by him in the same manner as provided by subsection (1). Commissioner to enforce Order of Judge.
19. (1) A chiropractor whose name has been struck off the register and whose licence has been cancelled or suspended pursuant to section 18 may, Application for reinstatement.
- (a) where he had not taken any appeal from the finding within one year from the date of the finding of the Board of Inquiry, apply to the Commissioner to have his name restored to the register, or
 - (b) where he had appealed from the finding within one year from the date of an order under subsection (2) of section 17, apply to a Judge for an order directing the Territorial Secretary to have his name restored to the register.
- (2) The Commissioner or Judge may, upon application under subsection (1), order the Territorial Secretary to reinstate a chiropractor on the register and renew his licence and restore his rights and privileges in such manner and upon such conditions as the Commissioner or Judge may decide. Order by Commissioner or Judge.
- (3) The Territorial Secretary shall, upon receiving an order under subsection (2) to do so, reinstate a chiropractor on the register and renew his licence and restore his rights and privileges in such manner and upon such conditions as the order directs. Territorial Secretary to reinstate.

REPEAL

Repeal.

20. The following Ordinances are repealed:

- (i) *The Chiropractic Ordinance*, chapter 5 of the Ordinances of 1940; and
 - (ii) an *Ordinance to amend the Chiropractic Ordinance*, chapter 16 of the Ordinances of 1948.
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CHAPTER 8

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE RESPECTING THE
PRACTICE OF OPTOMETRY

(Assented to November 17, 1955)

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

SHORT TITLE

1. This Ordinance may be cited as the *Optometry Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "licence" means a valid and subsisting licence issued under this Ordinance to practise optometry in the Territory; "Licence".
- (b) "optometrist" means a person who is entitled to practice optometry in the Territory under this Ordinance; "Optometrist".
- (c) "optometry" means "Optometry".
- (i) the investigation of the functions of the human eye by means of test lenses, test cards, trial frames or other instruments or devices designed for the purpose of such investigation, or
- (ii) the prescription or adaption of lenses, prisms or ocular exercises, or the use of orthoptic instruments of any kind for the purpose of improving or correcting the visual function, or for adapting the visual function to the requirements of a special occupation; and
- (d) "register" means the Optometrists Register referred to in section 3. "Register".

REGISTRATION AND LICENSING

Optometrist Register.

3. The Territorial Secretary shall keep a register, called the Optometrists Register, and shall enter therein the names, addresses and qualifications of all persons who are, pursuant to this Ordinance, entitled to be registered in the Optometrists Register and he may issue licences to such persons.

Qualifications for registration.

4. (1) A person who

(a) at the time this Ordinance comes into force was entitled by law to practice optometry in the Territory, or

(b) produces to the Commissioner a certificate under the hand of a proper authority showing that he is registered as an optometrist in any province of Canada, and satisfies the Commissioner that he is the person named in the certificate,

and who pays the fees required by this Ordinance is entitled to be registered in the register.

Registration Fee.

(2) Every person who applies for registration shall, with his application for registration, send to the Territorial Secretary a registration fee of twenty-five dollars payable to the Territorial Treasurer.

Licence fee.

5. Every person who is registered in the register shall send to the Territorial Secretary at the time his name is registered in the register and subsequently on or before the 31st day of March in each year an annual licence fee in the sum of twenty-five dollars.

Validity of licences.

6. No licence is valid unless

(a) the licence fee in respect of the year for which the licence is issued has been paid, and

(b) the holder of the licence has been registered pursuant to section 3.

Expiration of licence.

7. A licence expires on the 31st day of March next following the day upon which it came into force.

PRACTICE OF OPTOMETRY

8. No person is entitled to recover a fee, reward or remuneration for professional services rendered or material or appliances provided by him in practising optometry unless he holds a licence under this Ordinance at the time the services are rendered or materials or appliances are provided.

Practice limited to holders of licences.

9. A person who holds a licence is entitled to practise optometry in the Territory and to bring an action before a Judge for the recovery of reasonable charges for professional aid, advice and visits and the costs of any materials or appliances supplied by him to his patients.

Licensee's right to practise and to recover fees.

10. No optometrist is liable to an action for negligence or malpractice by reason of professional services requested or rendered unless the action is commenced within one year from the day when, in the matter complained of, the professional services terminated.

Limitation of actions for malpractice.

OFFENCES AND PENALTIES

11. (1) A person who is not the holder of a licence under this Ordinance and who, in the Territory

Offences for unlicensed practice.

- (a) publicly or privately for hire, gain or hope of reward practises optometry;
- (b) appends to his name the title of optometrist or any word indicative of such title or used in substitution or abbreviation thereof;
- (c) holds himself out in any way to be a duly qualified optometrist; or
- (d) assumes any title or description implying or designed to lead the public to believe that he is duly qualified to practise as an optometrist;

is guilty of an offence.

(2) A person who advertises prices, charges, credit or terms of credit, in respect to eye-glasses, spectacles, lenses or optometric services is guilty of an offence.

Offences.

Penalty. (3) A person who commits an offence against this Ordinance is liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Time for prosecution. 12. In the case of an offence against this Ordinance a complaint shall be made, or the information laid, within one year from the time when the matter of the complaint or information arose.

Onus of proof. 13. In a prosecution for an offence against this Ordinance the onus of proof that the person against whom the charge is laid is the holder of a licence is upon the person against whom the charge is laid.

INVESTIGATION AND REMOVAL

Removal for non-payment of fees. 14. (1) Subject to subsection (2), the Territorial Secretary shall remove from the register the name of a person registered therein who fails to comply with the provisions of this Ordinance with respect to licence fees and the licence issued to that person is invalid until such time as he is again registered in the register.

Extension of time. (2) Where reasons satisfactory to the Commissioner are advanced to him as to why the licence fee has not been paid at the required time or within the required period, the Commissioner may grant an extension for payment of fees before having the name of the person on whose behalf they are paid struck off the register, but he shall in no case grant an extension of time exceeding sixty days.

Reinstatement. (3) A person whose name is removed from the register pursuant to subsection (1) is entitled to have his name restored to the register if he pays a fee of ten dollars in addition to the fee in respect of which his name was removed from the register.

Board of Inquiry. 15. (1) The Commissioner may appoint two or more persons to act as a Board of Inquiry for the purpose of investigating any complaint made against an optometrist with respect to an alleged contravention of

this Ordinance or any complaint of malpractice or infamous, disgraceful or improper conduct on the part of the optometrist.

- (2) The Board of Inquiry appointed pursuant to subsection (1) may make rules and regulations under which the inquiry is to be held and has power **Powers of Board.**
- (a) to summon and bring before it any person whose attendance it considers necessary to enable the Board properly to inquire into the matter complained of;
 - (b) to swear and examine all such persons under oath;
 - (c) to compel the production of documents; and
 - (d) to do all things necessary to provide a full and proper inquiry.
- (3) A Board of Inquiry may direct that the person who made the complaint it is appointed to investigate shall deposit with the Board, as security for the costs of the inquiry and to the person complained against, a sum not exceeding five hundred dollars. **Security for costs.**
- (4) Where the Board of Inquiry finds that a complaint is frivolous or vexatious, it may cause to be paid to the Territorial Secretary out of the deposit for security mentioned in subsection (3) such portion of costs of the inquiry and to the person complained against as it deems advisable, and where the Board does not so find or where there is any balance of the deposit remaining the deposit or balance thereof shall be returned to the person who deposited it. **Frivolous and vexatious complaint.**
- (5) A majority of the members of the Board of Inquiry is a quorum. **Quorum.**
- (6) A Board of Inquiry shall, after investigation of a complaint pursuant to this section, make a finding and shall immediately report its finding to the Commissioner, and where it finds that the person complained **Findings and recommendations.**

against is guilty of contravention of this Ordinance or of malpractice or of infamous, disgraceful or improper conduct, may, in its report to the Commissioner, recommend that such person be

- (a) reprimanded;
- (b) fined in an amount named by the Board, such amount not to exceed five hundred dollars;
- (c) struck off the register and his licence cancelled;
- (d) struck off the register and his licence suspended for a definite period named by the Board.

Notification to the person complained against.

- (7) The Board of Inquiry shall, at the time it sends its report to the Commissioner pursuant to subsection (6), notify the person complained against of its finding and of the recommendations for punishment, if any, made by it in such report.

Offences.

- (8) Every person who
- (a) fails, without valid excuse, to attend an inquiry as required under this section;
 - (b) fails to produce any document, book or paper in his possession or under his control, as required under this section; or
 - (c) at an inquiry under this section
 - (i) refuses to be sworn or to affirm, or to declare, as the case may be, or
 - (ii) refuses to answer any proper question put to him by the Board of Inquiry,

is guilty of an offence.

Appeal to Judge.

16. (1) A person against whom a finding has been made by a Board of Inquiry may, within thirty days after the finding has been made, appeal from such finding to a Judge.

- (2) The Judge before whom an appeal is made under subsection (1) may hear the appeal at such time and in such manner as he deems just and he may, by order, quash, alter or confirm the finding of the Board of Inquiry. Powers of Judge.
17. (1) Where an optometrist has been found guilty of a contravention of this Ordinance or of malpractice or of infamous, disgraceful or improper conduct by a Board of Inquiry and no appeal has been taken from the finding or the time for appeal has expired, the Commissioner shall, after receiving the report from the Board, impose the penalty recommended by it, and Commissioner powers on recommendation by Board.
- (a) in the case of a reprimand, reprimand the optometrist in writing and note the reprimand in the register;
- (b) in the case of a fine, make an order fining the optometrist, which order shall be filed in the appropriate court and have the same effect as an order of that court;
- (c) in the case of a recommendation to strike off the register and cancel his licence, have the name of the practitioner struck off the register and cancel his licence; and
- (d) in the case of a recommendation to strike off the register and suspend his licence, have the name of the optometrist struck off the register and suspend his licence for such time as the Board has recommended.
- (2) Where a Judge on appeal confirms or alters the finding of a Board of Inquiry, his order in the case of a fine shall be carried out in the usual way and in the case of any other punishment referred to in subsection (1) shall be directed to the Commissioner and carried out by him in the same manner as provided by subsection (1). Commissioner to enforce order of Judge.

Application
for reinstatement.

18. (1) An optometrist whose name has been struck off the register and whose licence has been cancelled or suspended pursuant to section 17 may

(a) where he had not taken any appeal from the finding within one year from the date of the finding of the Board of Inquiry, apply to the Commissioner to have his name restored to the register, or

(b) where he had appealed from the finding within one year from the date of an order under subsection (2) of section 16, apply to a Judge for an order directing the Territorial Secretary to have his name restored to the register.

Order by
Commissioner
or Judge.

(2) The Commissioner or Judge may, upon application under subsection (1), order the Territorial Secretary to reinstate an optometrist on the register and renew his licence and restore his rights and privileges in such manner and upon such conditions as the Commissioner or Judge may decide.

Territorial
Secretary
to reinstate.

(3) The Territorial Secretary shall, upon receiving an order under subsection (2) to do so, reinstate an optometrist on the register and renew his licence and restore his rights and privileges in such manner and upon such conditions as the order directs.

REPEAL

Repeal.

19. *The Optometry Ordinance*, chapter 3 of the Ordinances of 1945, is repealed.

CHAPTER 9

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE RESPECTING GARAGE KEEPERS

(Assented to November 17, 1955)

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

SHORT TITLE

1. This Ordinance may be cited as the *Garage Keepers Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "garage" means any building or part of a building in or in connection with which services are rendered upon motor vehicles in the ordinary course of business; "Garage".
- (b) "garage keeper" means any person who, in the ordinary course of business and as his principal employment or one of his principal employments, renders services upon motor vehicles in a garage for a charge, price or consideration; "Garage keeper".
- (c) "motor vehicle" means a vehicle propelled by any power other than muscular power, but does not include an aeroplane or a vehicle that runs only on tracks or rails; and "Motor vehicle".
- (d) "services" means repairs to a motor vehicle by labour or by supplying parts thereof or accessories thereto. "Services".

CREATION, EFFECT AND REGISTRATION OF LIEN

3. (1) In addition to any other remedy that a garage keeper has for recovering money for services rendered by him; he has a lien on every motor vehicle and Garage keeper's lien.

on any part, accessory or equipment pertaining thereto for services for the amount of the charge, price or consideration therefor.

Requirement as to actual and continued possession.

(2) Subject to section 4, actual and continued possession of the motor vehicle or part, accessory or equipment is essential to the existence of a lien under this Ordinance.

Non-application of *The Mechanics Lien Ordinance*, section 31.

(3) Section 31 of *The Mechanics Lien Ordinance* does not apply to a lienholder under this Ordinance.

Garage keeper may file lien.

4. (1) In lieu of remaining in actual and continued possession as provided by subsection (2) of section 3, a garage keeper may, by himself or his agent, within fifteen days of the day on which the service for which a lien exists was completed, file in the office of the registration clerk of the registration district established under the *Bills of Sale Ordinance* in which the service was performed a claim of lien, in Form A, and an affidavit verifying the claim, in Form B.

Registration of claim for lien and effect thereof.

(2) A garage keeper or his agent may file a copy of the claim and affidavit filed under subsection (1) in the office of the registration clerk of any other registration district established under the *Bills of Sale Ordinance*.

Period during which lien continues.

(3) If a claim is filed pursuant to subsection (1) within fifteen days after the date upon which the services were completed, the garage keeper has a lien for services on the motor vehicle for a period of one hundred and eighty days from the date of filing; on the expiration of that period the lien ceases to exist unless within that period proceedings have been commenced under this Ordinance to enforce it.

Priority of lien of vendor.

5. (1) Where the charge, price or consideration for services to a motor vehicle by a garage keeper exceeds one hundred dollars in value and the vendor of the motor vehicle or his assignee has a lien upon the motor vehicle for all or part of the purchase price, the lien has priority over a lien filed under section 4 unless such vendor or assignee gives the garage keeper written authority to supply the services.

- (2) Where a garage keeper has lost his lien under section 3 because the motor vehicle in respect of which he has the lien has gone out of his possession and before he files a claim of lien under section 4 another person in good faith and without notice acquires an interest in, or a charge, lien or other encumbrance on the motor vehicle, such interest, charge, lien or other encumbrance has priority over a lien under section 4. Priority of encumbrance required before filing.
- (3) Where more than one person have a lien under this Ordinance upon the same motor vehicle, the lien of the person whose claim of lien is filed earlier in time has priority over that of a person whose claim of lien is filed later in time. Priority among liens filed.
6. (1) At any time during the continuance of a lien on a motor vehicle created by section 4, the garage keeper may authorize the sheriff in writing to seize the motor vehicle and return it to the garage keeper. Garage keeper may issue authorization to seize.
- (2) After receiving the authorization mentioned in subsection (1), the sheriff shall seize or cause to be seized the motor vehicle, if he finds it within one hundred and eighty days, and deliver it to the garage keeper or his agent upon receiving the amount of the fees payable in respect of the authorization and seizure. Sheriff to seize.
- (3) A Judge may prescribe fees that may be charged in respect of an authorization under this section and any seizure thereunder or any matter or thing incidental thereto. Judge may prescribe fees.
- (4) Where one of several lienholders under this Ordinance causes a seizure to be made of a motor vehicle, he shall be deemed to have made the seizure on behalf of all persons who have a subsisting lien on the motor vehicle. Seizure deemed to be on behalf of all lienholders.
7. Upon a motor vehicle being delivered to him after seizure pursuant to section 6, a garage keeper has the same rights and remedies for enforcing his lien against the motor vehicle as if he then had a possessory lien for the same amount, and may enforce the lien in the manner provided in this Ordinance. Rights of garage keeper on delivery after seizure.

ENFORCEMENT

When garage
keeper may
sell.

8. Where the amount payable to the garage keeper for services on a motor vehicle has not been paid

- (a) upon the expiration of one hundred and eighty days from the date upon which the services were completed where the garage keeper retains possession of the motor vehicle, or
- (b) upon the expiration of the period of one hundred and eighty days mentioned in subsection (2) of section 4, or on the expiration of sixty days from the date of delivery of the motor vehicle to the garage keeper under section 7, whichever is later,

the garage keeper may sell the motor vehicle or any part thereof at public auction.

Notice of
sale.

9. Before a sale is held under section 8, a garage keeper shall publish in the *Yukon Gazette* and post and keep posted during a period of at least two weeks, on the outside of a front door of his garage a notice of such intended sale that sets out

- (a) the name so far as known of the owner of the motor vehicle to be sold;
- (b) a general description of the motor vehicle, including its engine number and serial number;
- (c) the time and place of sale; and
- (d) the name of the auctioneer.

Application
of proceeds.

10. (1) The proceeds of a sale under section 8 shall be applied in payment of the following charges in the order set out:

- (a) the costs of the seizure of the vehicle;
- (b) the costs of advertising the sale, the auctioneer's fees and other reasonable costs of the sale;

- (c) any claim, lien, interest or encumbrance that, under this Ordinance, has priority over the lien in respect of which the sale was made in accordance with their priority;
- (d) the amount payable to the garage keeper for services, and
- (e) the claim of any other lienholder; and the surplus, if any, shall be paid on application to the person entitled thereto.
- (2) If a person entitled to the surplus of a sale under section 8 does not apply for it within one month of the day of the sale, such surplus shall be paid to the Territorial Treasurer who shall keep it in a special trust account for one year, after which, if such person does not claim it, it shall be paid into and form part of the Yukon Consolidated Revenue Fund.

If surplus not claimed within one year it becomes part of Y.C.R.F.

GENERAL

11. (1) Subject to subsection (2), no garage keeper shall operate, or permit to be operated, outside his premises, any motor vehicle, or use, or permit to be used, any part of a motor vehicle, left with him for service or held by him. Penalty.
- (2) Notwithstanding subsection (1), a motor vehicle left with a garage keeper for the performance of services thereon or held by him pursuant to this Ordinance may be operated for the purpose of testing it after repairs have been made or parts supplied, or for the purpose of transferring it to the place where it is to be sold pursuant to this Ordinance. Saving.
- (3) A garage keeper who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.
12. Every garage keeper shall keep a copy of this Ordinance conspicuously posted in his office and in at least two Garage keeper to post copy of Ordinance.

other conspicuous places in his garage, and unless he complies with this section he is not entitled to the benefits of this Ordinance.

REPEAL

Repeal.

13. *The Garage Keepers Ordinance*, chapter 13 of the Ordinance of 1950 (1st session) is repealed.

SCHEDULE

FORM A

CLAIM OF LIEN (Section 4)

(Name of claimant) of (address of claimant) carrying on the business of a garage keeper at (give address of garage) pursuant to the Garage Keepers Ordinance claims a lien upon a certain vehicle (set out license number, if any, of the vehicle and the make, style, year and model thereof and the serial number of the vehicle and its engine) in respect of (insert particulars of the services rendered) for (state name and address) and which were completed on (state date of completion of services).

The amount for which the lien is claimed is the sum of dollars.

The address for service of the claimant is..... in the Yukon Territory.

Dated at, this day of....., 19.....

Signature of claimant or agent.

FORM B

AFFIDAVIT VERIFYING CLAIM (Section 4)

Canada
Yukon Territory

To Wit:

I, (*name, address and occupation of person by whom the claim of lien is signed*) make oath and say that the statements set out in the above (*or annexed*) claim are true and that I have a full knowledge of such facts.

Sworn before me at

in the Yukon Territory, this

..... day

of

19.....

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.....
A Commissioner for taking affidavits
for the Yukon Territory.

CHAPTER 10

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO REPEAL CERTAIN ORDINANCES

(Assented to November 17, 1955)

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

1. The following Ordinances are repealed: Repeal.
 - (i) *The Fox Protection Ordinance*, chapter 38 of the Consolidated Ordinances, 1914;
 - (ii) *An Ordinance respecting Personal Judgments in Lien Actions*, chapter 54 of the Consolidated Ordinances, 1914;
 - (iii) *The Mechanics and Literary Institutes Ordinance*, chapter 63 of the Consolidated Ordinances, 1914;
 - (iv) *An Ordinance respecting the Removal of Trespassers from Public Property*, chapter 89 of the Consolidated Ordinances, 1914;
 - (v) *An Ordinance to Amend the Fox Protection Ordinance*, chapter 5 of the Ordinances of 1915;
 - (vi) *the Prohibition Plebiscite Ordinance*, chapter 5 of the Ordinances of 1916;
 - (vii) *An Ordinance to Legalize the Assessment Rolls of the City of Dawson for the Years 1914, 1915 and 1916, and to Vest Certain Assets in the City of Dawson*, chapter 4 of the Ordinances of 1917;
 - (viii) *An Ordinance to Authorize the Suspension of Certain Provisions of "The Yukon Game Ordinance" regarding the Possession and Use of Moose and Caribou Meats*, chapter 4 of the Ordinances of 1918;

- (ix) *The Liquor Traffic Plebiscite Ordinance, 1919*, chapter 11 of the Ordinances of 1919;
- (x) *An Ordinance to Confirm the Dawson City Assessment Rolls for the years 1920 and 1921*, chapter 3 of the Ordinances of 1922;
- (xi) *An Ordinance to Suspend the Operation of "The Crown Grant Tax Ordinance"*, chapter 4 of the Ordinances of 1923;
- (xii) *An Ordinance to Exempt War Pensioners from Payment of Poll Tax*, chapter 2 of the Ordinance of 1924;
- (xiii) *An Ordinance to Amend the Fox Protection Ordinance*, chapter 4 of the Ordinances of 1924;
- (xiv) *An Ordinance regarding the Regulation of the Sale of Liquor in the Yukon Territory*, chapter 8 of the Ordinances of 1924;
- (xv) *The Beer Plebiscite Ordinance, 1925*, chapter 3 of the Ordinances of 1925;
- (xvi) *An Ordinance to Suspend the Operation of "The Crown Grant Tax Ordinance"*, chapter 9 of the Ordinances of 1926;
- (xvii) *An Ordinance to Exempt the Yukon Electrical Company from Payment of License Fee on its Electric Light Plant in the Town of Mayo for Certain Periods*, chapter 4 of the Ordinances of 1930;
- (xviii) *An Ordinance to Suspend the Operation of "The Crown Grant Tax Ordinance"*, chapter 4 of the Ordinances of 1932;
- (xix) *An Ordinance to Provide for the Cancellation of Certain Assessments Made Under "The Assessment Ordinance"*, chapter 5 of the Ordinances of 1933;
- (xx) *An Ordinance to Suspend the Operation of "The Crown Grant Tax Ordinance"*, chapter 5 of the Ordinances of 1935;

- (xxi) *The Presumption of Death Ordinances*, chapter 11 of the Ordinances of 1943;
 - (xxii) *An Ordinance to Provide for the Cancellation of Certain Assessments Made Under the Assessment Ordinance*, chapter 14 of the Ordinances of 1949 (2nd session);
 - (xxiii) *The Tuberculosis Control Ordinance*, chapter 8 of the Ordinances of 1950 (1st session);
 - (xxiv) the *Aerodrome Protection Ordinance*, chapter 14 of the Ordinances of 1951 (1st session);
 - (xxv) *An Ordinance to Make Inoperative The Tuberculosis Control Ordinance*, chapter 3 of the Ordinances of 1952 (1st session);
and
 - (xxvi) the *Archaeological Sites Ordinance*, chapter 23 of the Ordinances of 1954 (3rd session).
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CHAPTER 11

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE RESPECTING
TRANSFERS OF LAND TO JOINT OWNERS

(Assented to November 17, 1955)

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

SHORT TITLE

Short title. 1. This Ordinance may be cited as the *Tenants in Common Ordinance*.

Owners to hold as tenants in common unless intention otherwise.

2. Where by letters patent, transfer, conveyance, assurance, will or other assignment, land or an interest in land is granted, transferred, conveyed, assigned or devised to two or more persons other than executors or trustees in fee simple or for any less estate, legal or equitable, such persons shall take as tenants in common and not as joint tenants unless an intention sufficiency appears on the face of such letters patent, transfer, conveyance, assurance, will or other assignment that they are to take such land or interest in land as joint tenants.

REPEAL

Repeat. 3. *An Ordinance respecting Land held by two or more Persons*, chapter 86 of the Consolidated Ordinances, 1914. is repealed.

CHAPTER 12

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)AN ORDINANCE RESPECTING
STEAM BOILERS AND PRESSURE VESSELS*(Assented to November 17, 1955)*

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

SHORT TITLE

1. This Ordinance may be cited as the *Steam Boilers Ordinance*. Short-title.

INTERPRETATION

2. In this Ordinance, Definitions.
- (a) "boiler" means a vessel in which steam is generated or contained under pressure and includes all engines, apparatus and appliances connected therewith, but does not include any such vessel that is capable of developing, "Boiler".
- (i) in respect of a school, hospital, church, theatre, hall, auditorium or building where the public assembles, not more than two horsepower or that is not less than three cubic feet in capacity, and
- (ii) in respect of any place except those places mentioned in sub-paragraph (i), not more than five horsepower or that is less than three cubic feet in capacity;
- (b) "country of the British Commonwealth" means a country of the British Commonwealth as defined in the *Evidence Ordinance*; "Country of the British Commonwealth".
- (c) "design pressure" means the pressure that a pressure vessel is designed to withstand; "Design pressure".

- "Engineer". (d) "engineer" means a person who holds a valid and subsisting engineer's certificate or a renewal thereof issued under this Ordinance;
- "Heating surface". (e) "heating surface" means any part of the surface of a boiler or hot-water boiler that is in contact with water on one side and the products of combustion on the other side, and for the purpose of computing the area of heating surface where curved surfaces are involved the surface having the greater radius shall be taken;
- "Horse-power". (f) "horse-power" means the power of a boiler or a hot-water boiler calculated,
- (i) where the heating surface is regularly shaped, by dividing the number of square feet of heating surface by ten;
 - (ii) where the heating medium is electric current, by dividing the maximum kilowatt capacity of the heating element by ten; or
 - (iii) where the heating surface is irregularly shaped, by multiplying each square foot of fire grate area by one and one-half;
- "Hot-water boiler". (g) "hot-water boiler" means a vessel that has a capacity not exceeding three cubic feet and is used for heating water to a temperature not exceeding two hundred degrees Fahrenheit and includes all apparatus and appliances connected therewith but does not include a hot water boiler,
- (i) in respect of a school, hospital, church, theatre, hall, auditorium, or building where the public assembles that is capable of developing not more than two horsepower, and
 - (ii) in respect of any place other than those places mentioned in sub-paragraph (i), that is capable of developing not more than five horsepower;
- "Inspection certificate". (h) "inspection certificate" means a valid and subsisting certificate of inspection of a pressure vessel issued under this Ordinance;

- (i) "inspector" means an inspector appointed under section 4; "Inspector".
- (j) "owner" when used in respect of a pressure vessel or steam plant includes a lessee and a person in charge of the pressure vessel or steam plant; "Owner".
- (k) "portable boiler" means a boiler mounted in such a way as to be movable; "Portable boiler".
- (l) "prescribed" means prescribed by the regulations; "Prescribed".
- (m) "pressure vessel" means a boiler, a hot-water boiler or a receiver; "Pressure vessel".
- (n) "receiver" means a vessel used for receiving or containing ammonia or gaseous substances under pressure and all apparatus and appliances connected therewith, but does not include a vessel that "Receiver".
 - (i) is less than six inches in diameter or one and one-half cubic feet in volume,
 - (ii) is operated at less than fifty pounds pressure to the square inch, or
 - (iii) is used only for compressed air and not over ten cubic feet in capacity; and
- (o) "steam plant" means the complete installation used for generating or utilizing steam and includes any boiler, receiver, pipe, fitting, machinery and other equipment used in connection therewith. "Steam plant".

APPLICATION

- 3. This Ordinance does not apply to pressure vessels that Application.
 - (a) are part of the equipment of railways subject to the *Railway Act*,
 - (b) are subject to inspection under the *Canada Shipping Act* or the *Explosives Act*,
 - or
 - (c) are used exclusively for heating private residences that house less than three families.

APPOINTMENT OF INSPECTORS

Appointment of inspectors.

4. The Commissioner may appoint inspectors of pressure vessels.

Inspector not to be interested in sale of vessels, etc.

5. No inspector shall be directly or indirectly interested in the sale of pressure vessels or machinery used in connection therewith.

Oath.

6. An inspector shall, before entering upon the performance of his duties, take and subscribe to an oath that he will faithfully and impartially perform the duties of his office.

INSPECTION OF PRESSURE VESSELS

Inspector may enter upon lands, etc.

7. An inspector may at any reasonable time enter upon any lands and into any building where he believes a pressure vessel to be in operation or in the course of construction or repair and may examine it.

Owner to assist inspector.

8. (1) The owner of a pressure vessel shall allow an inspector free access thereto and furnish him with any information and assistance required to enable him to carry out his duties including where necessary the supplying of water and filling of a pressure vessel therewith and the removing of the jacket or cover of a pressure vessel when directed by the inspector for the purpose of making any test.

Operator to assist inspector.

(2) A person who operates a pressure vessel shall assist an inspector in his examination thereof and point out to the inspector any defect that he knows of or believes to exist in the pressure vessel.

Work may be done at owner's expense.

(3) Where the owner of a pressure vessel fails to furnish an inspector with any assistance required by him pursuant to subsection (1), the inspector may have any work so required performed at the expense of the owner.

LICENSING AND OPERATION OF PRESSURE VESSELS

Operation prohibited without certificate.

9. Subject to this Ordinance, no owner shall operate or allow to be operated a pressure vessel unless he holds an inspection certificate for the pressure vessel.

10. (1) Subject to subsection (2) and section 13, no inspection certificate shall be issued in respect of
- No certificate issued without inspection.
- (a) a pressure vessel other than a receiver described in paragraph (b) unless that pressure vessel has been inspected by an inspector at least once during the year preceding the day on which the certificate is to come into effect, and
- (b) a receiver that is not used in a school, hospital, church, theatre, hall, auditorium or building where the public assembles unless that receiver has been inspected by an inspector at least once during the two years preceding the day on which the certificate is to come into effect.
- (2) The Commissioner may order that an inspection required by subsection (1) be dispensed with in respect of a pressure vessel that
- (a) is insured and inspected each year by a duly incorporated boiler insurance company doing business in Canada, if the owner or the insurance company files with the Territorial Secretary a copy of the annual inspection report within thirty days after such inspection, or
- (b) is inspected each year by an inspector employed by the Government of Canada.
- (3) Where a pressure vessel has been inspected as required under this Ordinance and found to be in good and safe working order, the Territorial Secretary may issue an inspection certificate for the pressure vessel upon payment of the prescribed fee.
- Issue of certificate.
- (4) An inspection certificate expires on the expiration of one year following the day upon which it came into effect.
- Expiration of certificate.
11. (1) In this section, "shop inspector" means
- "Shop inspector".
- (a) in respect of a pressure vessel built in Canada, Europe or a country of the British Common-

wealth, a person approved or appointed as such in accordance with the law of the place where the pressure vessel was built, and

- (b) in respect of a pressure vessel built in the United States of America, a person approved as such by the National Board of Boiler and Pressure Vessel Inspectors.

Purchaser to send data to Commissioner.

- (2) A purchaser to whom a new pressure vessel is delivered shall forward to the Commissioner
 - (a) a manufacturer's data sheet showing all dimensions, material specifications and the design pressure of the pressure vessel, and
 - (b) a shop inspector's report attached to the data sheet mentioned in paragraph (a) that includes a statement of the discharge capacity of the safety valves of the pressure vessel and the pressure at which the safety valves are set to relieve.

Commissioner may grant permission to operate.

- (3) Notwithstanding section 9, the Commissioner may grant to a person who has complied with subsection (2) permission in writing to operate a new pressure vessel for any period not exceeding one year.

Inspection of unsafe pressure vessels.

- 12. (1) An inspector shall examine and inspect at any time specified by the Commissioner any pressure vessel and if the inspector finds it to be unsafe he shall so declare, and shall notify in writing the owner of such pressure vessel to make such repairs as the inspector deems necessary to render the pressure vessel safe for use.

Certificate or permission suspended where vessel unsafe.

- (2) Where an inspector declares a pressure vessel to be unsafe, the inspection certificate issued or permission to operate given under section 11 in respect of that pressure vessel shall forthwith be suspended.

Reinstatement of certificate or permission.

- (3) Where a pressure vessel declared to be unsafe has been repaired to the satisfaction of an inspector, the inspection certificate or permission to operate in respect of that pressure vessel may be reinstated in writing by the Territorial Secretary.

13. Where the owner of a pressure vessel proves to the satisfaction of an inspector that it has not been operated since the date of the previous inspection and is in as good condition as when last inspected, the inspector may recommend the issue of an inspection certificate without inspection of the pressure vessel and the Territorial Secretary may issue an inspection certificate in respect of the pressure vessel without payment of the prescribed fee.

Where no inspection or fee required.

14. The Commissioner may determine the cost of any inspection or investigation, other than the inspection provided for in section 10, and may assess the owner of the pressure vessel inspected or investigated for all or any part of such cost, and where payment of the amount assessed is not made, the Commissioner may recover the same from the owner in the same manner as a judgment of the Court.

Owner to pay costs of certain inspections.

QUALIFICATION OF PRESSURE VESSEL OPERATORS

15. (1) Subject to this Ordinance, no person shall operate or take charge of a steam plant having a capacity exceeding five horse-power, unless he holds an engineer's certificate entitling him to operate steam plants of the capacity of that steam plant.

No person to operate steam plant without engineer's certificate.

(2) Notwithstanding subsection (1), an owner who has attained the age of twenty-one years may operate his own steam plant where the pressure in any part thereof does not exceed fifty pounds per square inch and the steam plant cannot develop more than ten horse-power.

When owner may operate steam plant without certificate.

16. (1) The Territorial Secretary may issue

Issue of engineer's certificates.

(a) a first class engineer's certificate, entitling the holder thereof to operate or take charge of any steam plant,

(b) a second class engineer's certificate, entitling the holder thereof to operate or take charge of any steam plant not exceeding seven hundred and fifty horse-power and to act as assistant engineer of any steam plant,

- (c) a third class engineer's certificate, entitling the holder thereof to operate or take charge of any steam plant not exceeding five hundred horse-power and to act as assistant engineer of any steam plant not exceeding seven hundred and fifty horse-power,
- (d) a fourth class engineer's certificate, entitling the holder thereof to operate or take charge of any steam plant not exceeding two hundred horse-power and to act as assistant engineer of any steam plant not exceeding five hundred horse-power, and
- (e) a fifth class engineer's certificate, entitling the holder thereof to operate under the supervision of any engineer, other than an engineer holding a fifth class engineer's certificate, any steam plant not exceeding two hundred horse-power,

to a person who

- (f) has attained
 - (i) in the case of an applicant for a fourth or fifth class engineer's certificate, the age of eighteen years, and
 - (ii) in the case of an applicant for any other class of engineer's certificate, the age of twenty-one years,
- (g) has passed the prescribed examination for the class of certificate, and
- (h) has paid the prescribed fee.

Issue of temporary certificate.

- (2) Where an owner of a steam plant is unable to obtain the services of an engineer who holds an engineer's certificate entitling him to operate steam plants of that type, the Territorial Secretary may, upon receiving from the owner an application in prescribed form and the prescribed fee, issue a temporary engineer's certificate of the required class for a period not

exceeding six months to a person recommended by the owner.

- (3) The Territorial Secretary may, upon receiving from the owner an application in prescribed form and the prescribed fee, renew a temporary engineer's certificate for further periods not exceeding six months in all.

Renewal of temporary certificate.

17. Upon receiving an application in prescribed form and the prescribed fee, the Territorial Secretary may issue to a person who is the holder of a valid and subsisting certificate of qualification for the operation of a pressure vessel issued by

Issue of certificates to certain persons.

- (a) an incorporated body authorized under the laws of Canada or a Province thereof to issue such certificate,
- (b) an officer of the Government of Canada,
- (c) an officer of the government of any Province of Canada, or
- (d) a competent authority in a country of the British Commonwealth,

an engineer's certificate under this Ordinance equivalent to the certificate of qualification held by him.

18. Upon undertaking to operate or take charge of any steam plant or upon leaving such a position, an engineer shall notify the Territorial Secretary accordingly.

Engineer to notify Territorial Secretary.

19. (1) An engineer's certificate, other than a temporary engineer's certificate expires on the 31st day of March following the day upon which it came into effect but, subject to subsection (2), may be renewed in any year thereafter on payment of the prescribed fee in respect of the certificate.

Expiration and renewal of certificates.

- (2) The Commissioner may require a person who has not renewed his engineer's certificate to write a prescribed examination and if the person fails to pass the examination he is not entitled to a renewal.

Commissioner may require examination.

Display of certificates.

20. Every person who holds a certificate under this Ordinance shall display it at all times in a conspicuous place, protected by glass or other transparent covering,

- (a) in the case of an inspection certificate, in the room or other place where the pressure vessel in respect of which the certificate was issued is operated, and
- (b) in the case of an engineer's certificate, in the room or other place where the person is employed, or attached to the pressure vessel of which he has charge.

Penalty.

21. Any engineer who fails to display his engineer's certificate as required by section 20 is guilty of an offence and is liable upon summary conviction to a fine not exceeding fifty dollars.

SECOND-HAND PRESSURE VESSELS

Sale of second-hand pressure vessels.

22. (1) Subject to subsections (2) and (3), no person shall sell, exchange or otherwise dispose of any pressure vessel.

Permission to sell.

(2) The Commissioner may upon such terms and conditions as he sees fit grant permission to a person to dispose of a pressure vessel if that person has sent to the Commissioner by registered mail a notice setting forth

- (a) the names and addresses of all parties to the intended transaction,
- (b) a description of the pressure vessel, and
- (c) the number assigned to the pressure vessel on its initial inspection.

Application.

(3) This section does not apply to the sale of a new pressure vessel or to the transfer of a pressure vessel by an owner to a manufacturer or dealer.

No person to use second-hand vessel until permission granted.

23. No person shall use a second-hand pressure vessel acquired by him until he has ascertained that the permission required by section 22 has been granted.

24. (1) A person who brings into the Territory a pressure vessel that has been used previously outside the Territory shall, before installing it, notify the Commissioner in writing of the description, design, specifications and make of the pressure vessel and shall not install it until it has been approved by the Commissioner.
- Importer of used vessels to notify Commissioner.
- (2) Notwithstanding section 9, the Commissioner may grant to a person who has complied with subsection (1) permission in writing to operate the pressure vessel for any period not exceeding one year.
- Permission to operate.

EXPLOSIONS

25. (1) Where an explosion occurs in connection with a pressure vessel, the owner shall
- Owner to report on explosions.
- (a) report the explosion to the Commissioner by the speediest practicable means, and
- (b) forward a full written report to the Commissioner forthwith, setting out
- (i) a list of the persons injured or killed,
- (ii) the exact place of the explosion, and
- (iii) the probable cause and the particulars of the explosion.
- (2) Except for the purpose of rescuing injured persons or of removing the bodies of the persons killed, where an explosion has occurred in connection with a pressure vessel, no person shall remove any part of the pressure vessel or the machinery connected therewith without the permission of an inspector until it has been examined by the inspector.
- No person to move machinery without permission.

GENERAL

26. The owner of a pressure vessel shall at all times keep an adequately equipped first aid kit for the treatment of minor injuries in a place near the pressure vessel where it is easily visible and readily accessible.
- First aid kit.

No person to install or sell vessels and accessories unless properly constructed.

27. No person shall install or sell, exchange or otherwise dispose of a pressure vessel or an accessory thereto unless the pressure vessel or the accessory has been constructed in accordance with the regulations governing its design and mode of construction.

Commissioner may cancel certificates, etc.

28. The Commissioner may cancel or suspend any certificate issued under this Ordinance, and may direct that no certificate be issued under this Ordinance.

REGULATIONS

Regulations.

29. (1) The Commissioner may make regulations for carrying out the purposes and provisions of this Ordinance, and without limiting the generality of the foregoing, may make regulations

- (a) respecting the construction, installation, inspection and operation of pressure vessels and accessories thereto, and the approval of their design and specifications,
- (b) respecting the examination of applicants for engineer's certificates or renewals thereof, including the nature of the examination and the standard of qualification for any certificate,
- (c) respecting the issue, renewal suspension or cancellation of any certificate,
- (d) respecting the issue of and conditions attached to written permission to operate a new pressure vessel,
- (e) fixing the fees payable for any renewal, inspection or examination and for issuing any certificate or written permission,
- (f) respecting the records to be kept by inspectors,
- (g) respecting the classification of pressure vessels for the purpose of inspection or otherwise, and

(h) prescribing such forms as are necessary for carrying out the purposes and provisions of this Ordinance.

(2) The Territorial Secretary shall table all regulations before the Council when made or, if the Council is not then sitting on the first day next thereafter that the Council is sitting, Tabling of regulations.

PENALTIES

30. No person shall interfere with or obstruct an inspector in the performance of his duties. Obstruction of inspector.

31. Every person who violates any provision of this Ordinance or the regulations for which no other penalty is provided in this Ordinance is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. Penalty.

32. No prosecution for an offence under this Ordinance shall be commenced after one year from the day on which the offence is alleged to have been committed. Limitation.

REPEAL

33. The following Ordinances are repealed: Repeal.

(a) the *Steam Boilers Ordinance*, chapter 2 of the Ordinances of 1952 (First Session);

(b) *An Ordinance to amend the Steam Boilers Ordinance*, chapter 9 of the Ordinances of 1952 (Second Session); and

(c) *An Ordinance to amend the Steam Boilers Ordinance*, chapter 8 of the Ordinances of 1953 (First Session).

CHAPTER 13

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE RESPECTING FERRIES

(Assented to November 17, 1955)

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

SHORT TITLE

Short title. 1. This Ordinance may be cited as the *Ferries Ordinance*.

INTERPRETATION

Definitions. 2. In this Ordinance

"Ferry". (a) "ferry" means a scow, barge, boat or other floating conveyance used for the purpose of carrying passengers, freight, vehicles or animals across a river or other body of water for gain or reward;

"Licence". (b) "licence" means a valid and subsisting licence issued under subsection (2) of section 3; and

"Licensee". (c) "licensee" means a person who holds a licence to operate a ferry under this Ordinance or his servant or agent.

LICENCES

Application for licence. 3. (1) Every person who desires to operate one or more ferries in the Territory shall on or before the 31st day of March in each year apply to the Commissioner for a licence therefor and such person shall with his application pay a fee of seventy-five dollars.

Fee.

Commissioner may issue licences. (2) On receipt of the fee referred to in subsection (1), the Commissioner may issue a licence to the person applying therefor to operate one or more ferries and

he may, in addition, grant the exclusive right to such person to operate the ferry or ferries within the limit specified in the licence upon such terms as the Commissioner considers desirable.

(3) The Commissioner may, in his discretion, refuse to issue a licence, but in such case he shall return the fee referred to in subsection (1). Refusal to issue licence.

(4) A licence expires on the 31st day of March next following the day upon which it came into force. Expiry of licence.

4. A ferry licence shall specify What licence to specify.

- (a) the kind and size of ferry to be used;
- (b) the limits of the river, or other body of water within which the ferry is to be operated;
- (c) the period of time covered by the licence;
- (d) the conditions, if any, that, if not fulfilled, will subject the licence to cancellation; and
- (e) the maximum tolls that may be collected by the licensee.

5. No licence to establish or operate a ferry is valid Terms of licence.

- (a) if it purports to permit a ferry to be operated more than one-half mile upstream or more than one-half mile downstream from the point at which the ferry is operated, as specified in the licence; or
- (b) unless the ferry has sufficient capacity to carry safely a cargo of five tons.

6. The Commissioner may Powers of Commissioner.

- (a) revoke or cancel the licence of any licensee who in the opinion of the Commissioner has contravened any provision of this Ordinance or any condition of the licence;

(b) set out conditions in a licence which, if not fulfilled, will subject the licence to cancellation.

No person to operate ferry unless licensed.

7. No person shall take, carry or convey across any river or other body of water any person or property in a ferry unless he holds a licence under this Ordinance.

INSPECTOR

Inspector.

8. The Commissioner may appoint an inspector of ferries who shall be paid such salary or fee as the Commissioner may fix.

Powers of inspector.

9. The Commissioner may authorize an inspector appointed under section 8 to inspect and report upon the condition of any ferry or upon the complaint of any person who uses, or desires to use, such ferry.

TOLLS

Maximum tolls.

10. (1) The Commissioner may fix maximum tolls which may be charged for each crossing of a licensed ferry.

Schedule of fees must be posted.

(2) Every licensee shall keep, at all times, posted up in a conspicuous place on his ferry a schedule certified by the Commissioner showing the authorized ferry rates for the different hours of crossing.

Double fares at night.

11. Where a ferry is used after nine o'clock in the evening or before six o'clock in the morning, double the rates specified in the licence for such ferry may be charged.

Saving.

12. Notwithstanding anything in this Ordinance

(a) no tolls shall be charged for children going to or returning from school; and

(b) Her Majesty's mail shall not be obstructed or charged more than the rates that may be charged according to the terms of the licence between the hours of six o'clock in the morning and nine o'clock in the evening.

Lien on property of person who refuses to pay toll.

13. (1) Every person who uses a licensed ferry shall pay the authorized toll chargeable for ferrying himself and

his property, and if he refuses to do so the licensee may forthwith seize any property in the possession of the person so refusing and detain it.

(2) The property seized pursuant to subsection (1) is liable for payment of

Sale of property seized.

(a) the tolls due to the licensee :

(b) any fine that may be imposed on prosecution; and

(c) the costs of such prosecution ;
and such property may be sold under a distress warrant to satisfy these charges.

OPERATION OF FERRIES

14. A ferry licensed under this Ordinance shall operate at such hours of the day and night as may be required by the Commissioner except where loss of life or injury to or loss of property is likely to result therefrom.

When ferries to be operated.

15. Where the water in a river or other body of water becomes too shallow to permit a licensee to operate his ferry he shall keep a small boat or canoe with which he shall transfer foot passengers and their baggage across the river or other body of water, and may charge the tolls prescribed in his licence for service by means of the ferry.

Where water too shallow to operate ferry.

16. A licensee shall keep the immediate approaches to his ferry in the order and condition that is necessary to make the ferry accessible at all times for loaded vehicles and animals without danger or injury.

Approaches to ferry to be kept in proper order.

17. A ferry on a river or other body of water that is fordable at any time shall not be used to block up or injure a ford or the landing therefrom, nor shall a licensee do any act which will make the fording of such river or other body of water more difficult or dangerous than it would otherwise be.

Ferry not to interfere with ford.

OFFENCES AND PENALTIES

18. No licensee shall use insulting language to, or ill-treat, any person who uses or desires to use the ferry or wilfully injure any property in transit across such ferry.

Licensee not to ill-treat passengers.

Liability of licensee.

19. (1) A person who holds a ferry licence is liable for all damages that may occur to persons or property while using such ferry resulting from any carelessness of the licensee or his agent or from any insufficiency in the strength or suitability of any of the appliances used in connection with the ferry.

Commissioner may instruct licensee to repair ferry.

(2) The Commissioner may give written instruction to a licensee to repair his ferry or provide a new one in order to safeguard persons using the ferry and the licensee shall comply with such instructions.

No one to hinder licensee operating ferry.

20. No person shall hinder or interfere with a licensee in operating his ferry.

Offence and penalty.

21. Every person who violates any provision of this Ordinance is guilty of an offence and liable upon summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Conviction no bar to action.

22. No conviction for an offence under this Ordinance is a bar to a civil suit for damages by a person upon whose complaint the conviction was obtained.

REPEAL

Repeal.

23. The *Yukon Ferries Ordinance*, chapter 34 of the Consolidated Ordinances, 1914, is repealed.

CHAPTER 14

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE RESPECTING THE IMPOSITION AND
COLLECTION OF A TAX ON MOTOR VEHICLE FUEL

(Assented to November 17, 1955)

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

SHORT TITLE

1. This Ordinance may be cited as the *Motor Vehicle Fuel Tax Ordinance*. Short title.

INTERPRETATION

2. In this Ordinance Definitions.
- (a) "highway" includes a road, trail, street, avenue, lane, parkway, driveway, square, bridge, viaduct, trestle or other passageway designed and intended for or used for the passage of motor vehicles; "Highway".
- (b) "importer" means any person who brings motor vehicle fuel into the Territory for sale to or for the use of any other person; "Importer".
- (c) "motor vehicle" includes an automobile, bus, motorcycle, pedal bicycle with motor attachment, taxicab, truck, truck tractor or any other vehicle propelled or driven by the use of motor vehicle fuel, but does not include a tractor, high lift or power shovel, dragline or back hoe, motor grader or a vehicle that runs or is intended to run only upon rails or tracks; "Motor vehicle".
- (d) "motor vehicle fuel" means any liquid capable of being used for the generation of power in an internal combustion engine; "Motor vehicle fuel".

- "Prescribed". (e) "prescribed" means prescribed by the regulations;
- "Purchaser". (f) "purchaser" means any person who within the Territory purchases or receives delivery of motor vehicle fuel for his own consumption or use;
- "Tax". (g) "tax" means the tax imposed by this Ordinance; and
- "Vendor". (h) "vendor" means any person who sells or delivers motor vehicle fuel to a purchaser.

TAX AND COLLECTION

- Purchasers to pay tax.** 3. (1) Subject to subsection (3) and (4), every purchaser shall, at the time of purchase or receipt of delivery of motor vehicle fuel, pay to the vendor for remission to the Territorial Treasurer a tax at the rate of six cents per imperial gallon.
- Vendors and importers to pay tax on self-consumed fuel.** (2) Subject to subsections (2) and (4), every vendor and every importer shall, with respect to motor vehicle fuel used or consumed by themselves, their agents or their employees, pay a tax at the rate of six cents per imperial gallon and remit the same to the Territorial Treasurer as required by sections 4 and 5, respectively.
- Exemptions.** (3) No tax is payable in respect of motor vehicle fuel that is not used to propel a motor vehicle on a highway within the Territory, if
- (a) the purchaser of such motor vehicle fuel at the time of its purchase or receipt of delivery furnishes to the vendor a certificate, in a prescribed form, to that effect; or
 - (b) the vendor or the importer with respect to motor vehicle fuel used or consumed by himself, his agents or his employees submits a certificate, in a prescribed form, to that effect in his returns under section 4 or 5, respectively.
- Ibid.** (4) No tax is payable in respect of motor vehicle fuel used or to be used in motor vehicles owned by
- (a) the Government of Canada,

- (b) a visiting force, as defined in the *Visiting Forces (North Atlantic Treaty) Act*, or
- (c) a municipality, as defined in the *Municipal Ordinance*,

if the person who alleges that the motor vehicle fuel purchased or to be used by him is to be so used in such motor vehicles executes a certificate, in a prescribed form, to that effect.

4. Every vendor shall,
- (a) at the time of sale or delivery of motor vehicle fuel, levy and collect the tax thereon from the purchaser or, where the purchaser claims exemption for tax in accordance with subsection (3) or (4) of section 3, obtain the prescribed certificate in support of the exemption claimed; Duties of vendor.
Collecting tax.
 - (b) on or before the tenth day of each month, in respect of all sales or deliveries made by him during the immediately preceding month, send to the Territorial Treasurer Reporting and returns of tax.
 - (i) the total tax payable by purchasers and any tax payable on motor vehicle fuel delivered to or used by himself, his agents or employees,
 - (ii) prescribed certificates executed by purchasers or by himself claiming exemption from tax in respect of all sales, deliveries or consumption upon which tax has not been paid, and
 - (iii) a return, in a prescribed form showing, in respect of the said immediately preceding month, the total motor vehicle fuel on hand at its commencement, purchased or received during such month and on hand at the close of business on the last day of such month, together with such invoices, accounts or other documents or copies thereof as the Commissioner may require; and
 - (c) in every invoice or account furnished by him with respect to any sale of motor vehicle fuel made by him, Contents of invoice.

state the date of sale, the number of gallons sold, the price per gallon, the rate of tax per gallon and the total tax.

Duties of importer.

5. Every importer shall, on or before the tenth day of each month, in respect of the immediately preceding month, send to the Territorial Treasurer

Return showing stock during month.

(a) a return, in a prescribed form, showing, in respect of the said immediately preceding month, the total motor vehicle fuel on hand at its commencement, purchased or received during such month, sold or delivered during such month and on hand at the close of business on the last day of such month, together with such invoices, accounts or other documents or copies thereof as the Territorial Treasurer may require; and

Return of taxes.

(b) a return, in a prescribed form, showing details of motor vehicle fuel used or consumed by himself, his agents or his employees, together with the tax payable thereon or the prescribed certificates claiming exemption from tax.

Returns of tax by other persons.

6. Every person, other than an importer or vendor, who in any day brings into the Territory a greater quantity than fifty gallons of motor vehicle fuel for his own use shall within ten days thereof submit a return to the Territorial Treasurer concerning the same together with the tax payable or the prescribed certificate claiming exemption from tax.

Where certificates insufficient.

7. Where the Commissioner is of the opinion upon evidence satisfactory to him, that any certificate under which exemption from tax is claimed is untrue or improper, he may direct the Territorial Treasurer to collect the tax for the motor vehicle fuel in respect of which the certificate was completed from the person who completed the certificate, and such direction shall be deemed to impose the tax on such person in respect of the motor vehicle fuel.

Records.

8. Every vendor, importer or person referred to in section 6 shall maintain books or records in respect of importation, sales and use of motor vehicle fuel in sufficient detail to permit examination and calculation of the tax and shall preserve such books and records for at least twelve months from the time the tax is collected.

OFFENCES AND PENALTY

9. (1) Every person who

Offences and
penalty.

- (a) makes a false statement in any return, certificate or form used under this Ordinance;
- (b) obtains or attempts to obtain or knowingly induces, assists or attempts to assist another person to obtain an unwarranted exemption from tax;
- (c) knowingly gives false information respecting any motor vehicle fuel transaction;
- (d) refuses to produce any records or documents respecting motor vehicle fuel or any container used for holding motor vehicle fuel that is in his possession or control;
- (e) refuses or neglects to pay or remit a tax where required to do so by this Ordinance or to execute prescribed returns, certificates or forms in connection with exemptions from tax where required to do so by this Ordinance; or
- (f) violates any other provision of this Ordinance or the regulations,

is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding five hundred dollars, with or without the additional amount of any tax not paid as a result of the offence, or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

- (2) A prosecution under this section does not suspend or affect any remedy for the recovery of any tax or amount payable under this Ordinance.

Prosecution
does not
affect other
remedies.

10. In any prosecution for an offence under this Ordinance or in any action or other proceedings brought for the recovery of taxes, the burden of proving that he has paid, levied or remitted a tax or that he is exempted under this Ordinance from liability to pay, levy or remit a tax is on the accused or the defendant.

Burden of
proof.

Prosecution
to be brought
within two
years.

11. No prosecution for an offence under this Ordinance shall be commenced after two years from the date of the commission of the offence.

REGULATIONS

Regulations.

12. The Commissioner may make regulations for carrying out the purposes and provisions of this Ordinance and prescribing forms for returns, certificates and other documents under this Ordinance.

REPEAL

Repeal.

13. The following Ordinances are repealed:

- (i) the *Gasoline and Diesel Oil Tax Ordinance*, chapter 3 of the Ordinances of 1949 (2nd session);
 - (ii) *An Ordinance to amend the Gasoline and Diesel Oil Tax Ordinance*, chapter 11 of the Ordinances of 1950 (1st session);
 - (iii) *An Ordinance to amend the Gasoline and Diesel Oil Tax Ordinance*, chapter 3 of the Ordinances of 1950 (2nd session);
 - (iv) *An Ordinance to amend the Gasoline and Diesel Oil Tax Ordinance*, chapter 45 of the Ordinances of 1954 (3rd session); and
 - (v) *An Ordinance to amend the Gasoline and Diesel Oil Tax Ordinance*, chapter 23 of the Ordinances of 1955 (1st session).
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CHAPTER 15

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO AMEND THE AMUSEMENT
TAX ORDINANCE

(Assented to November 17, 1955)

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

1. The *Amusement Tax Ordinance*, chapter 10 of the Ordinances of 1955 (first session), is amended by repealing subsection (1) of section 4 and substituting therefor the following subsection: Section 4 amended.

“(1) A person who sponsors a performance shall collect the tax.”

CHAPTER 16

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO AMEND THE
INTERPRETATION ORDINANCE

(Assented to November 17, 1955)

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

1. Paragraph (1) of section 17 of the *Interpretation Ordinance*, chapter 1 of the Ordinances of 1954 (3rd session), is repealed and the following substituted therefor:

Time. “(1) a reference to time shall be deemed to be a reference to standard time.”

2. Section 37 of the said Ordinance and the heading preceding section 37 are repealed and the following substituted therefor:

STANDARD TIME

Reckoning of standard time. 37. (1) Subject to this section, standard time shall be reckoned as nine hours behind Greenwich Time and called Yukon Standard Time.

Regulations varying standard time. (2) Notwithstanding subsection (1), the Commissioner may make regulations varying the manner of reckoning standard time.”

REPEAL

Repeal. 3. *The Daylight Saving Ordinance*, 1919, chapter 10 of the Ordinances of 1919, is repealed.

CHAPTER 17

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO AMEND THE LANDLORD
AND TENANT ORDINANCE

(Assented to November 17, 1955)

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

1. Subsection (2) of section 50 of the *Landlord and Tenant Ordinance*, chapter 20 of the Ordinances of 1954 (third session), is repealed and the following substituted therefor: Section 50 amended.

“(2) Where the tenant appears the Judge shall, in a summary manner, hear the parties and their witnesses and examine into the matter and may take evidence orally or by affidavit as he thinks fit, and if it appears to the Judge that the tenant wrongfully holds against the right of the landlord he may order the issue of a writ of possession in Form B in the Schedule.” Summary hearing.

2. Form B of the Schedule to the said Ordinance is amended by striking out the title *Writ in Possession* at the top of the form and substituting therefor the title *Writ of Possession*. Form B amended.

CHAPTER 18

ORDINANCES OF YUKON TERRITORY
1955 (3rd Session)

AN ORDINANCE TO AMEND THE
MARRIAGE ORDINANCE

(Assented to November 17, 1955)

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

Section 24
amended.

1. The Marriage Ordinance, chapter 31 of the Ordinances of 1954 (3rd session), is amended by repealing subsection (2) of section 24 thereof.

Section 34
amended.

2. Subsection (1) of section 34 of the said Ordinance is repealed and the following is substituted therefor.

“(1) Licences shall be in Form D.”

CHAPTER 19

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO AMEND THE PROTECTION
OF CHILDREN ORDINANCE

(Assented to November 17, 1955)

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

1. Subsection (4) of section 21 of the *Protection of Children Ordinance*, chapter 1 of the Ordinances of 1955 (1st session), is repealed and the following substituted therefor:

(4) Upon receiving a child delivered to it under subsection (3), the society shall deal with the child as if it had been delivered to it under the order of a justice made pursuant to section 19."

Disposition of child by society.

2. Sections 34 to 40 of the said Ordinance are repealed and the following substituted therefor:

"34. (1) Where a justice commits a child to the care of a children's aid society or the Superintendent, he may at the same time or subsequently, upon application by the society or the Superintendent, make a declaration setting out an amount that must in his opinion reasonably be incurred by the society or the Superintendent in maintaining and supervising the child in any temporary home, shelter or foster home in which the child may be placed by the society or the Superintendent.

Declaration of reasonable costs of maintenance.

(2) Before a declaration is made under subsection (1) in respect of a society, the society shall furnish the justice with a statement showing the average per diem cost of maintaining and supervising each child in its care during its immediately preceding fiscal year

Society to furnish statement of per diem costs.

as confirmed by the society's auditors and the Superintendent, and in the absence of evidence to the contrary, the justice shall make the declaration in accordance with such statement.

Superintendent to furnish statement of per diem costs.

(3) Before any order for payment is made under subsection (1) in respect of the Superintendent, the Superintendent shall furnish the justice with a statement showing the average per diem cost per child as specified in subsection (2) of each children's aid society, if any, operating in the Territory, as confirmed by their auditors, but where there is no such society operating in the Territory, the statement shall show the average per diem cost of maintaining and supervising the children who were in the Superintendent's care during the immediately preceding fiscal year, and the amount set out by the justice in his declaration shall not be less than the lowest and not be greater than the highest such average per diem cost.

Variation of declaration.

(4) The justice may, at any time after a declaration is made under this section, make such variation of the declaration as the circumstances may warrant upon application therefor by the Commissioner, children's aid society or Superintendent.

Copy of order and declaration to be forwarded.

35. Upon any declaration or variation thereof being made by a justice under section 34, a copy of the order under which the child has been committed and the declaration and any variation thereof shall be forwarded by registered letter by the clerk of the court to the Commissioner.

Payment out of Y.C.R.F. in accordance with declaration.

36. Where a declaration is made under section 34, there may be paid out of the Yukon Consolidated Revenue Fund an amount not exceeding that set out in the declaration or the declaration as varied for each week commencing with the time the child was apprehended and continuing so long as the child remains in the care of the society or the Superintendent, or until the child reaches the age of eighteen years, whichever is the earlier.

37. The Commissioner may maintain an action for the benefit of the Territory to recover any amount that has been paid out of the Yukon Consolidated Revenue Fund under this Ordinance in respect of a child from the parents of the child.

Commissioner
may recover
from parents.

38. Notwithstanding anything in this Ordinance, no payment shall be made out of the Yukon Consolidated Revenue Fund under this Ordinance to a society that is not conducted in accordance with the requirements of this Ordinance."

Saving
provision.

REPEAL

3. Section 45 of the said Ordinance is repealed.

Repeal.

CHAPTER 20

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO AMEND THE CONDITIONAL
SALES ORDINANCE

(Assented to November 17, 1955)

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

1. Section 4 of the *Conditional Sales Ordinance*, chapter 9 of the Ordinances of 1954 (3rd session) is repealed and the following substituted therefor:

Renewal statement.

“4. (1) Where a writing or a true copy thereof referred to in section 3 has been filed in accordance with that section, a renewal statement and an affidavit in respect thereof shall be filed in accordance with this section within three years after the day of the filing of the writing.

Contents of renewal statement.

(2) A renewal statement filed pursuant to this section shall set out the interest of the seller in the goods comprised in the conditional sale and the amount still owing for principal and interest under the conditional sale and of all payments made on account thereof, and shall be accompanied by an affidavit by the seller or his agent stating that the statement is true and that the conditional sale has not been kept in force for any fraudulent purpose or to defeat, delay or prejudice the creditors of the buyer.

Place of filing.

(3) The renewal statement and affidavit referred to in subsection (2) shall be filed,

(a) in the case of goods still situate in the registration district in which the writing evidencing the conditional sale or a true copy thereof was filed in

accordance with subsection (2) or (3) of section 3, with the proper officer of that registration district, and

- (b) in the case of any goods comprised in the conditional sale that have been removed to a registration district other than that mentioned in paragraph (a) where the writing evidencing the conditional sale or a true copy thereof has been filed pursuant to subsection (4) or (5) of section 3, with the proper officer of the registration district where the goods were removed.

(4) A further renewal statement accompanied by an affidavit shall be filed in accordance with subsections (2) and (3) within the period of three years from the filing of the first renewal statement and thereafter within each succeeding period of three years from the filing of the last preceding renewal statement.

Further renewal statement.

(5) Where any mistake is made in a renewal statement filed pursuant to this section, the seller may file an amended statement clearly pointing out the mistake therein and correcting it.

Correcting mistake.

(6) Where before the filing of an amended statement and affidavit referred to in subsection (5) a person has in good faith made an advance of money or given valuable consideration to the buyer or has incurred costs in proceedings taken relying on the accuracy of the renewal statement as first filed, the conditional sale as to the amount so advanced or the valuable consideration given or costs incurred by such person shall, as against him, stand good only for the amount stated in the renewal statement as first filed."

Effect of interest intervening before filing amended statement.

2. The Schedule to the said Ordinance is repealed.

CHAPTER 21

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO AMEND THE
EVIDENCE ORDINANCE

(Assented to November 17, 1955)

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

1. Subsection (2) of section 45 of the *Evidence Ordinance*, chapter 5 of the Ordinances of 1955 (1st session), is repealed and the following substituted therefor:

Notice of intention to produce probate, etc.

“(2) Letters probate of a will or letters of administration with a will annexed, or a copy thereof certified as provided in subsection (1) shall not be received in evidence upon any trial, without the leave of the court, unless the party intending to produce the same has, at least ten days before the trial, given to the party against whom it is intended to be produced notice of such intention.”

2. Section 53 of the said Ordinance is repealed and the following substituted therefor:

Construction of this Ordinance.

“53. The provisions of this Ordinance shall be deemed to be in addition to and not in derogation of any power of proving documents given by any other law.”

3. Section 66 of the said Ordinance is repealed.

CHAPTER 22

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)AN ORDINANCE TO AMEND THE
WORKMEN'S COMPENSATION ORDINANCE*(Assented to November 17, 1955)*

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

1. Paragraph (u) of section 2 of the Workmen's Compensation Ordinance, chapter 12 of the Ordinances of 1952 (second session) is repealed and the following substituted therefor:

"(u) "payroll" means the total remuneration earned Payroll.
by all workmen of an employer in the Territory
in a year less the total remuneration in excess of

(i) two hundred and fifty dollars paid to each workman for each month in that year prior to the first day of January, 1956, and

(ii) three hundred and thirty-three dollars and thirty three cents paid to each workman for each month in that year after the 31st day of December, 1955;"

2. Subsection (3) of section 6 of said Ordinance is repealed and the following substituted therefor:

"(3) Every employer who is insured as described in subsection (2) shall include in the payroll referred to in subsection (1) of section 42 while so insured for each month of Amount to be included as employers remuneration.

(a) any year prior to the year 1956 an amount not exceeding two hundred and fifty dollars, and

(b) any year after the year 1955 an amount not exceeding three hundred and thirty-three dollars and thirty-three cents,

and the amount so included in respect of any such period shall, for the purposes of this Ordinance and any contract of insurance entered into by him under this Ordinance, be deemed to be his remuneration for that period."

3. Section 7 of the said Ordinance is repealed.

4. Section 13 of the said Ordinance is repealed and the following substituted therefor:

Regulations.

"13. (1) The Commissioner may

(a) make regulations for the prevention of accidents and industrial diseases among workmen; and

(b) make such other regulations and prescribe such forms as are deemed expedient for carrying out the provisions of this Ordinance and not inconsistent therewith.

(2) Any regulation made under the authority of paragraph (a) of subsection (1) shall not come into force or effect unless the Territorial Council has by resolution first given its approval."

5. Subsection (4) of section 17 of the said Ordinance is repealed and the following substituted therefor:

Time limit for making claim.

"(4) No compensation is payable in respect of any claim unless notice of the claim is given to the employer or the Commissioner by the claimant within twelve months from the happening of the accident or where death results from such accident, by a dependant, within twelve months from the date of death; but the referee may notwithstanding subsection (2) of section 16, on proof of the accident and injury being filed with the employer or the Commissioner within three years of the date of its happening, award compensation where

- (a) the workman gave notice of the accident to his employer as soon as practicable after its occurrence, and
- (b) in the opinion of the Commissioner the claim is a just one and ought to be allowed."

6. Section 24 of the said Ordinance is amended

- (a) by repealing paragraph (b) of subsection (1) thereof and substituting therefor the following:

"(b) to a dependent widow or dependent invalid widower as a contribution to additional expense occasioned consequent upon the death of the deceased workman,

Contribution to additional expense.

- (i) where the accident occurred on or before the 31st day of December, 1955, the sum of one hundred dollars, or
- (ii) where the accident occurred on or after the 1st day of January, 1956, the sum of three hundred dollars;"

- (b) by repealing paragraph (d) of subsection (1) thereof and substituting therefor the following:

"(d) to a dependent widow or dependent invalid widower,

Monthly payment to widow.

- (i) where the accident occurred on or before the 31st day of December, 1955, a monthly payment of fifty dollars; or
- (ii) where the accident occurred on or after the 1st day of January, 1956, a monthly payment of seventy-five dollars;"

7. Section 25 of the said Ordinance is amended by deleting the words "seven years" where they appear in subsection (1) thereof and substituting therefor the words "three years".

8. Section 27 of the said Ordinance is repealed and the following substituted therefor:

Compensation
for other
dependents.

"27. Where the only dependants are persons other than those mentioned in subsection (1) of section 24, section 25 or section 26, the compensation shall be a sum to be determined by the Referee, reasonable and proportionate to the pecuniary loss to such dependents occasioned by the death but not exceeding

(i) fifty dollars per month to a parent or parents and not exceeding in the whole eighty-five dollars per month where the accident occurred on or before the 31st day of December, 1955, or

(ii) seventy-five dollars per month to a parent or parents and not exceeding in the whole one hundred dollars per month where the accident occurred on or after the 1st day of January, 1956;"

9. Section 29 of the said Ordinance is repealed and the following substituted therefor:

"29. Where a dependent widow remarries the monthly payments to her shall cease but she shall be paid a lump sum of

(a) six hundred dollars within one month of the date of her marriage where the accident occurred on or before the 31st day of December, 1955; or

(b) one thousand dollars within one month of the date of her marriage where the accident occurred on or after the first day of January, 1956."

10. Subsection (3) of section 37 of the said Ordinance is repealed and the following substituted therefor:

Computation
of average
weekly
earnings.

"(3) For the purpose of ascertaining the amount of compensation payable under the provisions of sections 32 to 36 inclusive, average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated, but not so as in any case to exceed

- (a) three thousand dollars per annum where the accident occurred on or before the 31st day of December, 1955, or
 - (b) four thousand dollars per annum where the accident occurred on or after the 1st day of January, 1956."
11. (1) Paragraph (a) of subsection (1) of section 42 of the said Ordinance is repealed and the following substituted therefor :

"(a) annually, on the date that the whole or any part of the annual premium on his contract of insurance entered into under this Ordinance is first due, pay to the Commissioner or to a person authorized by him as his agent in that behalf an assessment of

Assessment of insured employers for administrative purposes.

- (i) such percentage, not exceeding one-half of one percent, of his estimated payroll for the twelve month period commencing on that date, as the Commissioner from time to time prescribes, or

- (ii) one dollar;

whichever is the greater, and"

- (2) Paragraph (a) of subsection (3) of section 42 of the said Ordinance is repealed and the following substituted therefor :

"(a) on the date that the exemption is granted, pay to the Commissioner or to a person authorized by him as his agent in that behalf an assessment of

Assessment of exempted employers.

- (i) such percentage, not exceeding one-half of one percent, of his estimated payroll for the period in respect of which the exemption is granted, as the Commissioner from time to time prescribed, or

(ii) one dollar;

whichever is the greater, and"

(3) Subsections (5) and (6) of section 42 of the said Ordinance are repealed and the following substituted therefor:

Where assessment greater.

"(5) Where an assessment paid by an employer is greater than the amount payable on the basis of his actual payroll, the amount of the overpayment shall, if it exceeds one dollar, be refunded to him following receipt by the Commissioner of the statement of the employer's actual payroll.

Where assessment less.

(6) Where the assessment paid by an employer is less than the amount payable on the basis of his actual payroll, he shall pay the amount of the difference, if it exceeds one dollar, to the Commissioner at the time he submits the statement of his actual payroll."



CHAPTER 23

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO AMEND THE OLD AGE
ASSISTANCE AND BLIND PERSONS
ALLOWANCE ORDINANCE

(Assented to November 17, 1955)

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

1. Subsection (2) of section 3 of the *Old Age Assistance and Blind Persons Allowance Ordinance*, chapter 12 of the Ordinances of 1952 (1st session), is repealed and the following substituted therefor:

(2) The Commissioner may, on behalf of the Territory, enter into an agreement with the Minister of National Health and Welfare of Canada on behalf of the Government of Canada to provide for a general scheme of allowances to blind persons who have attained the age of eighteen years in accordance with this Ordinance and the Federal Act and for the payment by the Government of Canada to the Territory in respect of any recipient of an amount equal to not less than seventy-five per cent of forty dollars monthly or of the amount paid out monthly for allowances, whichever is the lesser.

Agreement
respecting
allowances.

(3) An agreement made under this Ordinance may be varied or amended from time to time by agreement between the Minister of National Health and Welfare and the Commissioner."

Variations
and
amendments.

2. This Ordinance shall be deemed to have come into force on the 1st day of July, 1955.

Coming into
force.

CHAPTER 24

ORDINANCES OF YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO AMEND THE GOVERNMENT
LIQUOR ORDINANCE

(Assented to November 17, 1955)

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

1. The Government Liquor Ordinance, chapter 14 of the Ordinances of 1952 (1st session), is amended by repealing section 70 and substituting therefor the following section:

Liquor
tax.

"70. (1) There shall be levied on all liquor purchased at a Government Liquor Store, a tax as shown hereunder:

- (a) on each dozen bottles of beer, a tax of 10 cents;
- (b) on each bottle of wine, a tax of 10 cents;
- (c) on each flask of liquor, except wine or beer, a tax of 10 cents;
- and
- (d) on each bottle of other liquor, except wine or beer, a tax of 25 cents.

(2) Once each month the Superintendent of Liquor Control shall submit to the Territorial Treasurer a statement showing the types and number of bottles of liquor upon which tax was collected in respect of each store during the next preceding month, and the Territorial Treasurer shall deposit the tax so collected to the credit of the Yukon Consolidated Revenue Fund."

CHAPTER 25

ORDINANCES OF THE YUKON TERRITORY
1955 (Third Session)

AN ORDINANCE TO AMEND THE YUKON
TERRITORIAL PUBLIC SERVICE ORDINANCE

(Assented to November 17, 1955)

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

1. Paragraphs (e) and (f) of Section 18 of *The Yukon Territorial Public Service Ordinance*, chapter 76 of the Consolidated Ordinances, 1914, are repealed. Section 18 amended.

INDEX

INDEX
TO
ORDINANCES OF 1955

FIRST SESSION

ADOPTION ORDINANCE

An Ordinance to Amend the, c. 24, p. 153

Section 2 amended, 1

AMUSEMENT TAX ORDINANCE

c. 10, pp. 88-92

Amusement tax
amount, 3

Commissioner, Powers of
may pay commission for collecting
tax, 4(2)

issue exemption permits, 6(1)

may increase tax, 7(a)

exclude class of amusement, 7(b)

may make regulations, 10

may suspend business licence for non-
payment of tax, 11

Exemption permits, 6(1)

Inspection, Powers of, 9

Interpretation
definitions, 2

Offence and penalty, 12

Tax, amount, 3(1)

special cases, 3(2), (3)

owner to collect, 4(1)

commission for collecting, 4(2)

exemptions, 5(1)

exceptions, 5(2), (3), (4)

Territorial Treasurer charged with en-
forcement, 8

COLLECTION ORDINANCE

c. 6, pp. 70-76

Arrest on execution prohibited, 3

Clerk

defined, 2(a)

Committal

for failure to comply with order, 14

time when order of, in force, 15(2)

Costs, 12(3)

Debt, no order where incurred outside
Territory, 12 (2)

Debtor

committal of, 11(2)

maintenance of while in gaol, 15(3)

release of, on payment, 16(1)

discharge of by judge, 16(2)

Examination

defined, 2(b)

in chambers, 8

on oath, 9

adjournment of, 10

failure to attend, 11

imprisonment not to effect other
remedies, 17

Judge

may order payment, 12(1)

may make consent order, 13

discharge by, 16(2)

Judgment

defined, 2(c)

Judgment creditor

defined, 2(d)

Judgment debtor

defined, 2(e)

judge may examine, 9

adjourn examination of, 10

Judgment summons

application for subsequent, 6

dismissal of, 7

examination to be in chambers, 8

no counsel fee, 18

on issue of, an action in Territorial
Court, 19

Maintenance of debtor in gaol, 15(3)

Order, failure to comply with, 14

Penalty for failure to attend, 11

Sheriff to arrest debtor, 15(1)

Summons, service of, 5

**CONTRIBUTORY NEGLIGENCE
ORDINANCE, c. 8, pp. 80-81**

Contribution

plaintiff as passenger, 8

plaintiff as spouse of negligent
person, 9

Costs

apportionment of, 4

Damages

apportionment of, 2(1)

equal apportionment of, 2(2)

exceptions, 2(3)

Fault

degree of, 3

Party defence

adding, 7

INDEX

Contributory Negligence Ordinance, c. 8

- Questions of fact
 - defined, 5
 - restriction of questions, 6

DISABLED PERSONS ORDINANCE

c. 15, pp. 111-114

- Actions
 - against Director, 10
 - time for prosecution, 13
- Agreement
 - with the Government of Canada, 3
- Allowances
 - exempt from taxes, seizures, etc., 7
 - recovery where improperly paid, 9(1)
 - proceedings, 9(2)
 - right to vote not affected, 8
 - unqualified persons, 12(1)
 - aiding and abetting, 12(2)
 - offence and penalty, 12(3)
- Death of recipient
 - administration of estate, 6(2)
 - payments 6(1)
- Director
 - actions against, 10
 - appointment, 5(1)
 - duties, 5(3)
 - powers, 5(4)
 - substitute, 5(2)
- Interpretation
 - definitions, 2
- Payments
 - amounts, 4
 - death of recipient, 6(1)
- Penalty
 - offence, 12(3)
- Regulations
 - power of Commissioner to make, 11

DOG ORDINANCE, c. 14, pp. 106-110

- Application to municipality, 7(3)
- By-laws of municipality, 8(7)
- Commissioner may appoint officers, 3
- Destruction of dogs, 8
- General provisions
 - feed and water, 4
 - punishment, 5
 - running at large, 6
 - dogs in harness, 7(1)
 - driving dogs on sidewalk, 7(2)
- Interpretation
 - definitions, 2
- Municipality, application to, 7(3)
- Nuisance in vicinity of hospital, 9
- Offences and penalties, 14
- Officers
 - Commissioner may appoint, 3
- Protection of other animals from dogs
 - destruction of dogs as, 10
 - proceedings against owner, 11
 - action for damages not barred, 12
 - nature of proof in civil action, 13
- Regulations, 15

Seizure

- by officer, 8(1)
- recovery by owner, 8(2)
- sale by public auction, 8(3)
- proceeds of sale, 8(4)
- where dog not sold, 8(5)

EMPLOYMENT AGENCIES

ORDINANCE, c. 11, pp. 93-94

- Fees prohibited, 3
- Interpretation
 - definitions, 2
- Penalty, 4

ENGINEERING PROFESSION

ORDINANCE, c. 31, pp. 191-206

- Annual fee, 16
- Application
 - exemptions, 3
- Association
 - defined, 2(a)
 - incorporation of, 4(1)
 - head office, 4(2)
 - real property of, 5
 - membership, 6
 - meetings of, 11
- By-laws
 - filed with Commissioner, 10(1)
 - ratification of, 10(2)
 - to be tabled, 10(3)
- Certificate of Registration
 - display of, 15(4)
- Commissioner
 - to appoint Registrar, 8
- Council
 - defined, 2(b)
 - exercises powers of association, 7(1)
 - membership of, 7(2)
 - term of office, 7(3)
 - vacancies, 7(7)
 - powers of, exercised by by-law, 9
 - by-laws filed with Commissioner, 10
 - protection against actions, 32
- Fees
 - no unregistered person to recover, 20
- Injunction
 - where breach of Ordinance, 19
- Inquiry by Council
 - upon application of 3 members, 26(1)
 - hearing, person affected, 26(2)
 - Council's power, 26(3)
 - suspended member, 26(4)
 - costs, 26(5), (6)
 - legal assistance, 27
 - procedure, 28
 - witnesses, 29
 - appeal, 30
- Interpretation
 - definitions, 2
- Membership
 - admission to, 12(1)
 - temporary, 12(2)
 - exemption, 12(4)

INDEX

Engineering Profession Ordinance, c. 31

- Membership (cont'd)
 - corporations and partnerships, 12(5)
 - examination of credentials, 13
- Offences, 17, 18
- Organization
 - incorporation, 4(1)
 - head office, 4(2)
 - powers, 5
 - membership, 6
- Penalty, 18
- Practice of professional engineering
 - defined, 2(e)
- President, defined, 2(d)
- Professional engineering,
 - defined, 2(e)
- Proof of single act, 23
- Prosecution
 - limitation of time for, 24
- Register
 - defined, 2(f)
 - falsification of, 21
 - removal from, 25
- Registrar
 - defined, 2(h)
 - appointment by Commissioner, 8
 - duties of, 14
- Registration
 - defined, 2(g)
 - of members, 14
 - Certificate of, 15
 - rights of members upon, 15(3)
 - prohibited, 17
 - fraudulent, 22
 - evidence of, 31
- Temporary membership, 12

EVIDENCE ORDINANCE, c. 5, pp. 39-69

- Adverse witnesses
 - contradictory statements:
 - oral, proof of, 26
 - written, proof of, 26
 - discrediting ones own witness, 28
 - previous convictions:
 - certificate of, 27(2)
 - proof of, 27(1)
- Affidavits and Declarations
 - defects do not vitiate, 61
 - oath on affidavit, form of, 20(2)
 - persons authorized to take:
 - in the Territory, 58
 - officers of the Canadian Forces, 59
 - outside of the Territory, 60
 - proof of death of soldiers, 63
- Affirmations
 - administering of:
 - by another person, 18(2)
 - by court, 18(1)
 - effect of, 21(2)
 - form of, 21(1)
 - in place of affidavits, 21(3)

- Bank books
 - cost of application, 44(5)
 - entries as evidence, 44(1)
 - order for inspection entries, 44(4)
 - photographic prints admissible, 41(4)
 - production of, not compellable, 44(3)
 - proof of, 44(2)
- Child
 - corroboration of child's evidence, 17
 - not under oath, 23
- Commissioners for Oaths
 - appointment, 65
 - commissioned officers may
 - administer, 66
 - style of, 67
 - powers of, 68
- Competency
 - Crime or interest does not effect, 3
 - husband and wife, 5
 - parties to an action, 4
- Corroborative evidence
 - breach of promise of marriage,
 - action for, 14
 - child of tender years, 23
 - legal representative, actions by and against, 15
 - lunatics, actions by and against, 16
- Documentary evidence
 - attestation not required, 50
 - books and documents, public, 31
 - business, defined, 38(1)
 - business records, 38(2)
 - Canada Gazette, 31(b), 32(a), 35
 - certified copies, 31(d), 31(e), 32(c), 33(b)
 - construction of Ordinance:
 - in addition to other laws, 51
 - corporation documents, 32
 - departmental books, entries in, 36
 - disputed writing, comparison with genuine, 50
 - English mode of proof, 31(a)
 - foreign states' documents, proof of:
 - certified copies, 33(b)
 - official printer, 33(a)
 - hearsay evidence in documents, 52
 - weight of, 53
 - impounding documents, 50
 - mercantile documents and telegrams, 46
 - newspapers, production of, 47
 - notarial acts, proof of, 41(1)
 - order of Governor General, 33
 - order of Lieutenant Governor, 33
 - photographic film, defined, 39(1), (b)
 - photographic print:
 - admissible, 39(2)
 - refused, 39(3)
 - tendered by Government, 39(4)
 - privilege of official documents, 39
 - proof of compliance, 39(5)
 - Queen's Printer, printed by, 31(c), 32(b), 33(a)
 - signature of officer, proof of, 34

INDEX

Evidence Ordinance, c. 5

- Documentary evidence (cont'd)
 - state documents:
 - British possessions, 33
 - Federal or Provincial, 32
 - foreign states, 33
 - imperial, 31
 - Expert evidence
 - number of expert witnesses, 10
 - written report, 11
 - cross-examination, 12
 - notice of intention to produce, 13
 - Foreign commissions, Powers under answering questions, refusal to, 64(3)
 - examination of witnesses, 64(1)
 - expenses, 64(2)
 - oaths, administering of, 64(4)
 - producing documents, refusal to, 64(3)
- Hearsay evidence contained in documents
- admissibility, 54(1)
 - conditions:
 - authentication by maker, 52(5)
 - statement *ante litem motem*, 54(4)
 - construction, 54(7)
 - discretion of Court, 54(6)
 - documents not to be corroborated, 55(2)
 - exceptions, 54(2)
 - maker of statement not called as witness, 54(2)
 - presumptions, 57
 - proof of documents, 56
 - weight of, 55(1)
- Interpretation
- definitions, 2, 8(1), 38(1), 39(1)(a), 40(1)
- Judicial notice
- Statutes and Ordinances, 29
- Judicial proceedings
- evidence of, 40
 - justices, defined, 40(1)
 - proof of proceedings, 42
- Mercantile documents and telegrams
- inspection and costs, 48(2)
 - proof of certain documents, 48(1)
 - notice of intention to produce, 48(1)
- Notarial documents in Quebec
- notarial acts, proof of, 41(1)
 - notice of intention to produce, 41(3)
 - proof by certified copy rebutted, 41(2)
- Notaries Public
- appointment, 69
 - commissions:
 - date of expiry of certificate, 72
 - duration, 71
 - fees, 70
 - oaths, *ex officio* commissioner for, 74
 - powers, 73
- Oaths
- administering of
 - by another person, 18(2), 64(4)
 - by court, 18(1)
 - manner of, 19

Oaths (cont'd)

- child of tender years, 23
 - forms:
 - oath on affidavit, 22
 - oath on evidence, 21
 - validity, 22
- Registered instruments
- evidence by copies of, 46(1)
 - notice of intention to produce, 46(1)
 - costs, 46(3)
 - original, disputed validity of, 46(2)
 - original document, filing of, 47(1)
 - order for, 47(2)
- Wills
- application of wills, 45(3)
 - method of proof, 45(1)
 - notice of intention to produce, 45(2)
- Witnesses
- attendance, 9
 - communications during marriage, 7
 - contradictory statements:
 - oral, proof of, 26
 - written, proof of, 25
 - evidence as to adultery, 6
 - evidence not to be used, 8(3)
 - expert witnesses, 10
 - husband and wife, 5
 - incriminating questions, answers to, 8(2)
 - mutes, 24
 - previous convictions, proof of, 27(1)
 - witness, defined, 8(1)

FATAL ACCIDENTS ORDINANCE

c. 3, pp. 27-30

Actions

- persons beneficially interested may bring, 8
- persons who benefit by, 4(1)
- rival claimants, 10
- single action for same cause, 6
- statement of claim, 7(1)
 - affidavit, 7(2)
 - exception, 7(3)
- taken by executor, 4(1)
- time of, 6

Application to a judge

- direction as to payment on apportionment, 11(3)
- discharge of other claims, 11(2)
- respecting settlements, 11(1)
- settlement confirmed or disallowed, 11(2)

Beneficiaries of an action

- infants, 11(1)
- may sue themselves, 8(1)
- same regulations and procedure, 8(2)
- under an action, 4(1)

Commensation

- Apportionment, 9
- payment into Court, 5

INDEX

Fatal Accidents Ordinance, c. 3

- Damages
 - additional, 4(2)
 - funeral expenses, 4(2)(b)
 - medical and hospital expenses, 4(2)(a)
 - exception, 4(3)
 - insurance contracts, 4(4)
 - liability for, 3
- Definitions, 2

FIRE INVESTIGATION ORDINANCE,

c. 17, pp. 135-136

- Inquiry
 - authority for, 2
 - instituting of, 1
- Justice
 - powers of, 4
 - penalty, 5
 - report to Commissioner, 6

FUR EXPORT ORDINANCE,

c. 9, pp. 82-87

- Export, defined, 2(a)
- Forfeiture, 10(4)
- Fur-bearing animal, defined, 2(b)
- Furs, defined, 2(c)
- Interpretation, definitions, 2
- Officer, defined, 2(d)
- Offences and penalties, 11
- Package, defined, 2(e)
- Penalty, 10(3)
- Permit
 - defined, 2(f)
 - issue of, 3
 - unauthorized, 7
 - form of, Schedule B
- Permit Officer
 - defined, 2(g)
- shall stamp, seal and tag packages, 4
- fee, 14
- Prosecution
 - time for, 12
 - onus of proof, 13
- Seizure and forfeiture
 - inspection by officer, 10(1)
 - seizure, 10(2)
 - double tax, 10(3)
 - forfeiture, 10(4)
- Stamp, seal or tag
 - permit officer shall, packages, 4
 - no export without, 5, 6
 - destruction of, 8
- Tax
 - defined, 2(h)
 - issue of permit without payment of, 9
 - payable, Schedule A
- Territorial employee, defined, 2(i)

GASOLINE AND DIESEL OIL TAX ORDINANCE, An Ordinance to Amend the, c. 23, p. 152

- Section 13 amended, 1
- Section 14 amended, 2

GOVERNMENT LIQUOR ORDINANCE, An Ordinance to Amend the, c. 32, p. 207

- Section 5 amended, 1

HOSPITAL AID ORDINANCE,

c. 2, pp. 23-26

- Ambulant free patient, defined, 2(a)
- Commissioner
 - reports to, quarterly, 5
 - may fix form of reports, 6
 - may appoint hospital inspectors, 8(1)
 - powers of, 9
- Free bed patient, defined, 2(b)
- Grants in aid
 - rules to determine amount, 3
 - where appropriation insufficient, 4
- Hospital
 - defined, 2(c)
 - grants in aid of, 3
 - shall deliver quarterly reports to Commissioner, 5
 - inspection of, 8(2)
- Inspection of hospitals
 - appointment of inspectors, 8(1)
 - powers of, 8(2)
- Interpretation, defined, 2
- Offences and penalties, 7
- Partially free bed patients, defined, 2(d)
- Reports
 - by hospitals, 5
 - form of, 6
 - falsification of, 7

INTERPRETATION ORDINANCE,

An Ordinance to Amend the, c. 19, p. 138

- Section 20 amended, 1

JUDICATURE ORDINANCE,

An Ordinance to Amend the,

c. 22, pp. 142-151

- Appeals, 63
- Claims
 - hearing of, 57
 - where defendant, plaintiff fail to appear, 58
- Defendant must reside in Territory, 51(2)
- Dispute note
 - defendant may file, 55
 - where null, 56
 - execution, 61
 - seizure and sale of goods, 62

INDEX.

Judicature Ordinance, c. 22

Forms

- Small Debt Application, form B
- Small Debt Notice of Claim, form C
- Small Debt Dispute Note, form D
- Small Debt Certificate of Judgment, form E
- Small Debt Writ of Execution, form F

Judgment

- certificate of, 59
- payment of, 60
- Jurisdiction of small debt officials, 51
- Notice of claim
 - person may apply for, 53
 - may be issued, 54(1)
 - service of, 54(2)
 - time for filing defence to, 54(3)

Repeal

- section 14 repealed and substituted, 2
- sections 51 and 52 repealed and sections 51 to 65 substituted, 3

Small Debt officials

- jurisdiction of, 51(1)
- residence, 51(2)
- firm name may be used, 51(3)
- must have no interest, 52
- may make notice of claim, 54(1)
- hearing of claims, 57
 - enter default judgment, 58(1)
 - may dismiss claim, 58(2)
 - certify judgment, 59
 - may order method of payment, 60
 - may issue Writ of Execution, 61
 - may sell goods and chattels, 62

MARRIAGE ORDINANCE,

An Ordinance to Amend the,

c. 20, pp. 139-140

Section 10 substituted, 1

Section 34 amended, 2

Forms D and E repealed and new form D substituted.

MOTION PICTURES ORDINANCE,

An Ordinance to Amend the, c. 21, p. 141

Section 2 amended

MOTOR VEHICLES ORDINANCE,

An Ordinance to Amend the, c. 33, p. 208

Section 84 amended, 1

Part II of Schedule amended

PHARMACEUTICAL CHEMISTS

ORDINANCE, c. 16, pp. 115-134

Appeal, 21

Application of Ordinance, 23

Board of inquiry

- Commissioner may appoint, 19(1)
- powers of, 19(3)
- may ask for security for costs, 19(4)
- where complaint frivolous and vexatious, 19(5)

Board of inquiry (cont'd)

- quorum, 19(6)
- findings and recommendations, 19(7)
- appeal from finding, 19(8)

Commissioner

- may alter or add to list of drugs, 14
- powers of, on recommendation by Board, 21(1)
- to enforce order of judge, 21(2)
- may order reinstatement, 22(2)

Dentist, defined, 2(a)

Drug, defined, 2(b)

Improper conduct, defined, 19(2)

Judge

- appeal to, 20(1)
- powers of, 20(2)
- may order reinstatement, 22(2)

Licence

defined, 2(c)

fee, 5

expiration of, 6

Limitation of actions, 9

Medical practitioner, defined, 2(d)

Narcotic, defined, 2(e)

Non-payment of fees, 18

Offences, 15(1), 19(9)

Penalty, 15(2)

Pharmaceutical chemist, defined, 2(f)

practice limited, 7

right to practice, 8

limitation of action against, 9

prescriptions required by, 10, 11

entry in poison register by, 11(2)

restrictions, Schedule C

shall not store drugs in public places, 13

improper conduct, 19(2)

reinstatement, 22(3)

non-payment of fees, 18

application for reinstatement, 22(1)

Poison register, 11(2)

inspection of, 11(3)

Prosecution

time for, 16

onus of proof, 17

Register

defined, 2(g)

Territorial Secretary shall keep, 3

Registration

of previously qualified persons, 4(1)

qualifications for, 4(2)

Schedules A, B and C specify classes of drugs

Territorial Secretary

shall keep register, 3

to reinstate on order, 22(3)

Veterinary surgeon, defined, 2(h)

POLICE MAGISTRATE'S COURTS

ORDINANCE, c. 13, pp. 101-105

Actions

how commenced and proceeded, 3(1)

how proceedings entitled, 3(2)

powers of magistrate, 3(3)

INDEX

Police Magistrate's Courts Ordinance, c. 13

- Appeal
 - appeal book:
 - filing and service of, 14(1)
 - form of, 14(2)
 - fees for, 16
 - hearing of, 9
 - not to stay proceedings, 12(1)
 - security for costs, 12(2)
 - questions of fact brought on, 13
- Courts
 - clerks of the courts, 4
 - fee book kept by, 6(1)
 - monthly statement of fees, 7
 - records kept by, 6(2)
 - fees for services, 5
 - seal of the Court, 8
- Interpretation
 - definitions, 2
- Notice of appeal
 - amendment of, 9(4)
 - appeal commenced by, 9(1)
 - contents of, 9(3)
 - filing of, 11(1)
 - time for, 11(2)
 - motion for new trial brought by, 9(2)
 - security for costs, 10

POLL TAX ORDINANCE,

c. 29, pp. 170-176

- Interpretation
 - definitions, 2

PART I

TERRITORIAL POLL TAX

(sections 3 to 18, pp. 171-175)

- Collector
 - defined, 2(a)
 - Territorial Treasurer, defined, 3
- Commissioner
 - may appoint sub-collectors, 4
 - may subscribe form of receipt, 11
 - may require security from collector and sub-collector, 14
- Duties of collector
 - to issue receipt, 11
 - may demand production of receipt, 15
 - production of false receipt, 16(1)
- Duties of employer
 - to collect tax, 7(1)
 - may deduct tax, 7(2)
 - where person employed by contractor, 7(3)
 - list to be furnished, 8(1)
 - where employee gives receipt, 8(2)
 - when to remit tax, 9
 - offence and penalty, 10
- Employer
 - defined, 2(b)
 - offences and penalties, 10, 16
- Receipt, defined, 2(e)

- Sub-collector
 - duties of, monthly report to collector, 12(1)
 - to remit tax to collector, 12(2)

- Tax
 - defined, 2(f)
 - by whom payable, 5(1)
 - when due, 5(2)
 - exception, 5(3)
 - exemptions, 6
 - recovery as debt in ordinary action, 17
 - burden of proof, 18
 - Territorial Treasurer shall pay collector, 3

PART II

MUNICIPAL POLL TAX

(sections 19 to 22, pp. 175-176)

- Application of Part I to Part II, 20

- Exemptions, 21

- Municipal Council may impose tax, 19(1)

- Tax
 - municipality may impose, 19(1)
 - when due, 19(2)
 - to be credited to municipality, 22

POUNDS ORDINANCE, c. 12, pp. 95-100

- Action
 - right of, not impaired, 18
- Animal
 - defined, 2(a)
 - trespassing of, 5
 - running at large, 6
 - liability of land owner for, 7
 - duty of person delivering, to pound, 8
 - poundkeeper shall impound, 9
 - poundkeeper to collect damages, 10
 - security in lieu of damages, 10(3)
 - sale of, 11(2), 12(2), (3)
 - proceeds from sale of, 13
 - prohibition, 16
 - running at large in weak condition, 21
 - notification of R.C.M.P., 20(2)
 - where owner not known, 20(3)
 - where no purchaser of, 21
- Application of Ordinance, 3
- Commissioner may form pound districts, 4
- Disputes, 17
- Lawful fence, defined, 2(b)
- Offences and penalty, 22
- Pound districts
 - Commissioner may form, 4

INDEX

Pounds Ordinance, c. 12

- Poundkeeper
 - shall impound, 9
 - shall collect damages, 10(1)
 - security in lieu of, 10(2)
 - shall notify owner, 11(1)
 - sale of animal by, 11(2)
 - where owner not known, 12(1)
 - sale of animal by, 12(2), (3)
 - application of proceeds by, 13
 - not to be purchaser, 14
 - entitled to fees in Schedule, 15(2)
 - no negligence of duty by, 16(1)
 - to forward annual return to
 - Commissioner, 19
 - when, may kill animal, 21

PROTECTION OF CHILDREN ORDINANCE, c. 1 pp. 1-21

- Appeals, 45
- Apprehension and examination of children
 - children deemed in need of protection, 12
 - by petition, 13
 - by Superintendent, 14
 - investigation by justice, 15
 - notice, 16
 - application for warrant, 17(1)
 - absconding child, 17(2)
 - interim disposition, 18
 - order of justice, 19
 - copy of order to Superintendent, 20
 - where committed to care of
 - Superintendent, 21
 - delivery of child to society, 21(3)
 - disposition by society, 21(4)
 - committal to society, 22
 - temporary maintenance, 23
 - report to Superintendent, 24
 - rescission of order of committal, 25
 - order where two or more children of same family, 26
 - religion of child, 27
- Child
 - defined, 2(a)
 - temporary accommodation, 48
 - deemed to be maintained by society, 52
 - application for production of, 54
- Children's aid society
 - defined, 2(b)
 - application for, 6(1)
 - verification of, 6(2)
 - incorporation, 7(1)
 - powers of, 7(2)
 - Directors, 9
 - by-laws, 10
 - notice of meetings, 11
- Commissioner
 - may approve incorporation of society, 7
 - temporary maintenance, 23

- Commissioner (cont'd)
 - may authorize payment, 39
 - may discharge child, 46
 - rules of, 47
- Cost of maintenance
 - order for maintenance, 34(1)
 - society to furnish statement, 34(2)
 - Superintendent to furnish statement, 34(3)
 - parents liable, 35
 - variation of order, 36
 - duration of order, 37(1)
 - right to recover from parents, 38
 - Commissioner may authorize payment, 39
 - copy of order to pay to be forwarded to Commissioner, 40
- Existing rights preserved, 30
- Foster home, defined, 2(c)
- Infants under the age of one, 51
- Interpretation, definitions, 2
- Justice, defined, 2(d)
- Justices, Powers and duties of
 - attendance of witnesses, 41
 - enforcement of orders, 42
 - proceedings *in camera* 43
 - presumption as to age, 44
 - special provision for hearings, 49
 - maintenance of child, liability for, 53
- Offences and penalties, 32
 - prohibition, 33
- Officer, defined, 2(e)
- Parent, defined, 2(f)
- Probation officer, defined, 2(g)
- Short title, 1
- Street, defined, 2(h)
- Superintendent
 - defined, 2(i)
 - appointment of, 3
 - assistants, 4
 - duties of, 5
 - may apply to justice for warrant, 17(1)
 - absconding child, 17(2)
 - inspection and supervision by, 19(2)
 - where child committed to care of, 19(4)
 - arrangements by, 21(1)
 - shall be guardian, 21(2)
 - delivery by, to society, 21(3)
 - delivery to, by society, 22(3)
 - disposition of child by, 22(4)
 - society shall report to, 24
 - application by, for rescission order, 25(1)
 - society shall permit visiting and inspection by, 28
 - report to Commissioner by, 29(2)
 - shall furnish statement to justice, 34(3)
 - may apply for extension of period of payment, 37(2)
 - may appeal, 45

INDEX

Protection of Children Ordinance, c. 1

- Visiting and inspection, 28
 - of foster home, 29(1)
 - public investigation, 29(2)
 - religious instruction, 30
 - other persons permitted to visit, 31

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ORDINANCE, c. 4, pp. 31-38

- Interpretation
 - definitions, 2
- Confirmation of maintenance orders made in reciprocating states
 - procedure for confirming orders made outside Territory, 6
- General
 - enforcement of registered or confirmed order, 7
 - transmission of documents by Commissioner, 8
 - rules of practice, 9
 - proof of documents, 10
 - depositions to be evidence, 11
 - where order in foreign language, 12
 - designation of reciprocating states, 14(1)
 - revocation of designation, 14(2)
- Maintenance orders against non-residents
 - transmission of maintenance orders made in Territory, 4
 - provisional maintenance orders against persons outside Territory, 5(1)
 - depositions and transcripts, 5(2)
 - preparation of statements and transmission of documents to Commissioner, 5(3)
 - power to take new evidence on *renvoi*, 5(4)
 - further powers on *renvoi*, 5(5)
 - power of original court to vary or rescind, 5(6)
 - transmission of varying or rescinding order, 5(7)
 - right of appeal, 5(8)

REPEAL CERTAIN ORDINANCES, An Ordinance to, c. 18, p. 137

SUPPLEMENTARY SUPPLY ORDINANCE, c. 35, pp. 217-218

SUPPLY ORDINANCE, c. 34, pp. 209-216

VOCATIONAL TRAINING AGREEMENTS ORDINANCE, c. 7, pp. 77-79

- Agreements
 - Commissioner may execute, 3
 - may be varied or amended, 4
 - Commissioner may implement, 5
- Vocational training, defined, 2

WHITEHORSE BOUNDARIES EXTENSION AGREEMENT ORDINANCE, c. 27, pp. 160-165

- Agreement
 - Commissioner may enter, 1(1)
 - City Council may authorize execution of, 1(2)
 - Binding on City of Whitehorse, 1(3)
 - Commissioner may issue proclamation adding area to City, 2

WHITEHORSE LOAN ORDINANCE, c. 28, pp. 166-169

- By-laws
 - Council may pass, to borrow, 4
 - form of, 5
- Interpretation
 - definitions, 2(1)
 - Ordinance one with *Municipal Ordinance*, 2(2)
 - coming into force, 11
- Commissioner may lend and enter into agreement, 3
- Council may pass by-laws to borrow, 4
- Debentures
 - how issued, 7(1)
 - form of, 7(2)
 - term of, 7(3)
 - interest, 7(4)
 - where payable, 7(5)
 - redemption, 8
 - defect in form of, 9
 - special levy where default, 10
- Money to be used for purpose stated, 6

WHITEHORSE SEWER AND WATER AGREEMENT ORDINANCE, c. 30, pp. 177-190

- Agreement
 - Commissioner and City of Whitehorse may make, 1
 - between Territory and Whitehorse ratified, 3
 - Commissioner may enter into, on behalf of Territory and Whitehorse, 2

WORKMEN'S COMPENSATION ORDINANCE, An Ordinance to Amend the, c. 26, pp. 155-159

- Section 3 amended, 1
- Section 17 amended, 2
- Section 41 amended, 3
- Section 42 substituted, 4

YUKON GAME ORDINANCE, An Ordinance to Amend the, c. 25, p. 154

- Section 24 repealed, 1
- Section 64 amended, 2

INDEX

SECOND SESSION

CATHOLIC SCHOOL AGREEMENT ORDINANCE, c. 4, pp. 240-244

GARNISHEE ORDINANCE, c. 6, pp. 247-254

- Attachment of wages
 - exemption, 17(1)
 - exceptions, 17(2)
- Court, defined, 2(a)
- Interpretation, definitions, 2
- Garnishee
 - defined, 2(b)
 - dispute by, 7(1)
 - trial of issue, 7(2)
 - determination enforceable as judgment, 7(3)
 - may apply for order to set aside summons, 8
 - costs of, 9
 - default by, 13
 - discharged by payment or levy, 14
 - not liable for costs, 15(2)
- Garnishee summons and service
 - issue of, 3(1)
 - nature of affidavit, 3(2)
 - service binds debt, 4(1)
 - manner of service, 4(2)
 - service on defendant or judgment debtor, 4(3)
 - service on Territory, 5
 - setting aside, 6
- Judgment and execution
 - default by garnishee, 13
 - when garnishee discharged, 14
 - costs in garnishee proceedings, 15(1)
 - garnishee costs, 15(2)
 - plaintiff's or judgment creditor's costs, 15(3)
 - execution stayed until money due, 16

- Payment into and out of court
 - garnishee's costs, 9
 - order for payment to plaintiff, 10(1)
 - payment out, 10(2)

- Small debt proceedings
 - application to, 18

- Third persons
 - suggestion of claim of third party, 11
 - procedure in determining claim, 12

MAYO ROAD AGREEMENT RATIFI- CATION ORDINANCE, c. 5, pp. 245-246

SCHOOL AGREEMENT RATIFI- CATION ORDINANCE, c. 3, pp. 236-239

YUKON COUNCIL ORDINANCE, An Ordinance to Amend the, c. 7, p. 254

- Sections 7 and 8 repealed, 1

YUKON HOSPITAL LOAN ORDINANCE, c. 2, pp. 232-235

- Commissioner may borrow and enter into an agreement, 2

YUKON SUPPLEMENTARY SUPPLY ORDINANCE, 1955, No. 1, c. 8, pp. 255-256

INDEX

THIRD SESSION

AMUSEMENT TAX ORDINANCE,
An Ordinance to Amend the, c. 15, p. 367
Section 4 amended, 2

CEMETERIES AND BURIAL SITES
ORDINANCE, c. 1, pp. 261-274
Interpretation
definitions, 2

PART I

CEMETERIES

(sections 3 to 40, pp. 261-272)

Cemetery companies
form of, 3
notice of formation, 4
powers of, 5
stock in, 6
sale of burial sites by, 7
owner of lot as shareholder, 8
size of lots, 9
reservation of lots, 10
graves for strangers and the poor, 11

Directors
shall manage company, 13
qualifications of, 14
election of, 15, 16
President, 17
may call on stock, 18
shall keep records, 19
powers of, 28
records of burial, 29
action by, 40

General
purposes of land, 24
cemetery to be fenced, 25(1)
repairs, 25(2)
location of cemetery, 26
exemption from tarration, 27
chapels and vaults, 30
no burial in, 31
maps, 32
transfer of lots, 33
lots may be owned in shares, 34
register of lots, 35
befouling of water, 36
offences, 37, 40
penalty, 39

PART II

BURIAL SITES

(sections 41 to 46, pp. 272-273)

Burial site
definitions, 41
no disturbance of, 42
prohibition, 43
no markers to be erected on, 44
permit to care for, 45
offences and penalty, 46

CHIROPRACTIC ORDINANCE,
c. 7, pp. 314-322

Board of inquiry
Commissioner may appoint, 16(1)
powers of, 16(2)
may require security for costs, 16(3)
frivolous and vexatious complaints, 16(4)
quorum, 16(5)
findings and recommendations, 16(6)
notification, 16(7)
appeal from finding, 17(1)

Chiropractic
defined, 2(a)
practice of, limited, 12(1)

Chiropractor
defined, 2(b)
for unlicensed practice, 12(1)
offences, by 12(2)
reinstatement of, 15(3)

Commissioner
may strike off register, 18(1)
to enforce order of judge, 18(2)
application to, for reinstatement, 19(1)
may order reinstatement, 19(2)

Fees
for registration, 4(2)
for licence, 5
removal for non-payment of, 15(1)
extension of time, 15(2)

Judge
appeal to, 17(1)
powers of, 17(2)
may order reinstatement, 19(2)

Licence
defined, 2(c)
qualifications for, 4(1)
fee for, 5
validity of, 6
expiration of, 7

Offences, 12(1)(2), 16(8)
Penalty, 12(3)

Prosecution
time for, 13
onus of proof, 14

INDEX

Chiropractic Ordinance, c. 7

- Register, defined, 2(d)
- Territorial Secretary shall keep, 3
- Registration fee, 4(2)
- Reinstatement
 - on order of judge or Commissioner, 19(2)
- Territorial Secretary may reinstate on order, 9(3)

CONDITIONAL SALES ORDINANCE,

**An Ordinance to Amend the,
c. 20, pp. 374-375**

- Section 4 substituted, 1
- Schedule repealed, 2

EVIDENCE ORDINANCE, An Ordinance to Amend the, c. 21, p. 376

- Section 45 amended, 1
- Section 53 substituted, 2
- Section 66 repealed, 3

FERRIES ORDINANCE,

c. 13, pp. 356-360

- Civil rights preserved, 22
- Commissioner
 - may issue licence, 3(2)
 - may refuse to issue licence, 3(3)
 - powers of, 6
 - may appoint Inspector, 8
 - may fix tolls, 9
 - may fix hours, 14
 - may require repairs, 18(2)
- Fee, 3(1)
- Ferries
 - defined, 2(a)
 - when to be operated, 14
 - where water too shallow to operate, 15
 - approaches to be kept in order, 16
 - not to interfere with ford, 17
- Inspector
 - appointed by Commissioner, 8
 - powers of, 9
- Interpretation
 - definitions, 2
- Licence
 - defined, 2(b)
 - application for, 3(1)
 - fee, 3(1)
 - Commissioner may issue, 3(2)
 - refusal to issue, 3(3)
 - expiry of, 3(4)
 - what, shall specify, 4
 - term of, 5
- Licencee
 - defined, 2(c)
 - not to interfere with passengers, 18
 - liability of, 19(1)
 - to repair ferry, 19(2)
 - no person shall hinder, 20
- Offences and penalty, 21

Tolls

- Commissioner may fix, 10(1)
- must be posted, 10(2)
- double at night, 11
- exception, 12
- where refusal to pay, 13

GARAGE KEEPERS ORDINANCE, c. 9, pp. 331-338

Garage, defined, 2(a)

- Garage keeper
 - defined, 2(b)
 - lien of, 3
 - may file lien, 4
 - may authorize sheriff to seize, 6(1)
 - rights of, after seizure, 7
 - when, may sell, 8
 - shall publish notice of sale, 9
 - shall not operate vehicle, 11
 - must post Ordinance, 12

Interpretation

- definitions, 2

Lien

- garage keeper has, 3(1)
- possession required for, 3(2)
- garage keeper may file, 4(1)
- period of, 4(3)
- priority of vendor, 5(1)
- effect of, where no registration, 5(2)
- priority, 5(3)
- seizure while in effect, 6(1)
- rights and remedies for enforcing, 7

Motor vehicle, defined, 2(c)

Ordinance, garage keeper to post copy of, 12

Penalty, 11

Period during which lien continues, 4(3)

Registration of lien, 4(2)

Sale

- when garage keeper may authorize, 8
- notice of, 9
- application of proceeds of, 10

Seizure

- garage keeper may authorize, 6
- judge may prescribe fees 6(3)

Service, defined, 2(d)

Vendor's priority, 5

GOVERNMENT LIQUOR ORDINANCE, An Ordinance to Amend the, c. 24, p. 384

Section 70 substituted, 1

INDEX

ILLEGITIMATE CHILDREN MAINTENANCE ORDINANCE,

c. 4, pp. 302-308

Appeal

from order, 21

Illegitimate child

notification of Superintendent of birth of, 3

where father admits paternity of, 17

Information, examination and order

information may be laid, 9(1)

who may lay information against father, 9(2)

notification of Superintendent, 9(3)

justice may issue warrant, 9(4)

when warrant returnable, 9(5)

procedure at hearing, 10(1)

powers of justice, 10

warrant if father fails to appear, 10(3)

proof of paternity, 11

when information must be laid, 12

variation of order, 13

security for purpose, 14

Interpretation

definitions, 2(1)

reference to information, order, etc., 2

Mother of illegitimate child

defined, 2(1)(a)

may apply to Superintendent for advice, 5

no agreement by, and father bar to proceedings, 6

may lay information, 9(1)

competent witness even though married woman, 11(2)

corroboration of evidence, 11(3)

need not give bond on appeal, 21(1)

Order

justice may make, 10(1)

contribution by mother, 19(2)

no, unless corroboration, 10(3)

no, unless made in lifetime of father, 12

variation of, 13

security for purpose of, 14

Superintendent shall enforce, 18(a)

to be judgment in Territorial Court, 19

binding on estate of father, 20

appeal from, 21

Proceedings

on summary conviction, 15(1)

when commenced, 15(2)

private, 16

Superintendent not barred from, 17

Putative father

agreement by, not to bar proceedings, 6

may enter into agreement with Superintendent, 7

where, fails to appear, 10(3)

Putative father (cont'd)

order must be made in lifetime of, 12

may be required to furnish security for purpose of order, 14

order binds estate of, 20

may appeal order, 21

Superintendent

defined, 2(b)

notification of birth, 3

duties of, 4

mother may apply to, 5

agreement with father by, 7

may lay information, 9(2)

notification of, 9(3)

further rights of, 17

duties of, after order, 18

INTERPRETATION ORDINANCE,

An Ordinance to Amend the, c. 16, p. 368

Section 17 amended, 1

Section 37 substituted, 2

LANDLORD AND TENANT ORDINANCE, An Ordinance to Amend the,

c. 17, p. 369

Section 50 amended, 1

Form B of Schedule amended, 2

MARRIAGE ORDINANCE, An Ordinance to Amend the, c. 18, p. 370

Section 24 amended, 1

Section 34 amended, 2

MASTERS AND SERVANTS

ORDINANCE, c. 2, pp. 275-277

Application

foreign contracts, 9

scope of Ordinance, 3

Civil rights

preservation of, 10

Contracts in writing, 4

Criminal Code

application of, 8

Interpretation

definitions, 2

Misconduct

of master, 6

of servant, 5

Proceedings

time limit for, 7

INDEX

MOTOR VEHICLE FUEL TAX ORDINANCE, c. 14, pp. 361-366

- Commissioner
 - may direct Territorial Secretary to collect tax, 7
 - may make regulations, 12
- Highway, defined, 2(a)
- Importer
 - defined, 2(b)
 - duties of, 5
- Interpretation, definitions, 2
- Motor vehicle, defined, 2(c)
- Motor vehicle fuel, defined, 2(d)
- Offences and penalty, 9(1)
- Prescribe, defined, 2(e)
- Prosecution
 - does not effect other remedies, 9(2)
 - burden of proof, 10
 - to be brought within two years, 11
- Purchaser, defined, 2(f)
- Records
 - vendor and importers to keep, 8
- Regulations, Commissioner may make, 12
- Tax
 - defined, 2(g)
 - purchaser to pay, 3(1)(2)
 - exemptions, 3, 4
 - return of, by vendor, 5(b)
 - return of, by other persons, 6
 - where certificate of exemption from, is untrue, 7
- Vendor
 - defined, 2(b)
 - duties of, 4

NEWSPAPER ORDINANCE, c. 6, pp. 312-313

- Declaration
 - newspaper must file, 3(1)
 - offences where none filed, 3(2)
 - fee for, 4
 - transmission of, 5
 - definitions, 2
- Fee
 - for filing declaration, 4
 - offence, 3(2)
- Newspaper
 - defined, 2(b)
 - must file declaration with clerk, 3(1)
 - offence to neglect to file, 3(2)

OLD AGE ASSISTANCE AND BLIND PERSONS ALLOWANCE ORDINANCE, An Ordinance to Amend the, c. 23, p. 383

- Section 3 amended, 1

OPTOMETRY ORDINANCE, c. 8, pp. 323-330

- Board of inquiry
 - Commissioner may appoint, 15(1)
 - powers of, 15(2)
 - may require security for costs, 15(3)
 - frivolous or vexatious complaints, 15(4)
 - quorum, 15(5)
 - findings and recommendations, 15(6)
 - notification, 15(7)
 - appeal from finding, 16(1)
- Commissioner
 - may strike off register, 17(1)
 - to enforce order of judge, 17(2)
 - application to, for reinstatement, 18(1)
 - may order reinstatement, 18(2)
- Fees
 - for registration, 4(2)
 - for licence, 5
 - removal for non-payment of, 14(1)
 - extension of time, 14(2)
- Interpretation
 - definitions, 2
- Judge
 - appeal to, 16(1)
 - powers of, 16(2)
 - may order reinstatement, 18(2)
- Licence
 - defined, 2(a)
 - qualifications, 4(1)
 - fee for, 5
 - validity of, 6
 - expiration of, 7
 - offences, 11(1)(2)
- Optometrist
 - defined, 2(b)
 - offences for unlicensed practice, 11(1)
- Optometry, defined, 2(c)
- Penalty, 11(3)
- Prosecution
 - time for, 12
 - onus of proof, 13
- Register
 - defined, 2(d)
 - Territorial Secretary shall keep, 3
 - removal from, for non-payment of fees, 14(1)
 - reinstatement on, 14(3)
- Registration
 - persons entitled to, 4(1)
 - fee for, 4(2)

PROTECTION OF CHILDREN ORDINANCE, An Ordinance to Amend the, c. 19, pp. 371-373

- Section 21 amended, 1
- Sections 34 to 40 substituted, 2
- Section 45 repealed, 3

INDEX

REPEAL CERTAIN ORDINANCES,

An Ordinance to, c. 10, pp. 339-341

STEAM BOILERS ORDINANCE,

c. 12, pp. 343-355

Application of Ordinance, 3

Commissioner

- may order inspections, 12(2)
- may grant permission to operate, 11(3)
- may determine cost of certain inspections, 14
- may require examination of operators, 19(2)

may grant permission to dispose of pressure vessels, 22(2)

may grant permission to operate without certificate, 24(2)

may cancel or suspend certificates, 28

may make regulations, 29

Engineers' certificates, 16-21

Explosions, 25

General

- first aid kit required, 26
- properly constructed pressure vessels only may be used, 27
- Commissioner may cancel, suspend any certificate, 28

Inspector

Commissioner may appoint, 4

prohibition, 5

oath, 6

has right to enter land to inspect, 7

owner to assist, 8(1)

operators to assist, 8(2)

may require repairs, 8(3)

inspect on request of Commissioner, 12(1)

may declare pressure vessels unsafe, 12(2)

may recommend issue of inspection certificate, 13

Inspection certificate

defined, 2(h)

required for pressure vessel, 9

no, issued without inspection, 10(1)

exceptions, 10(2), 11(3), 13

issue of, 10(3)

expiration of, 10(4)

Commissioner may cancel, 28

Interpretation

definitions, 2

Limitation of action, 32

New pressure vessels, 11

Owner

to assist inspector, 8(2)

repairs at expense of, 8(3)

shall not operate without certificate, 9

to pay costs of certain inspections, 14

may apply for temporary engineer's certificate, 16(2)

shall keep first aid kit, 26

Penalties

failure to display certificate, 21

general, 31

Pressure vessels

inspection of, 7, 8

licensing and operation of, 9-14

second hand, 22-24

Prohibitions

Inspector may not sell pressure vessels, 5

operation of steam plant without engineer certificate, 15(1)

sale of second hand pressure vessels, 22

sale of substandard pressure vessels, 27

obstruction of Inspectors, 30

Qualifications of operators, 15-16

Regulations

Commissioner may make, 29

Second hand pressure vessels, 22-24

Temporary certificate, issue of, 16(2)

Territorial Secretary

reinstatement of permission to operate by, 12(3)

may issue certificate without fee, 13

may issue engineer's certificate, 16, 17

Unsafe pressure vessels, 12

TENANTS IN COMMON ORDINANCE,

c. 11, p. 342

Owners to hold as tenants in common unless intention otherwise, 2

TRUSTEE ORDINANCE, c. 3, pp. 278-301

Application of

sections 11 to 14, 15

Commissioner

powers of:

approval of investments, 4(4)

revocation of investments, 4(5)

Executors and administrators

actions by, 36

actions against, 37, 49

acts by, in absence of express

appointment, 44

allowance to, 54, 55, 56, 57

allowance when also solicitor, 58

application to Court for advice, 53(1)

discharge of duty, 53(2)

damages, 38

debts of deceased, 48(2)

distribution of estate, 50, 51, 52

general duties and liabilities, 47

liability in respect of leases,

covenants, rents, etc., 50, 51

liability of representatives of deceased

joint contractors, 40

may distrain for arrears, 39

notice to creditors, 52

powers of sale, 45, 46

powers vesting in survivors, 48(1)

when a trustee, 59(2)

INDEX

Trustee Ordinance, c. 3

Interpretation

certain provisions, 14
definitions, 2, 4(2)

Judicial trustee

appointment of, 59(1), (3)
audit and report, 59(6)
directions by judge, 59(4)
remuneration, 59(5)

Trustee

allowance to, 54, 55, 56, 57
allowance when also solicitor, 58
application to Court for advice, 53(1)
 discharge of duty, 53(2)
breach of trust, 27, 35
death, 18
discharge of retiring trustee, 16
fee simple hereditaments, vesting
 of, 21
hereditaments, conveyance of by
 married women, 22
liability:
 change of character of investment, 8
 clause in every instrument, 9
 insufficient security, 6
 where loan more than authorized
 amount, 7
maintenance of infants, 32, 33
new:
 appoint, 10, 11(1)
 number, 12(a)(b)(c)
 powers and responsibilities, 11(3), 13
 transfer of property, 11(2)
payment and receipt of moneys, 24
payment into Court, 34
powers of:
 appointment of agents, 25
 giving receipts, 28
 insuring property, 26
 investment, 3, 4(1), (3), 5
 sale, 19, 20
 settling debts, 29, 41, 42, 43
 power of attorney, exoneration in
 respect of, 31

Trustee

powers of: (cont'd)

powers of judge in a transaction, 23
survivor of joint trusteeship, 30
vesting trust property, 12(d), 17

WORKMEN'S COMPENSATION ORDINANCE, An Ordinance to Amend the, c. 22, pp. 377-382

Section 2 amended, 1
Section 6 amended, 2
Section 7 repealed, 3
Section 13 substituted, 4
Section 17 amended, 5
Section 24 amended, 6
Section 25 amended, 7
Section 27 substituted, 8
Section 37 amended, 10
Section 42 amended, 11

YUKON LANDS ORDINANCE, c. 5, pp. 309-311

Interpretation definitions, 2

General

interest payable on lands, 5
fees payable to Commissioner, 6
execution of contracts, 7
duty of Territorial Secretary, 8

Lease, terms and conditions of, 4

Sale

Commissioner may sell land on cert-
tain terms and conditions, 3(1)
prohibitions, 3(2)

YUKON PUBLIC SERVICE ORDI- NANCE, An Ordinance to Amend the, c. 25, p. 385

Section 18 amended, 1

