

ORDINANCES

— OF THE —

Yukon Territory

PASSED BY THE

YUKON COUNCIL

IN THE YEAR

1903

At the Session Begun and Holden at Dawson on Thursday, the 7th
Day of May, and Closed on Thursday, the
15th Day of October, 1903.

FREDERICK TENNYSON CONGDON,
COMMISSIONER



DAWSON
YUKON SUN OFFICIAL GAZETTE
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No. 1 of 1903

AN ORDINANCE TO AMEND ORDINANCE NO 15 OF 1902, INCORPORATING THE DAWSON AMA- TEUR ATHLETIC ASSOCIATION, LIMITED.

[Assented to May 23, 1903.]

Whereas, "The Dawson Amateur Athletic Association, Limited" was incorporated by Ordinance No. 15, of 1902, with a capital stock of \$20,000, divided into 200 shares of \$100 each, with power to increase to \$25,000;

Preamble.

And Whereas, the said Association has by its Petition prayed for authority to increase the said capital to \$40,000, and to issue preference stock;

And Whereas, it is deemed expedient to grant the prayer of the said Petition;

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

1. Clause lettered (1) of said Ordinance No. 15 of 1902 is hereby repealed and the following is substituted therefor:

"The capital stock of the Association shall be \$40,000, divided into 400 shares of \$100 each, with power to the Association to increase its capital as the necessities of the Association may require to a further amount not to exceed \$5,000. The Association shall have power, from time to time, to issue any portion of its stock as preferential stock with such preferential or special rights or conditions attached thereto as the Association may prescribe at the time of any such issue."

Power to issue stock.

No. 2 of 1903.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING THE REGULATION OF TRAFFIC ON HIGHWAYS.

[Assented to May 23, 1903.]

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

Section 5
repealed.

1. The Ordinance Respecting the Regulation of Traffic on Highways is amended by striking out section 6 of said Ordinance, and substituting therefor the following section:

Width of
tires.

"6. It shall be unlawful for any wagon or vehicle carrying a load of freight of two tons avoirdupois to be drawn or driven on any of the public highways of the Territory unless the tires of such wagon or vehicle are at least two inches in width, or to carry a load of freight of more than three tons avoirdupois, unless the tires of such wagon or vehicle are at least three inches in width, or to carry a load of freight of more than four tons avoirdupois along such highways unless the tires of such wagon or vehicle are at least four inches in width."

2. The said Ordinance is further amended by striking out section 7 thereof and substituting therefor the following section:

Onus of
proof.

"7. It shall be sufficient *prima facie* evidence that any wagon or vehicle has carried too large a load, contrary to the provisions of this Ordinance, for any credible witness to state upon oath that to the best of his judgment and opinion the wagon or vehicle in question, at the time of the alleged infraction of this Ordinance, carried too large a load, and upon such evidence being given the onus shall be cast upon the party charged of disproving that the load was too large."

Section 8
repealed.

3. Section 8 of said Ordinance is hereby repealed and the following substituted therefor: ,

“8. On and after the first day of September, 1903, the felloe of every wheel of every wagon or vehicle shall be of equal width with the tire of such wagon or vehicle.”

Width of felloe.

4. An offence against this Ordinance shall be deemed an offence against the Ordinance amended.

Offences.

No. 3 of 1903.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING BENEVOLENT AND OTHER SOCIETIES.

[Assented to May 23, 1903.]

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

Section added.

1. The Ordinance Respecting Benevolent and other Societies is amended by adding thereto the following section:

Judge may cancel the certificate of incorporation.

"17. Any person authorized by the Commissioner may make application to a judge of the Territorial Court to set aside and cancel the certificate of incorporation of a society incorporated under this Ordinance, and the judge on being satisfied that said society or a branch thereof is being carried on for any purpose not set out in the certificate of incorporation of said society, may set aside and cancel the certificate of incorporation of said society, and thereupon said society shall cease to be an incorporation under this Ordinance, and the affairs of said society may be wound up under the direction of a judge; provided, however, that the cancellation of the certificate of incorporation of any such society shall not affect the rights of any person against said society under any obligation incurred prior to such cancellation.

No. 4 of 1903.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING CHEMISTS AND DRUGGISTS.

[Assented to May 23, 1903.]

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

1. Sub-section (1) of section 3 of the Ordinance Respecting Chemists and Druggists is amended by striking out the words "for at least two years prior to the passing of this Ordinance" and substituting the following therefor:—"on or before the 12th day of September, A. D. 1902."

Sec. 3, sub-sec. (1) amended.

2. Sub-section (3) of said section 3 is amended by adding after the word "clerk" in said section the words "or manager," and by striking out the words "two years with a registered pharmaceutical chemist carrying on business in the Yukon Territory" and substituting therefor the words "at least five years with a pharmaceutical chemist."

Sec. 3, sub-sec. (3) amended.

No. 5 of 1903.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING DOGS.

[Assented to May 23, 1903.]

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

Sec. 2, sub-
sec. (1)
amended.

1. Sub-section 1 of section 2 of the Ordinance Respecting Dogs is hereby amended by striking out the words "muzzled and".

No. 6 of 1903.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING INTOXICATING LIQUORS.

[Assented to May 23, 1903.]

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

1. Section 21 of the Ordinance Respecting Intoxicating Liquors is amended by striking out the words and figures, "For Steamboats, \$250.00" and substituting therefor the words and figures, "For Steamboats, \$150.00."

Sec. 21
amended.

No. 7 of 1903.

AN ORDINANCE FOR THE GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY FOR DEVELOPMENT OF MINING IN THE YUKON TERRITORY.

[Assented to May 23, 1903.]

Preamble. Whereas, it appears by message from Frederick Ten-nyson Congdon, Commissioner of the Yukon Territory, and the supplementary estimates accompanying the same, that the sum hereinafter mentioned in the Schedule to this Ordinance is required to defray certain further ex-penses of the public service of the Yukon Territory not otherwise provided for, for the year ending June 30, 1903, and for other purposes relating thereto;

Be It Therefore Enacted by the Commissioner of the Yukon Territory, by and with the advice and consent of the Council of said Territory, as follows:

\$25,000 for further expenses. 1. From and out of the general revenue fund there shall and may be applied a further sum not exceeding in the whole twenty-five thousand dollars for the charges and expenses of the public service for the twelve months end-ing June 30th, 1903, as set forth in the schedule to this Ordinance.

Application of moneys. 2. The due application of the moneys expended shall be accounted for.

SCHEDULE.

Schedule. Further sum granted to the Commissioner by this Ordinance for the twelve months ending the 30th day of June 1903, and for the purpose for which the same is granted:

For assisting in the assaying and in the develop-ment of quartz and the minerals in the Yukon Territory under regulations to be adopted by the Commissioner\$25,000

No. 8 of 1903.

AN ORDINANCE TO AMEND THE ASSESSMENT ORDINANCE.

[Assented to July 22, 1903.]

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

1. Section 2 of the Assessment Ordinance is amended by adding at the end of said section the following:

Sec. 2 amended.

“8. ‘Land’ means the ground or soil and everything annexed to it by nature or that is in or under the soil except mines and minerals, precious and base, belonging to the Crown.”

“Land.”
2. Sub-section (j) of section 4 of said Ordinance is amended by striking out the word “two” in said sub-section and substituting therefor the word “one.”

Sec. 4, sub-sec. (j) amended.
3. Sub-section 1 of section 6 of said Ordinance is amended by striking out the word “real” wherever the same occurs in said sub-section and substituting therefor the words “land and improvements,” and by adding to the end of said sub-section the words “and shall note whether the person assessed is a British subject or alien.”

Sec. 6, sub-sec. (1) amended.
4. Sub-section 2 of section 6 of said Ordinance is amended by striking out the words “amount of taxes due on real and personal property” in said sub-section and substituting therefor the words “taxes on land” and “taxes on improvements, personal property and income.”

Sec. 6, sub-sec. 2 amended.
5. Rule 1, section 7, of said Ordinance is amended by adding at the end thereof the words “land shall be assessed separately from improvements.”

Sec. 7, rule 1 amended.

Sec. 7, rules
4 and 5,
amended.

6. Rules 4 and 5, section 7, of said Ordinance, are amended by striking out the words "real property" wherever the same occur in said rules, and substituting therefor the words "land or improvements."

Sec. 7, rule
6 amended.

7. Rule 6, section 7, of said Ordinance, is amended by striking out the words "real property" where the same occur in said rule and substituting therefor the words "land and improvements."

Sec. 7, rule
7 amended.

8. Rule 7, section 7, of said Ordinance, is amended by adding thereto the following:

"Assess-
ment of
partner-
ships."

"The income of a partnership or incorporated company shall be assessed against the firm or company at the usual place of business of the partnership or company in the Yukon Territory, and if a partnership or incorporated company has more than one place of business, each branch shall be assessed as far as may be in the locality where it is situated for that portion of the income of the partnership or company which is received at that particular branch."

Sec. 7, rule
11 amended.

9. Rule 11, section 7, of said Ordinance, is amended by striking out the words "real property" where the same occur therein, and substituting therefor the words "land, or improvements."

Sec. 8, sub-
sec. 1
amended.

10. Sub-section 1, of section 8, of said Ordinance, is amended by striking out the words "real property" where the same occur therein, and substituting therefor the words "land, improvements."

Sec. 37,
sub-sec. 1
amended.

11. Sub-section 1, of section 37, of said Ordinance, is amended by striking out the words "amount of taxes due on real, personal and income" where they occur in said sub-section, and substituting therefor the following words: "taxes on land and taxes on improvements, personal property and income."

Sec. 40,
sub-sec. 2
amended.

12. Sub-section 2, of section 40, of said Ordinance, is amended by striking out the words "real property" where they occur in said sub-section and substituting therefor the words "land or improvements."

Sec. 50
amended.

13. Section 50 of said Ordinance is amended by striking out the words "real property" where they occur in said section, and substituting therefor the words "land and improvements."

14. Section 53 of said Ordinance is amended by striking out the words "real property" where they occur in said section, and substituting therefor the words "land or improvements."

Sec. 53
amended.

15. Sections 55, 56, 57 and 58 of said Ordinance are amended by striking out the word "land" where it occurs in said sections and substituting therefor the words "land or improvements."

Ss. 55, 56,
57 and 58
amended.

16. Form "A" in the Second Schedule to said Ordinance is amended by adding thereto the three headings:

Form "A"
amended.

"(1) British subject.

"(2) Alien, and,

"(3) Total assessment value of improvements, personal property and income."

17. Form "A" in the Second Schedule to said Ordinance is further amended by striking out the words and figures "over \$2,000," and by striking out the column headed "taxes for the year 190—" and substituting therefor a column headed "taxes on land for the year 190—" and by adding after said last mentioned column a column headed "taxes on improvements, personal property and income for the year 190—"

Form "A"
further
amended.

18. Form "B" in the Second Schedule to said Ordinance is amended by striking out the words "real property" where they occur in said Form and substituting therefor the words "land and improvements" and by adding after the words "personal property" in said Form the words "and improvements."

Form "B"
amended.

19. Form "G" in the Second Schedule to said Ordinance is amended by adding after the word "land" wherever the same occurs in said Form, the words "(or improvements as the case may be.)"

Form "G"
amended.

No. 9 of 1903.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING THE PUBLIC HEALTH.

[Assented to July 22, 1903.]

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

Sec. 34
amended.

1. Section 34 of the Ordinance Respecting the Public Health is hereby amended by inserting the words "in Canada" between the word "place" and the word "outside" in the third line thereof.

No. 10 of 1903.

AN ORDINANCE TO AMEND THE DAWSON CITY CHARTER.

[Assented to July 22, 1903.]

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

1. Section 14 of the Dawson City Charter is amended by striking out the words "rated upon property," and substituting therefor the word "resident." Sec. 14 amended.

2. Sub-section (b) of said Section 14 is amended by adding after the word "assessment" the words "in respect of property" and by adding at the end thereof the following words, "or has been rated upon the previous year's assessment in respect of income and has fully paid his rates and taxes of all kinds before the day of nominating candidates." Sec. 14, sub-sec. b. amended.

3. Section 25 of said Ordinance is amended by striking out all the words following the word "post" in said section and substituting therefor the words "one copy of same in at least five of the following places within the city, namely, the office of the city clerk, the postoffice, the administration building, the court house, the town station of the Northwest Mounted Police and the public library building." Sec. 25 amended.

4. Sections 30 and 31 of said Ordinance are amended by striking out the word "final" in said sections. Ss. 30 and 31 amended.

5. Section 31 of said Ordinance is further amended by adding thereto the following sub-sections: Sec. 31 amended.

"(2) A voter or person entitled to be a voter may appeal from the decision of the Council sitting as a Court of Revision of the voters' list to a judge, upon leaving with the city clerk within seven days from the revision of the voters' list by the Council sitting as a Court of Revision, a notice in writing of such appeal." Seven days' notice of appeal required.

Appeal of voter.

“(3) Any voter or person entitled to be a voter may appeal to have the name of any other person added to or struck off the list of voters.”

Judge to hear same.

“(4) The judge shall hear and dispose of all such appeals and revise the Voters' List accordingly.”

His decision final.

“(5) The decision of the judge in regard to the right of any person to vote shall be final.”

Discretionary power of Judge.

“(6) If on an appeal to strike off the list the name of a person entered therein as a voter, the judge from the evidence adduced before him is of the opinion that the person is entitled to be on the list in any character or because of property or qualification other than that in which he is on the list, the judge shall not strike the name of the person off the list, but shall make such correction in the list as the evidence, in his opinion warrants, with respect to the right, character and qualification of such person.”

Time and place of hearing appeals.

“(7) The judge shall hold the court for hearing appeals as aforesaid at such time and place as he appoints therefor.”

Where no appeals Judge to certify to list.

“(8) If there are no appeals from the voters' list as revised by the Council sitting as a Court of Revision, within the time limited, the city clerk shall forthwith apply to the judge to certify a copy of such list as being the revised list of voters for the city.”

After appeals judge to certify to list.

“(9) If there are any appeals the Judge shall certify “a corrected copy of the said list immediately after the “list has been finally revised and corrected by him.”

Voters' list.

“(10) The voters' list as certified by the Judge shall “be delivered to the City Clerk by the Clerk of the Territorial Court.”

Qualification of voter.

“(11) Only persons whose names are entered upon “the voters' list as certified by the Judge shall be qualified “to vote.”

Voter liable to taxes.

“(12) If a person not assessed or not sufficiently assessed is found entitled to be a voter, the City shall be “entitled to recover taxes from him and to enforce payment thereof by the same means and in the same manner “as if he had been assessed on the roll for the amount “found by the Council sitting as a Court of Revision on the

“Voters’ List or by the Judge, and the Council sitting as a Court of Revision on the Voters’ List and the Judge on the hearing of appeals as aforesaid shall each make an order setting forth the names of the persons so liable and the sum for which each person should have been assessed and the property or income or both in respect of which the liability exists, and the order shall be transmitted to the City Clerk and shall have the same effect as if the said particulars had been inserted in the assessment roll.”

“(13) The Council sitting as a Court of Revision on the Voters’ List shall hear and determine all complaints and revise and correct the list on or before the 10th day of December in every year.”

Court of revision.

“(14) The Judge shall hear and determine all appeals from the Council sitting as a Court of Revision on the Voters’ List, and finally revise, correct and certify to the Voters’ List on or before the 20th day of December in every year.”

Appeals from Court of Revision.

6. Sub-section 2 of section 33 of said Ordinance is repealed and the following substituted therefor:

Sec. 33, sub-sec. 2 amended.

“(2) The nomination papers shall be delivered to the City Clerk between the hours of ten o’clock in the forenoon and five o’clock in the afternoon of the second day of January, or if such day is a holiday then between the same hours of the next day thereafter, which is not a holiday.”

Nomination papers.

7. Section 36 of said Ordinance is repealed and the following substituted therefor:

Sec. 36 repealed.

“36. Save as in this Ordinance otherwise provided, the election of Mayor and Aldermen shall be held on the 7th day after the day for nominating candidates.”

Date of election.

8. Sub-section 2 of section 44 of said Ordinance is amended by striking out the words “and the ballot papers shall be in the form D in the Schedule” and substituting therefor the following:

Sec. 44, sub-sec. 2 amended.

“The ballot paper for Mayor shall be a separate ballot paper from that for Aldermen, and shall be in form D in the Schedule to this Ordinance, and the ballot paper for Aldermen shall be in form DD in said Schedule.”

Separate ballot papers.

Sec. 55,
sub-sec. f,
amended.

9. Sub-section (f) of section 55 of said Ordinance is amended by adding after the words "ballot paper" where the same first occur in said sub-section the words "for Mayor and a ballot paper for Aldermen."

Sec. 57
amended.

10. Section 57 of said Ordinance is amended by striking out the words "ballot paper" wherever the same occur in said section and substituting therefor the words "ballot papers," and by striking out the word "each" in the 24th line of said section and substituting therefor the word "the."

Sec. 72,
sub-sec. b,
amended.

11. Sub-section (b) of section 72 of said Ordinance is amended by adding after the words "ballot paper" the words "for Mayor or more than one ballot paper for Aldermen."

Sec. 118,
sub-sec. a,
amended.

12. Sub-section (a) of section 118 of said Ordinance is amended by adding thereto the following words: "But the salary for Mayor shall not exceed \$2,500 for any year subsequent to the present, and the salary for Alderman shall not exceed \$1,000 for any year subsequent to the present."

Sec. 118,
sub-sec. 1,
amended.

13. Sub-section 1 of section 118 is amended by adding at the end of said sub-section the words following:

Rates.

"but notwithstanding anything contained in the Assessment Ordinance or in the Dawson City Charter, the Council may authorize the levying and collection upon the assessed value of land, exclusive of the buildings and improvements thereon, of a rate greater than that authorized by the Council, to be levied and collected upon the assessed value of personal property, income and buildings and improvements on land."

Sec. 154,
sub-sec. 1,
amended.

14. Sub-section (1) of section 154 of said Ordinance is amended by adding after the word "Treasurer" in said sub-section the words "on or before the 3rd day of January."

Sec. 158
amended.

15. Section 158 of said Ordinance is amended by adding thereto the following sub-section:

Assessment
appeal
Court:

"(3) In and for the city of Dawson the members of the assessment appeal Court shall consist of three persons, one appointed by the Council of the said city, one appointed by the Commissioner of the Yukon Territory and

the other appointed by the Senior Judge of the Territorial Court, for the time being in the Territory and the person appointed by the Council of the said city shall, when present preside at all meetings of the Court, and in his absence, the members present shall appoint one of their number to preside; the said Court for the city of Dawson shall meet for the hearing of appeals at such time and place as is appointed by the Council of the said city."

16. Form "D" of the Schedule to said Ordinance is struck out and forms "D" and "DD" in the Schedule to this Ordinance substituted therefor.

Form "D"
struck out.

17. The City Council may refuse to grant or issue any license which may be issued under its authority if in the opinion of the Council the applicant for such license is carrying on or about to carry on a business of ill-repute.

City may
refuse
licenses.

18. The City Council may by resolution direct that the cost of the construction of any sidewalk or portion thereof which is hereafter constructed at the cost and expense of the said city, shall by special frontage assessment be charged against the several lots of land opposite which the sidewalk or portion thereof is constructed as aforesaid, notwithstanding that the Council has not been petitioned to do so.

Frontage
assessment.

19. At the time for levying the annual rate next after the passing of any such resolution the city assessor shall add a column to the tax roll headed "Sidewalk Improvements" and shall insert therein opposite the respective lots of land directed to be charged as aforesaid, the respective amounts by such resolution directed to be charged against such lots of land, which amounts shall be a lien and tax against said lots of land; and shall levy the said amounts in the same manner and with the like penalties and remedies that other rates or taxes against land may be levied.

Tax roll
amended.

20. The word "land" wherever used in the next two preceding sections shall be construed to mean land adjoining the same side of the street as that on which the sidewalk or portion thereof is so constructed.

"Land."

FORM D.

BALLOT PAPER

Election of a Mayor for the City of Dawson.

<p>FOR MAYOR</p>
<p>JONES, JOHN</p>
<p>LOW, SAM</p>
<p>PATRICK, JAMES</p>

FORM DD.

BALLOT PAPER.

Election of the Aldermen for the City of Dawson!

FOR ALDERMEN.
ABEL, JAMES
BRUCE, DON
FERGUSON, JERRY
MILTON, TOM
PETERS, JAMES

No. 11 of 1903.

AN ORDINANCE RESPECTING AUCTIONEERS, HAWKERS AND PEDDLERS.

[Assented to July 22, 1903.]

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

"Hawker"
or "pedler,"
interpreta-
tion.

1. In this Ordinance the expression "hawker" or "pedler" means and includes any person who (being a principal or any agent in the employ of any person) goes from house to house selling or offering for sale any goods, wares or merchandise or carries and exposes samples or patterns of any goods, wares or merchandise to be afterwards delivered within the Yukon Territory to any person not being a wholesale or retail dealer in such goods, wares or merchandise; but shall not mean or include any persons selling fish or game caught in the Yukon Territory, or farm produce grown in said Territory.

Must have
license.

2. No person shall follow the calling or pursue the business of an auctioneer, hawker or pedler within the Yukon Territory without having first obtained a license therefor, which license shall be issued by such person as the Commissioner may authorize.

Applicant to
furnish list
of wares.

3. Every applicant for a hawker's or pedler's license shall as part of his application for such license furnish a statement in writing containing a full description of the goods, wares and merchandise which he proposes to sell or offer for sale under such license.

Fees.

4. On every application for a license under this Ordinance there shall be paid: The sum of \$50.00 when the application is made for an hawker's or pedler's license on or before the 15th of August in any year and the sum of \$25.00 when such application is made after such date, and the sum of \$50.00 when the application is made for an auctioneer's license on or before the 30th day of June in any year and the sum of \$25.00 when such application is made after such date.

5. No hawker or pedler shall sell or offer for sale any goods, wares or merchandise other than those set forth in his application for license. Restrictions.

6. Every license issued under this Ordinance shall expire on the thirty-first day of December of the year in which it is issued. Expiry of license.

7. Any person violating the provisions of this Ordinance shall be liable on summary conviction thereof to a fine not exceeding \$100 and costs of prosecution. Penalty.

8. The provisions of this Ordinance shall not apply within a municipality nor shall any license be issued under the provisions hereof in any such municipality. Not to apply to municipality

No. 12 of 1903.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING THE PRESERVATION OF GAME IN THE YUKON TERRITORY.

[Assented to July 22, 1903.]

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

Sec. 2, sub-secs. 1 and 2 amended.

1. Sub-sections (1) and (2) of section 3 of the Ordinance Respecting the Preservation of Game in the Yukon Territory, is amended by striking out the words "January" and "October" where they appear in said sub-section and substituting therefor the words "March" and "September" respectively.

No. 13 of 1903.

AN ORDINANCE TO INCORPORATE THE NORTH STAR ATHLETIC ASSOCIATION, LIMITED.

[Assented to July 22, 1903.]

Whereas, the persons hereinafter named have by their petition prayed for the incorporation of themselves and others as an association for the purpose of organizing, conducting and carrying on an athletic association and social club and such other business as is incidental thereto, and,

Preamble.

Whereas, it is deemed expedient to grant the prayer of the said petition;

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

1. Roger D. Pinneo, Fred W. Cane, Robert Lowe, George C. Mellott and Willard L. Phelps, all of White Horse, in the Yukon Territory, together with such persons as have signed the share list of said association and also such other persons as may hereafter become members and shareholders in the association hereby incorporated are hereby constituted a body corporate under the name of "The North Star Athletic Association, Limited," herein called "The Association," with the powers following:

The
association.

(1) To carry on the business of an athletic association for the promotion of purely amateur sports in all branches; also to conduct and carry on a general club house in connection with such association, combining reading, writing and refreshment rooms; also to combine skating and curling rinks, gymnasium, bowling alleys and all other sports and games;

Powers

(2) To hold or arrange baseball and other matches and competitions, and offer and grant or contribute towards the provision of prizes, awards and distinctions;

(3) To raise money by subscription and to grant any rights and privileges to subscribers;

(4) To purchase or take on lease or rent any real or personal property, and any rights or privileges which the Association thinks fit for the purposes of its business;

(5) To construct, maintain or alter any buildings or works necessary for the purposes of the Association;

(6) To draw, make, accept, indorse, discount, execute and issue promissory notes, bills of exchange, bills of lading warrants, debentures and other negotiable or transferable instruments for an amount not exceeding two thousand dollars;

(7) To execute and enter into such contracts as is advisable for carrying out the purposes of the association.

(8) To sell, improve, manage, develop, exchange, release, mortgage, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the association;

(9) To frame, draw up and enforce a constitution, rules, regulations and by-laws respecting the management and conduct of the affairs, concerns and business of the said association.

Head office 2. The head office of the Association shall be at the Town of White Horse, in the Yukon Territory.

Capital. 3. The capital stock of the Association shall be \$10,000.00, divided into 1,000 shares of the value of \$10.00 each.

Directors. 4. The following persons shall be and are hereby constituted the first or provisional directors of the Association: Roger D. Pinneo, Fred W. Cane, Robert Lowe, George C. Mellott and Willard L. Phelps.

No. 14 of 1903.

AN ORDINANCE RESPECTING LIENS IN FAVOUR
OF MINERS.

[Assented to July 22, 1903.]

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

1. This Ordinance may be cited as *The Miners' Lien Ordinance*. Short title.

2. In this Ordinance:

(1) The expression "owner" extends to and includes a person having any estate or interest in the mine upon or in respect to which the work is done or wood placed or furnished, at whose request and upon whose credit or on whose behalf or consent, or for whose direct benefit any such work is done or wood placed, and all persons claiming under him whose rights are acquired after the work in respect to which a lien is claimed, is commenced or the wood furnished has been commenced to be furnished; "Owner."

(2) The expression "layman" means any person other than the owner who is working said mine or a part thereof for an interest or share of the minerals or ore produced therefrom; "Layman."

(3) The word "registering" or "registration" means the filing or depositing of an instrument with the Mining Inspector, or Gold Commissioner. "Registering and registration."

(4) The word "miner" means any person working upon a mine or in connection therewith; "Miner."

LIEN FOR WORK OR WOOD.

3. Any person who performed any work or service upon or in respect to, or furnished, any wood to be used in the working of any placer or quartz mine for any owner or layman shall by virtue thereof have a lien for the price Who may have lien.

of such work or services or wood upon the said mine, the minerals or ore produced therefrom and the lands occupied thereby or enjoyed therewith, or upon or in respect to which such work or service is performed or upon which such wood is furnished or placed to be used, limited, however, in amount to the sum justly due to the person entitled to the lien;

Date of lien (2) Such lien upon registration as in this Ordinance provided shall attach and take effect upon the date of the registration as against subsequent purchasers, mortgagees or other encumbrances.

Effect of lien. 4. The lien shall attach upon the estate or interest of the owner and all persons having any interest in the mine and the minerals or ores produced therefrom, and upon the appurtenances thereto and the lands occupied thereby or enjoyed therewith.

Priority over other instruments 5. Any lien registered under the provisions of this Ordinance shall be a first lien on one-half of the output from said mine and shall take priority over all mortgages and encumbrances against the same to that extent. A lien registered under this Ordinance shall not have priority over mortgages or encumbrances registered prior to the passing of this Ordinance.

REGISTRATION OF LIEN.

Claim of lien. 6. A claim of lien may be deposited in the office of the Mining Inspector for the district in which the mine is situated and shall state:

Particulars. (a) The name and residence of the claimant and of the owner of the property to be charged, and of the person for whom and upon whose credit the work is done or wood furnished, and the time or period within which the same was or was to be done or furnished;

(b) The work or wood furnished;

(c) The sum claimed as due or to become due;

(d) The description of the property to be charged;
and,

(e) The date of the expiring of the period of credit

agreed to by the lien holder for payment for his work or wood where credit has been given.

(2) Such claims shall be verified by the affidavit of the claimant or his agent having a personal knowledge of the facts sworn to. How verified

7. A claim may include the claims of any number of mechanics, labourers or other persons aforesaid who may choose to unite them in such case; each claimant shall verify his claim by his affidavit but need not repeat the facts set out in the claim. No. of claims.

8. The claim may be registered at any time within thirty days after the last day's labour for which the wages are payable, or on which wood was furnished, or within thirty days after the time fixed for payment, or if the labour is performed or wood furnished between the first day of November in any year and the thirtieth day of April in the following year, at any time before the said thirtieth day of April. Registration

9. The Mining Inspector in whose office the lien is deposited shall forthwith forward to the Gold Commissioner a copy of such lien certified by him to be a true copy and the Gold Commissioner shall enter a memorandum thereof against the claim described in said lien. Lien forwarded to Gold Commissioner.

10. Every lien which has not been duly deposited under the provisions of this Ordinance shall absolutely cease to exist on the expiration of the time hereinbefore limited for the registration thereof. Failure to deposit lien.

PROCEEDINGS TO REALIZE LIEN.

11. Every lien which has been duly deposited under the provisions of this Ordinance shall absolutely cease to exist after the expiration of sixty days after the registration of such lien unless in the meantime proceedings are instituted to realize the claim under the provisions of this Ordinance and a certificate thereof (which may be granted by the court in which, or judge before whom, the proceedings are instituted) is duly filed in the office of the Gold Commissioner. When lien ceases to exist.

12. Liens may be enforced by originating summons in which shall be set forth the grounds upon which he claims How enforced.

such lien. Such summons shall be granted upon affidavit of the facts set forth in said summons.

Court may
fix liability.

13. Upon such summons being granted the court or judge may after notice given to the various parties interested, including the workmen on such claim, summarily determine and fix the liability of such owner or layman for wages due to the claimant and other workmen who have filed claims and also his liability to any other person who has filed a lien for wood supplied.

Actions for
liens united.

14. Any number of lien holders may join in one summons and any action brought by a lien holder shall be taken to be brought on behalf of all the lien holders who shall have registered their liens before or within thirty days after the commencement of the action, or who shall within the said thirty days file in the proper office of the court from which the summons issued a statement of their respective claims intituled in or referring to the said action.

Proceedings
in case of
death of
plaintiff.

(2) In the event of the death of the plaintiff or his refusal or neglect to proceed, any other lien holder who has registered his claim or filed his statement in the manner and within the time above limited for that purpose may be allowed to prosecute and continue the action on such terms as are considered just and reasonable by the court or judge;

Sale to
satisfy lien.

(3) If the minerals or ore produced from said mine are not sufficient to satisfy the liens registered against it, the court or a judge may direct a sale of the estate and interest charged with the lien, to take place at any time after one month from the recovery of judgment, and it shall not be necessary to delay the sale for a longer period thereafter than is requisite to give reasonable notice thereof;

Sale of
wood.

(4) The said court or judge may also direct the sale of any wood;

Costs.

(5) When judgment is given in favour of a lien holder the court or judge may add to the judgment the costs of and incidental to registering the lien as well as the costs of the action;

Security.

(6) Upon application the court or judge may receive security or payment into court in lieu of the amount of

the claim, and may thereupon vacate the registration of the lien;

(7) The court or judge may annul the said registration upon any other ground; Court may annul.

(8) In any case the court or judge may proceed to hear and determine the matter of the said lien and make such order as is just, and in case the person claiming to be entitled to such lien has wrongfully refused to give a discharge thereof or without just cause has filed said lien or claims a larger sum than is found by such court or judge to be due, the court or judge may order and adjudge him to pay the costs of the other party. Court may make order.

DEATH OF LIEN HOLDER.

15. In the event of the death of a lien holder his right of lien shall pass to his personal representatives and the right of a lien holder may be assigned by any instrument in writing. Death of lien holder.

DISCHARGE OF LIEN.

16. A lien may be discharged by a receipt signed by the claimant or his agent and verified by affidavit and filed; such receipt shall be numbered and entered like other instruments but need not be copied in any book. Discharge.

FEES.

17. The fee for registering any instrument under this Ordinance shall be \$2.00. Fees.

ENCUMBERED MINES.

18. Every owner or layman, or if such owner or layman is an incorporated company, or is absent from the Territory, the manager or agent of such owner or layman, who hires any person to perform any work or service upon or in respect to or to place or furnish any wood to be used in the working of any mine which was encumbered prior to the passing of this Ordinance, shall immediately upon such hiring give notice in writing to every person holding any encumbrance upon such mine of the fact of such hiring. Such notice may be in Form A of the Schedule to this Ordinance. Encumbrances.

Form of
notice.

(2) Any person so hired may at any time give similar notice to every encumbrancee of such mine in Form B of said Schedule.

Penalty for
failure to
give notice.

19. Any person failing to give such notice who fails to pay any such person hired by him as in the next preceding section mentioned the full amount of wages due such person, shall be liable to a penalty of not exceeding two hundred and fifty dollars and in default of payment of such penalty and the wages due such person to imprisonment for a term not exceeding three months unless he sooner pay such penalty and all wages due such person unpaid in respect to such claim.

Where
notice
given wages
take
priority.

20. In every case where such notice has been given the claim of every such person so hired for wages due in respect of such hiring shall be a first lien on one-half of the output of such mine unless the encumbrancee has by notice in writing posted conspicuously on such mine or given personally to every such person so hired, forbidden every such person to perform work or service upon or in respect to or to place or furnish any wood to be used in the working of such mine.

No gold to
be removed
after the
lien has
been
registered.

21. After a lien has been registered by any person so hired, for money due him in respect of such hiring, against any placer mine, it shall not be lawful for the owner or layman to remove any gold from such mine if the majority of the workmen to whom wages are due for working in such mine, give him a written notice in Form C in the Schedule to this Ordinance. After such notice is given any person interested in such mine either on account of wages due him for working in such mine or as owner, layman or encumbrancee, may notify the mining inspector residing nearest to such mine that a lien has been registered against such mine, and that a majority of the workmen to whom wages are due for working in such mine have forbidden the removal of any gold therefrom, and upon receipt of such notice the said mining inspector shall forthwith by himself or his agent take possession of every dump, sluice box and all gold dust produced from such mine, and make provision for obtaining the gold therefrom at the expense of the owner or layman, and apportioning so much of such gold dust as is necessary to pay every such person not exceeding in the whole one-half of the gold produced from such mine, if the same was encumbered prior to the registration of such lien and paying the proper portion to every such person, and the balance to the owner of the mine or the encumbrancee.

(2) If there is any dispute as to the amount of wages due any workman in such mine, the said mining inspector shall deposit with the Clerk of the Territorial Court the gold dust produced from such mine to abide the decision of a judge upon any action to enforce such lien.

Proceeding in case of dispute.

22. At every clean-up on any placer mine the men so hired shall be entitled to have a representative present thereat, and at the weighing of the gold dust obtained thereby, and it shall be the duty of such owner or layman to give to such representative, if required, a statement in writing of the quantity of gold obtained from time to time from every such mine.

Representative at clean-up.

23. Any owner or layman who violates any of the provisions of the next two preceding sections and fails to pay to every such person so hired the amount due to such person in respect of such hiring, shall be liable to a penalty not exceeding \$250.00 and in default of payment of such penalty and the wages due by him, to imprisonment for a term not exceeding three months, unless he sooner pay such penalty and the amount due and unpaid in respect to such wages.

Penalty for violation.

FORMS.

24. The forms prescribed in the Mechanics' Lien Ordinance may be used in all proceedings under the Miners' Lien Ordinance.

Forms.

REPEAL.

25. Chapter 54 of the Consolidated Ordinances of the Yukon Territory is hereby repealed.

Cap. 54. repealed.

26. This Ordinance shall come into force on the 1st day of September, 1903.

When in force.

SCHEDULE—FORM A.

To Take notice that I have hired the following men to work mining claim No. (here give the ordinary description of the claim so as to clearly identify it and a list of the men hired) and that I propose to work such claim and appropriate one-half of the gold received therefrom to pay for the labour of such men, and of any other men who may be hired to work same, whose names will be furnished by me to you when they are hired.

Take further notice that unless you give notice in writing objecting to such hiring, that the wages of such men will be given priority to your mortgage as to such one-half of the gold received.

FORM B.

To Take notice that A. B. (naming mine owner or layman) has hired me and certain other men to work mining claim number (here give the ordinary description of the claim so as to clearly identify it) and that he proposes to work such claim and to appropriate one-half of the gold therefrom to pay the wages of myself and such men and any other men who may be hired by him for the same purpose.

Take further notice that unless you give notice in writing objecting to such hiring, that the wages of myself and such other men will be given priority to your mortgage as to such one-half of the gold dust received.

FORM C.

To, Take notice that (name of workman who has filed a lien) has filed a lien against mining claim No. (here give the ordinary description of the claim so as to clearly identify it) and that we the undersigned being a majority of the workmen on said claim, forbid the further working of the same by you until all wages due to the workmen on said claim are paid.

No. 15 of 1903.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING THE COUNCIL OF THE YUKON TERRITORY.

[Assented to July 22, 1903.]

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

1. The Ordinance respecting the Council of the Yukon Territory is amended by adding thereto the following clauses:

Ordinance amended.

"14. In all matters and cases not specially provided for by any enactment of this Territory, the Council and the committees and members thereof respectively shall hold, enjoy and exercise such and the like privileges, immunities and powers as are from time to time held, enjoyed and exercised by the House of Commons of Canada and by the committees and members thereof respectively.

Privileges of Council.

"15. No member of the Council shall be liable to any civil action or to prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him, before the Council.

Not liable to any action.

"16. Except for any violation of this Ordinance, no member of the Council shall be liable to arrest, detention or molestation for any debt or cause whatever of a civil nature, during any session of the Council, or during the fifteen days preceding or the fifteen days following such session.

Not liable to civil action.

"17. During the periods mentioned in the next preceding section, all officers and servants of the Council, and all witnesses summoned to attend before the Council or any committee, shall be exempt from serving or attending as jurors before any court of justice.

Exempt from serving as jurors.

"18. No person shall be liable in damages or other-

Not liable in damages.

wise for any act done under the authority and within the legal power of the Council, or under or by virtue of any warrant issued under such authority. All persons to whom such warrants are directed may command the aid and assistance of all sheriffs, bailiffs, constables and others; and every refusal or failure to give such aid or assistance when required shall be a violation of this Ordinance.

May make rules.

"19. The Council may establish rules for its government and the attendance and conduct of its members, and alter, amend and repeal the same; and may punish members for disorderly conduct or breach of the rules of the Council. The rules and orders of the Council now existing shall continue in force until altered, amended or repealed. All rules of the Council not inconsistent with this Ordinance shall have the force and effect of law, until altered, amended or repealed by it.

What are deemed violations.

"20. The following acts, matters and things are prohibited, and shall be deemed violations of this Ordinance:

"(1) Insults to or assaults or libels upon members of the Council during the session of the Council;

"(2) Obstructing, threatening or attempting to force or intimidate members of the Council;

"(3) The refusal or failure of any member or officer of the Council, or other person, to obey any rule, order or resolution of the Council;

"(4) The offering to or acceptance by any member of the Council of a bribe to influence him in his proceedings as such member, or the offering to or acceptance by any such member of any fee, compensation or reward for or in respect to the promotion of any bill, resolution, matter or thing submitted to or intended to be submitted to the Council or any committee.

"(5) Assaults upon or interference with officers of the Council while in the execution of their duty.

"(6) Tampering with any witness in regard to evidence to be given by him before the Council or any committee.

"(7) Giving false witness or prevaricating, or other-

wise misbehaving in giving or refusing to give evidence or to produce papers before the Council or any committee.

“(8) Disobedience to a warrant issued under the authority of this Ordinance requiring the attendance of witnesses before the Council or any committee.

“(9) Presenting to the Council or to any committee any forged or falsified document, with intent to deceive the Council or committee.

“(10) Forging, falsifying or unlawfully altering any of the records of the Council or of any committee, or any document or petition presented or filed, before the Council or committee, or the setting or subscribing by any person of the name of any other person to any such document or petition with intent to deceive.

“(11) The bringing of any civil action or prosecution against, or the causing or effecting of any arrest or imprisonment of any member of the Council in any civil proceeding for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before the Council.

“(12) The causing or effecting the arrest, detention, or molestation of a member of the Council for any debt or cause whatever of a civil nature, during a session of the Council, or during the fifteen days preceding or the fifteen days following such session.

“21. Every person who is guilty of a violation of this Ordinance shall be liable (in addition to any other penalty or punishment to which he is by law liable), to imprisonment for such time during the session of the Council then being held as is determined by the Council before which such violation is inquired into.

Penalty for
breach of
Ordinance.

“22. The Council shall be a court of record and shall have all the rights and privileges of a court of record for the purpose of summarily inquiring into and punishing the acts, matters and things herein declared to be violations of this Ordinance.

Council a
court of
record.

“(2) For the purposes of this Ordinance the Council is hereby declared to possess all such powers and jurisdiction as is necessary for inquiring into, judging and pronouncing upon the commission or doing of any such acts,

Powers
awarded
council.

matters or things, and awarding and carrying into execution the punishment therefor provided by this Ordinance.

Warrant. “(3) Every warrant of commitment under this section shall succinctly and clearly state and set forth on its face the nature of the offense in respect of which it is issued.

Procedure. “(4) The Council shall have power to make such rules as are deemed necessary or proper for its procedure as such court as aforesaid.

Determination final. “23. The determination of the Council upon any proceeding under this Ordinance shall be final and conclusive.

INDEPENDENCE.

No fee for promoting bills. “24. No member of the Council, and no barrister or solicitor who in the practice of his profession is a partner of any member of the Council, shall accept or receive, either directly or indirectly, any fee, compensation or reward for or in respect of the promoting of any bill, resolution, matter or thing submitted or intended to be submitted to the consideration of the Council or any committee.

Penalty. “(2) Any person violating the provisions of this section shall be liable to a penalty of three hundred dollars in addition to the amount or value of the fee, compensation or reward accepted or received by him.

How to be recovered. “(3) Such penalty and such amount or value may be recovered in the Territorial Court by any person who sues for the same. One-half of the amount recovered shall belong to the crown and one-half to the person who sues, unless he was a party to or implicated in the violation of this Ordinance in respect to which the action was brought, or was a witness at the trial of the action, in which cases the whole shall belong to the crown.

GENERAL PROVISIONS.

Copy of journals prima facie evidence of journals. “25. Upon any inquiry touching the privileges, immunities or powers of the Council, or of any committee or member thereof, any copy of the journals of the Council printed or purporting to be printed by the order of the same shall be admitted as *prima facie* evidence of such journals by all courts, justices and others without further proof that such copy was so printed.

"26. In any civil proceeding against any person for or on account or in respect of the publication of any copy of any report, paper, vote or proceedings of the Council the defendant at any stage of the proceedings may lay before the court or judge such report, paper, vote or proceeding, and such copy, with an affidavit verifying such report, paper, vote or proceedings, and the correctness of such copy; and the court or judge shall immediately stay such civil proceeding, and the same, and every writ or process issued therein, shall be finally put an end to, determined and superseded.

Action stayed on production of journals.

"27. It shall be lawful in any civil proceeding against any person for printing any extract from or abstract of any such report, paper, vote or proceedings, to give in evidence such report, paper, vote or proceedings, and to show that such extract or abstract was published *bona fide*, and without malice; and if in the opinion of the court, or if in the opinion of the jury, if there is a jury, such publication was *bona fide* and without malice, judgment shall be rendered or a verdict shall be entered for the defendant.

Publication: bona fide and without malice a defence.

"28. A copy of the journals of the Council, printed or purporting to be printed by order of the same, or certified by the Clerk of the Council, shall be admitted as *prima facie* evidence of such journals by all courts and justices without further proof that such copies were so printed.

Evidence of journals.

"29. No action shall be brought against any officer of the Council, or any person assisting such officer, for any act or thing done by authority of the Council."

Immunity of officers.

No. 16 of 1903.

AN ORDINANCE TO FURTHER AMEND THE ORDINANCE RESPECTING ASSESSMENT.

[Assented to July 22, 1903.]

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

- Sec. 4 amended. 1. Section 4 of the Ordinance Respecting Assessment is amended by adding thereto the following sub-section:
- “(b) Gold dust and bullion.”
- Further amended. 2. Said Ordinance is further amended by adding thereto the following section:
- Banks, now rated. “60. Every incorporated bank carrying on business within the City of Dawson shall be assessed and rated upon the income received by such bank at the said city. In ascertaining such income the following deductions only shall be made from the gross receipts in respect to income of such bank, that is to say:
- Rent. ~~and~~ “(a) The office rent or a reasonable allowance for same where the premises occupied by such bank are owned by it;
- Salaries. “(b) The salaries and wages paid within the said city by such bank;
- Expenses. “(c) The expenses of the agent or manager or other person in the employ of said bank properly incurred within the Yukon Territory in connection with the carrying on in the said city of the business of such bank; and no personal property owned by such bank in carrying on such business used by it shall be liable to be assessed or rated.”

No. 17 of 1903.

AN ORDINANCE FOR GRANTING TO THE COMMISSIONER Certain Sums of Money to Defray the Further Expenses of the Public Service of the Yukon Territory for the Twelve Months from June 30th, 1902, to June 30th, 1903, and for Purposes Relating Thereto, and for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Yukon Territory, for the Twelve Months from June 30th, 1903, to June 30th, 1904, and for Purposes Relating Thereto.

[Assented to October 16, 1903.]

Whereas, it appears by message from Frederick Tennyson Congdon, Commissioner of the Yukon Territory, and in the Supplementary Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" are required to defray certain further expenses of the Public Service of the Yukon Territory, and for other purposes relating thereto for the twelve months ending June 30th, 1903;

Preamble.

And whereas, it appears by message from Frederick Tennyson Congdon, the Commissioner of the Yukon Territory, and the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "B" to this Ordinance, are required to defray certain expenses of the Public Service of the Yukon Territory, and for other purposes relating thereto for the twelve months ending June 30th, 1904;

It is therefore hereby enacted by the Commissioner, by and with the advice and consent of the Council of the Yukon Territory, as follows:

1. From and out of the sums at the disposal of the Yukon Council, there shall and may be paid and applied a further sum not exceeding in the whole two hundred and eighty thousand four hundred and ninety-three dollars and forty-eight cents for defraying the several charges and expenses of

\$280,493.48
granted for
financial
year
1902-1903.

the public service, ending June 30th, 1903, as set forth in Schedule "A" to this Ordinance.

\$327,323.22
granted for
financial
year
1903-1904.

2. From and out of the funds at the disposal of the Yukon Council there shall and may be paid and applied a sum not exceeding in the whole three hundred and twenty-seven thousand three hundred and twenty-three dollars and twenty-two cents, for defraying the several charges and expenses of the Public Service for the twelve months ending June 30th, 1904, as set forth in Schedule "B" to this Ordinance.

Moneys to
be account-
ed for.

3. The due application of all moneys expended shall be duly accounted for.

SCHEDULE "A."

Further sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1903, and for the purposes for which they are granted.

To defray additional expenses of the Government of the Yukon Territory for the twelve months ending June 30th, 1903, as follows:

Roads, bridges and public works	\$210,818.91
Schools	5,054.90
Hospitals, charity and quarantine	793.84
Contingencies	5,823.44
Printing, stationery and consolidation of the Yukon Ordinances	5,657.40
Salaries and travelling expenses	2,261.37
Eldorado gusher	50,083.62
	<hr/>
	\$280,493.48

SCHEDULE "B."

Sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1904, and for the purposes for which they are granted.

To defray the expenses of the Government of the Yukon Territory for the twelve months ending June 30th, 1903, as follows:

Indemnity and traveling expenses, Mem- bers Yukon Council	\$ 6,000.00
Schools	66,259.00
Hospitals, charity and quarantine	50,000.00
Fire Department, Whitehorse	2,000.00
Preventive Service	13,000.00
Salaries and traveling expenses	38,400.00
To pay City of Dawson 60 per cent. of liquor licenses issued in Dawson.....	17,940.00
To pay town of Bonanza 60 per cent. of liquor licenses issued in Bonanza.....	2,700.00
Grant to Whitehorse Free Library	900.00
Grant to Dawson Free Library or to any other institution of the kind estab- lished in the city	2,700.00
Bonus to assist the development of quartz mining and to provide for free assaying at Whitehorse and Dawson, and to pay the salary and expenses of engineer in charge of diamond drill....	15,000.00
To refund the Department of Justice, amount credited to local revenue, which should have been deposited to credit of the Receiver General, escheated bail bonds	3,267.50
Special grant to Town of Bonanza	1,500.00
To refund British Yukon Navigation Co. portion of taxes, as per resolution of Committee of Yukon Council	3,651.82
Printing and stationery	15,000.00
Contingencies	10,000.00
Roads, bridges and public works	79,004.90
	<hr/>
	\$327,323.22

No. 18 of 1903.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING THE PRACTICE OF DENTISTRY.

[Assented to October 16, 1903.]

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

Sec. 3,
sub-sec. 2
amended.

1. Sub-section 2 of Section 3 of the Ordinance Respecting the Practice of Dentistry is amended by striking out the words "or from any dental college or university having such department" to the end of said sub-section.

Sec. 3,
sub-sec. 3
amended.

2. Sub-section 3 of said Section 3 is amended by striking out the words "Commissioner of the Yukon Territory" and substituting therefor the words "Dental Board."

Sub-sec.
added to
sec. 3.

3. Said Section 3 is further amended by adding the following sub-section:

"(4) Every person who produces a diploma of graduation from a foreign dental college or school of dentistry, or who furnishes a certificate from the Government of his country, authorizing him to practice in his country, and passes the examination hereinafter prescribed."

Sec. 6 re-
pealed: new
sec. sub-
stituted.

4. Section 6 of said Ordinance is repealed and the following section substituted therefor:

Dental
Board.

"6. On the 1st day of August, 1903, and on or before the 1st day of August in each and every year thereafter the Commissioner of the Yukon Territory shall appoint two or more examiners in dentistry and dental surgery, to be called the Dental Board, to serve for a period of two years or until their successors are appointed, whose duty it shall be to examine the credentials of the candidates, prepare examination papers and conduct examinations. In the event of a vacancy on the said Board caused by the death, resignation, removal from

the country, or otherwise, the Commissioner shall appoint another or others in their stead.

“(2) Every candidate for examination shall pay to the Dental Board such fee as is fixed by the Commissioner for such examination, and shall produce a diploma of graduation from a dental college or school of dentistry or satisfactory evidence of having served an apprenticeship as provided for in this Ordinance, and pass an examination in the following subjects: Anatomy, Physiology, Chemistry, Histology, Materia Medica, General and Dental Pathology, Metallurgy, Operative and Prosthetic Dentistry, Oral Surgery and such other subjects as are prescribed by such Board from time to time and approved by the Commissioner.”

Candidates to pay fee and pass examination

“(3) The Dental Board may retain the examination fee in payment for their services as such examiners.”

Dental Board may retain fee.

5. Section 7 of said Ordinance is repealed and the following section substituted therefor:

Sec. 7 repealed and new sec. substituted.

“7. A certificate from the Dental Board that a candidate has passed the prescribed examination shall entitle such candidate to be registered upon payment of the registration fee.”

Certificate of Dental Board

6. Section 13 of said Ordinance is amended by adding thereto the following sub-section:

New sub. sec. added to sec. 13.

“(2) The Territorial Secretary upon proof by statutory declaration that any person registered under any of the provisions of this Ordinance is not domiciled in, or a *bona fide* resident of the Yukon Territory, shall erase the name of such person from the Dental Register and the name of such person shall not be entered on the Dental Register except under the provisions of sub-section 2 of Section 6 of this Ordinance.

Name may be struck off register.

“(3) Before striking off the name of any such person the Territorial Secretary shall give written notice to such person by posting, duly registered, addressed to such person at the address left with him by such person, or if no address is left, then at Dawson, Y. T., a statement that such statutory declaration has been made at least twenty days before a date named in such statement. On such date if such person does not appear at the office of the Territorial Secretary by himself or some other per-

Territorial secretary to send notice.

son and disprove the allegations contained in such declaration his name shall be struck from the register."

Decision to
be final.

"(4) The decision of the Territorial Secretary shall be final.

No. 19 of 1903.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING STEAM BOILERS.

[Assented to October 16, 1903.]

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

1. No person shall operate a steam engine or boiler of a greater capacity than fifteen horse power, nor shall any owner employ any person to operate any such engine or boiler unless he is of the full age of twenty-one years and has obtained a license as hereinafter provided.

Only
licensed
engineers
to operate
boilers over
15 h. p.

2. Engineers shall be divided into three classes, viz.:

Three
classes of
engineers.

First Class—Engineers qualified to operate any steam engine or boiler.

Second Class—Engineers qualified to operate any steam engine or boiler not exceeding fifty actual horse power.

Third Class—Engineers qualified to operate any steam engine or boiler not exceeding twenty-five actual horse power.

3. The Territorial Secretary shall cause to be prepared a list of the engineers entitled to operate an engine and boiler under this Ordinance, and shall specify therein the kind of engine and boiler such engineers may operate.

List to be
prepared.

4. He shall forthwith cause to be entered on such list the names of all persons who are at the date of the passing of this Ordinance possessed of certificate of qualification under the provisions of the Steam Boiler Ordinance and the kind of engine and boiler such persons may operate.

Who to be
entered on
list.

5. In addition to the persons entitled at the time of the coming into force of this Ordinance to be entered on said list, every person who is the holder of a certificate of qualification from any incorporated body authorized to grant such certificates of

Other per-
sons who
may be en-
tered on list

qualification for operating steam boilers and engines or from the Dominion or any Provincial Government, or from any other competent authority in any other portion of the British Empire or the United States of America, shall be entitled upon making application to the Territorial Secretary and upon payment of a fee of \$5.00, to obtain a certificate of qualification and to be registered under the provisions of this Ordinance.

Persons wishing to become engineers to serve eighteen months and pass examination.

6. Any other person who may desire to qualify for registration and to obtain a certificate entitling him to operate steam boilers and engines connected therewith in the Territory shall serve twelve months as assistant to the holder of a certificate issued in accordance with the provisions of this Ordinance and at the expiration of such term shall pass an examination before one of the inspectors appointed under this Ordinance to prove that he has the necessary knowledge of the construction, care and operation of stationary steam boilers and engines connected therewith; if the inspector conducting such examination is satisfied as to the knowledge and qualification of the candidate, and also as to his having served the term of twelve months as herein provided, he shall issue a certificate to that effect, and stating the kind of boiler and engine said candidate may operate. Upon filing this certificate with the Territorial Secretary and paying a fee of \$5.00, the candidate shall be duly registered and granted a certificate.

Examination fee \$5.

7. Section 9 of Chapter 7 of the Consolidated Ordinances is amended by striking out the words and figures "\$10" in the fourth line thereof and substituting the words and figures "\$5" therefor.

Penalty for infraction of ordinance.

8. Any person guilty of an infraction of this Ordinance shall be liable on summary conviction to a fine of not exceeding \$50.00 and costs, and in default of payment forthwith after conviction to imprisonment for a period not exceeding one month.

Sections repealed.

9. Sections 20, 21 and 24 of the Ordinance Respecting Steam Boilers are repealed.

No. 20 of 1903.

AN ORDINANCE TO PROVIDE FOR THE MANAGEMENT OF FREE PUBLIC LI- BRARIES WITHIN THE CITY OF DAW- SON.

[Assented to October 16, 1903.]

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

1. Seven persons, four of whom shall be appointed by the Council of the City of Dawson and three by the Commissioner of the Yukon Territory, shall constitute a Board of Management of Free Public Libraries for the City of Dawson, which Board shall be a body politic and corporate, and the general management, regulation and control of all Free Public Libraries and of the news rooms and museums, if any in connection therewith, in said city, shall be vested in and exercised by such Board.

Board of management of library.

2. The members appointed by the Council of said city and the Commissioner of the Yukon Territory respectively shall retire annually, but may be reappointed.

Members to retire annually.

3. The members first appointed by the Council of said city and by the Commissioner of the Yukon Territory respectively, shall hold office until the first day of July after their appointment.

First members to hold office to 1st July.

4. In case of a vacancy by death or resignation of a member or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

In case of vacancy member to be appointed for balance of term.

5. Subject to these provisions, each of the members shall hold office for one year from the first day of July in the year in which he is appointed.

6. The Board of Management shall elect one of their number as chairman, who shall hold office for one year; he shall preside at meetings of the Board

Chairman.

when present; in his absence a chairman may be chosen pro tempore. The chairman shall have the same right of voting as the other members of the Board and no other.

Meetings. 7. The Board shall meet at least once every month, and at such other times as they think fit.

Meetings, how called. 8. The chairman or any two members may summon a special meeting of the Board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called.

Business at meetings. 9. No business shall be transacted at any general or special meeting unless four members are present.

Proceedings to be entered in book. 10. All orders and proceedings of the Board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

Entries in book to be evidence. 11. The orders and proceedings so entered and purporting to be so signed, shall be deemed to be original orders and proceedings, and such books may be produced and read as evidence of the orders and proceedings upon any judicial proceedings whatsoever.

Powers of board. 12. Subject to the restrictions and provisions hereinafter contained, the Board are from time to time, to procure, erect, or rent the necessary buildings for the purposes of the library, or of the library, news room and museum (as the case may be); to purchase books, newspapers, reviews, magazines, maps and specimens of art and science, for the use of the library, news room and museum, and to do all things necessary for keeping the same in a proper state of preservation and repair; and to purchase and provide the necessary fuel, lighting and other similar matters, and are to appoint and dismiss, as they see occasion, the salaried officers and servants employed.

Board may make by-laws. 13. The Board may make by-laws or rules for the safety and use of the library, news room and museum, and for the admission of the public thereto; and for regulating all other matters and things whatsoever connected with the management of the library and of the news room and museum (if any),

and with the management of all property of every kind under their control for the purposes of this Ordinance; and the Board may impose penalties for breaches of the by-laws or rules not exceeding \$10.00 for any offence; and may from time to time repeal, alter, vary or re-enact any such by-laws or rules.

14. Nothing herein contained shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained from parties liable for the same.

Value of articles damaged to be recovered

15. The Board of Management shall keep distinct and regular accounts of their receipts, payments, credits and liabilities, and their accounts shall be audited by the auditors of the City in like manner as other accounts of the City, and shall thereafter be laid before the Commissioner in Council, and the City Council by said Board of Management.

Board to keep accounts.

16. The Board of Management shall, in the month of March in every year, make up or cause to be made up, an estimate of the sums required to pay, during the ensuing financial year, the expense of maintaining and managing the libraries, news rooms or museums under their control, and of making purchases required therefor.

Board to prepare estimate.

(2) The Board shall report their estimate to the said Councils not later than the 1st day of April in each year.

17. All moneys voted by the City Council for the maintenance of any such library shall be paid out by such Council on the orders of the Board.

Money voted by City Council; how paid.

18. All such libraries, news rooms and museums dealt with under this Ordinance shall be open to the public free of all charge.

Library to be free.

19. The property owned by the Dawson Free Library Association shall be vested in the said Board.

Property of Dawson Free Library vested in Board.

No. 21 of 1903

AN ORDINANCE TO INCORPORATE "THE ZERO CLUB, LIMITED."

[Assented to October 16, 1903.]

Preamble. Whereas, the persons hereinafter named have by their petition prayed for the incorporation of themselves and others as an association for the purpose of organizing, conducting and carrying on a social club and such other business as is incidental thereto;

And whereas, it is deemed expedient to grant the prayer of the said petition;

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

Persons constituting club. William Hiram Fairbanks, Orange Ezekiah Clark, Robert Howard Stanley Cresswell, William Thomas Barrett and William Legh Walsh, all of Dawson in the Yukon Territory, together with such persons as have signed the share list of said Club, a copy of which is annexed to said petition, and also such persons as may hereafter become members and shareholders in the Club hereby incorporated are hereby constituted a body corporate under the name of "The Zero Club, Limited," hereby called "The Club," with the powers following:

Powers. (a) To conduct and carry on a general Club House, combining reading, writing and dining rooms and other rooms for the purposes of entertainment and recreation.

(b) To take on lease any real or personal property which the Club may think fit for the purposes of its business.

(c) To execute and enter into such contracts as may be advisable for carrying out the purposes of the Club.

(d) To frame, draw up and enforce a Constitution, rules, regulations and by-laws respecting the management and conduct of the affairs, concerns and business of the said Club.

(e) The Head Office of the Club shall be in the City of Dawson, in the Yukon Territory. Head office.

(f) The Capital Stock of the Club shall be \$2,000, divided into 200 shares of \$10.00 each, with power to the Club to increase its capital as the necessities of the Club may require to a further amount, not to exceed \$5,000. Division of capital stock.

(g) The following persons shall be and are hereby constituted the first Directors of the Club: William Hiram Fairbanks, Orange Hezekiah Clark, Robert Howard Stanley Crosswell, William Thomas Barrett and William Legh Walsh. First Directors.

(h) The shareholders of the Club shall not as such be responsible for any act, default or liability of the Club or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the Club beyond the amount unpaid on their respective shares in the Capital Stock thereof. Shareholders not responsible beyond amount of unpaid shares.

No. 22 of 1903.

AN ORDINANCE TO AMEND THE JUDICATURE ORDINANCE AND RULES.

[Assented to October 16, 1903.]

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

Short title

1. This Ordinance may be cited as "The Judicature Ordinance Amendment Ordinance, 1903."

Sec. 14 repealed and new sec. substituted

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

"14. The practice and procedure of the Territorial Court of the Yukon Territory shall be regulated by this Ordinance and the rules of Court, but the Judges of the said Court or a majority of them shall have power to frame and promulgate such additional rules of Court as they see fit and may therein vary, annul, add to or amend the existing rules, subject to the following conditions:

"(a) Such rules shall be forthwith posted in the office of the Clerk of the Court at Dawson and shall state a day not less than ten clear days from such posting upon which the same shall take effect so as to permit of the publication of the same in the Yukon Official Gazette as hereinafter provided, and a copy of such rules shall be transmitted to the Territorial Secretary and by him published in the Yukon Official Gazette at least ten clear days before the same shall take effect;"

"(b) All such rules shall be laid before the Yukon Council at the session thereof next following the making of such rules, and shall remain in force until the conclusion of such session and no longer, unless approved by the said Council."

Sec. 16 repealed.

3. Section 16 of said Ordinance is repealed.

New rules substituted for rules 1 and 2.

4. Rules 1 and 2 are repealed and the following substituted therefor:

"I. Every action except as otherwise provided

shall be commenced by writ of summons in form "A" in the Schedule hereto, with such variations as circumstances require, which writ shall be issued by the Clerk upon receiving from the plaintiff the documents specified in Rule 2, and the proper fees."

"2. At the time of the issue of the writ, the plaintiff or his solicitor shall deliver to the Clerk two copies of the plaintiff's statement of claim, and one of such copies shall be attached to such writ and filed with it by the Clerk in his office, and a copy of such statement of claim shall be attached to each copy of such writ served."

5. Sub-sections (2) and (3) of Rule 3 are repealed and the following substituted therefor:

New sub-secs. for s. 2 and 3 of rule 3

"2. If the writ of summons is served within a distance of ten miles from the Clerk's office whence it is issued the time for appearance shall be eight days from such service, and if it is served at a distance of more than ten miles from such office an additional day for every additional ten miles shall be added to such time for appearance."

3. A Judge may by order shorten the time for appearance.

6. Rule 3 is further amended by adding thereto the following sub-section:

New sub-sec. added to rule 3.

"(4) The writ need not state the defendant's address."

7. Sub-section 2 of Rule 13 is repealed and the following substituted therefor:

New sub-sec. for sub-sec. 2, rule 13.

"(2) Where the service of a writ out of the Territory may be allowed under Rule 17 and the defendant, whether a British subject or not, is, or was at the time the cause of action arose, carrying on business within the Territory, the Court or Judge may, if the cause of action arose in respect of such business, make an order allowing service upon any person having the control or management of the business, and such service shall be equivalent to personal service." (Ont. 147.)

Service on manager where defendant out of jurisdiction.

8. Rule 17 is amended by inserting between the words "summons" and "on" in the first line thereof the words "or notice of writ of summons."

Rule 17 amended. Sub-sec. 1, rule 14, repealed and new rule substituted.

9. Sub-section 1 of Rule 17 is repealed and the following substituted therefor:

“(1) The whole subject matter of the action is land or a mining claim or claims situate within the Territory or any interest therein (with or without rents or profits); or,”

Sub-sec. 4,
rule 17,
amended.

10. Sub-section 4 of Rule 17 is amended by adding thereto the following words:

“The action is for the dissolution or winding up of any partnership carrying on or which has carried on business within the Territory, so far as the business or property thereof within the Territory is concerned, or for any relief incidental thereto, or”.

New rule
substituted
for 18.

11. Rule 18 is repealed and the following substituted therefor:

Service
out of
jurisdiction.

“18. Every application for leave to serve such writ of summons or notice on a defendant out of the jurisdiction shall be before writ issued, except as hereinbefore provided for, and supported by affidavit stating that in the belief of the deponent the plaintiff has a good cause of action and showing in what place or country the defendant is or probably may be found, and whether such defendant is a British subject or not, and the grounds on which the application is made; but no such leave shall be granted unless it shall be made sufficiently to appear to the Judge that the case is a proper one for service out of the Territory aforesaid.”

In foreign
countries
notice only
to be served

“(2) When the defendant is neither a British subject nor in British Dominions, notice of the writ and not the writ itself shall be served upon the defendant in the manner in which writs of summons are served.” (Eng. 69 and 70.)

Rule 19
amended.

12. Rule 19 is amended by inserting between the words “writ” and “is” in the fourth line thereof the words “or notice.”

New rule
substituted
for rule 25.

13. Rule 25 is repealed and the following substituted therefor:

Joinder of
plaintiffs.

“25. All persons may be joined in one action as plaintiffs, in whom any right to relief in respect of or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally, or in the alternative, where if such persons brought separate actions any common question of law or fact would arise; provided that if upon the application of any defendant it shall appear that such joinder may embarrass or delay the

trial of action, the Court or Judge may order separate trials, or make such other order as is expedient, and judgment may be given for such one or more of the plaintiffs as are found to be entitled to relief, for such relief as he or they is or are entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person who is not found entitled to relief unless the Court or a Judge in disposing of the costs otherwise directs." (E. 123.)

"(2) Any number of servants, workmen or employees of any person may join as plaintiffs in one action to recover any amounts alleged to be due them for wages from such person."

Employees may join in suit for wages.

14. Rule 88 is amended by adding thereto the following sub-sections:

New sub-sec. added to rule 88.

"(2) It shall not be necessary on signing judgment in default of appearance to file any affidavit of default."

"(3) Where service is made within the jurisdiction the affidavit of service shall state the distance of the place of service from the Clerk's office whence the writ issued."

15. Rule 103 is amended by adding thereto the following words:

Rule 103 amended.

"Unless such time be abridged by a Judge."

16. Rule 132 is amended by adding after the word "form" in the sixth line thereof the words "with such variations as circumstances require."

Rule 132 amended.

17. Rule 157 is amended by adding thereto the following sub-section:

Sub-sec added to rule 157.

"(2) It shall not be necessary upon entering judgment in default of defence to file any affidavit of service of the writ of summons."

18. Rules 168, 169, 170, 171 and 172 are repealed and the following enacted in lieu thereof:

New rules substituted for rules 168 to 172 inclusive.

"168. When any party desires and is entitled to have the question of fact in any action tried by a Judge with a jury he shall, if a plaintiff, demand a jury in his notice of trial to be given as hereinafter provided, and if a defendant, he shall make such demand by giving notice thereof in writing to

Trial by jury in certain cases.

the plaintiff's solicitor within four days from the time of the service of notice of trial by the plaintiff or within such extended time as the Court or a Judge allows, or in the notice of trial to be given by the defendant as hereinafter provided, and thereupon the said questions of fact shall be so tried."

Jury to consist of six persons.

"169. The jury for the trial of such questions of fact in civil causes shall consist of six persons, whose verdict shall be unanimous."

Notice of trial by plaintiff.

"170. Notice of trial may be given in any cause or matter by the plaintiff or other party in the position of plaintiff at any time after the close of the pleadings." (E. 435.)

Notice of trial by defendant.

"(2) If the plaintiff does not within six weeks after the close of the pleadings, or within such extended time as the Court or Judge allows, give notice of trial, the defendant may, before notice of trial given by the plaintiff, give notice of trial or may apply to the Court or Judge to dismiss the action for want of prosecution; and on the hearing of such application the Court or a Judge may order the action to be dismissed accordingly or may make such order and on such terms as to the Court or Judge seems just." (E. 436.)

Motion to dismiss for want of prosecution.

Form of notice of trial.

"171. Notice of trial shall state the place for which it is to be entered for trial. It shall be in the form "M" in the Schedule to this Ordinance with such variations as circumstances require." (E. 437.)

Length of notice of trial.

"(2) Ten days' notice of trial shall be given unless the party to whom it is given has consented, or is under terms or has been ordered to take short notice of trial; and shall be sufficient in all cases, unless otherwise ordered by the Court or a Judge. Short notice of trial shall be four days' notice, unless otherwise ordered." (E. 438.)

Entry of trial.

"(3) Notice of trial shall be given before entering the trial, and the trial may be entered as soon as notice of trial has been given." (E. 439.)

Avoidance of notice of trial.

"(4) Unless within six days after notice of trial is given the trial shall be entered by one party or the other, the notice of trial shall be no longer in force." (E. 440.)

Notice of trial for Dawson.

"(5) Notice of trial for Dawson shall not be or operate as for any particular sittings, but shall be deemed to be for any day after the expiration of

the notice on which the trial may come on its order upon the list." (E. 441.)

"(6) Notice of trial elsewhere than in Dawson shall be deemed to be for the first day of the then next sittings at the place for which notice of trial is given." (E. 442.)

Notice of trial elsewhere.

"(7) No notice of trial shall be countermanded except by consent, or by leave of the Court or a Judge, which leave may be subject to such terms as to costs or otherwise as is just." (E. 443.)

Countermanding notice.

"(8) If the party giving notice of trial for Dawson omits to enter the trial on the day or day after giving notice of trial, the party to whom notice has been given may, unless the notice has been countermanded under the last preceding rule, within four days enter the trial." (E. 444.)

Entry for trial by party served with notice.

"(9) When a trial which has been entered has been postponed or withdrawn under Rule 174, or settled, the party who made the entry shall immediately thereupon give notice thereto to the Clerk of the Court, and such entry shall be expunged from the list." (E. 449.)

Withdrawal of trial after notice.

"(10) If the trial is entered by both parties, it shall be tried in the order of the plaintiff's entry, and the defendant's entry shall be vacated." (E. 452.)

Order of trial.

"172. The party entering the trial shall deliver to the Clerk of the Court a copy of the notice of trial with proof of service thereof, and one copy of the whole of the pleadings. Such copy shall be certified by the Clerk of the Court and shall be called the 'Record.'"

Record.

19. Rule 190 is amended by striking out the words "the Judge" in the third line thereof and substituting therefor the words "a Judge or the Clerk of the Court."

Rule 190 amended.

20. Rule 203 is amended by striking out the words "and a subpoena" in the seventh line thereof.

Rule 203 amended.

21. The said Ordinance is further amended by adding the following rule after Rule 292:

New rule

"292a. Except by special leave of the Court or a Judge affidavits upon which a notice of motion or petition is founded shall be filed before the return day of the notice of motion or petition and served therewith, and any affidavits to be used in reply shall be served not later than the day immediately preceding the return day of such motion or petition

Filing of affidavits.

and filed before said return day, and the affidavits in reply to matter may be filed and served on the morning of the return day, and any exhibits, copies of which are not served with the affidavits, and which are to be used upon the application, are to be deposited with the Clerk at the time of the filing of the affidavits, such exhibits, unless otherwise ordered, to be delivered out to the party depositing same, after the disposal of the motion."

Rule 334
amended.

22. Rule 334 is amended by striking out the word "and" in the second line thereof and inserting in lieu thereof the word "or."

Sub-sec. 2
of rule 357
amended.

23. Sub-section 2 of Rule 357 is amended by inserting between the words "thereto" and "may" in the sixth line the words "other than a quartz claim subsequent to the issue of the patent therefor."

New rule
substituted
for rule 363.

Goods
should be
exhausted
before
lands sold.

24. Rule 363 is repealed and the following substituted therefor:

"363. Any person who becomes entitled to issue a writ of execution against goods may, without issuing such writ, issue a writ of execution against the lands of the person liable, providing that not less than \$50.00 remain due and unpaid on the judgment and deliver the same to the sheriff, but such office shall not sell the lands within less than three months from the day on which the writ against the lands is delivered to him nor until one month's notice of such sale has been posted in conspicuous places in the Sheriff's office, and the office of the Clerk of the Court."

"(2) It shall not be necessary to publish such notice in any newspaper."

"(3) This section shall apply to all executions against lands now in the Sheriff's hands."

Rule 364
amended.

25. Rule 364 is amended by striking out all the words from the word "no" in the first line thereof to the word "officer" in the fourth line thereof, both inclusive, and by inserting in lieu thereof the following: "A sale under any execution against lands may be had without a return of nulla bona in whole or in part with respect to an execution against goods in the same suit or matter being made by the same officer."

New rule
substituted
for 367.

26. Rule 367 is repealed and the following substituted therefor:

"367. If the amount authorized to be made and levied under the writ against goods is made and levied thereunder the person issuing the writ against lands shall be entitled to the expenses thereof and of any seizure or advertisement thereunder and the return to be made by the officer charged with the execution of the writ against lands to such writ shall be to the effect that the amount has been so made and levied as aforesaid."

Person issuing permit entitled to expense thereof.

27. Rule 368 is amended by inserting at the end of the first line thereof the words "real or."

Rule 368 amended.

28. Rule 378, sub-section 1, is repealed and the following is substituted therefor:

Rule 378, s. s. 1, repealed and s. s. substituted.

"When an order or judgment is for the recovery or payment of money the party entitled to enforce it may obtain from the Clerk of the Court an appointment for the oral examination before him of the debtor liable under such judgment or order, or in the case of a corporation, of any officer thereof as to whether any and what debts are owing to the debtor, and whether the debtor has any or what property or means of satisfying the judgment or order; and the party entitled to enforce such judgment or order may serve upon such debtor a notice requiring him to produce upon such examination any books or documents."

Examination of debtor liable under judgment.

29. Rule 380 is amended by striking out all the words between the word "order" in the second line thereof and the word "may" in the fourth line thereof and by adding thereto the following sub-section:

Rule 380 amended.

(2) Any person liable to be examined under sub-section 2 of Rule 378 shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in court, but no person liable to be examined under the other provisions of the said rule shall be entitled to any conduct money, witness fees or expenses."

Party not entitled to conduct money.

30. Rule 382 is amended by adding after the word "affidavit" in the seventh line thereof the words "by the plaintiff or judgment creditor, his solicitor or agent or some person on his behalf having full knowledge of the matters deposed to" and by adding thereto the following sub-section:

Rule 382 amended.

"(2) Any number of garnishees may be included in one summons."

Garnishees may be joined.

Rule 386
amended.

31. Rule 386 is amended by striking out the word "permanently" in the third and fourth lines thereof.

Rule 387
amended.

32. Rule 387 is amended by inserting between the words "costs" and "and does" in the third line thereof the words "to be fixed by the Clerk of the Court."

Rule 395 re-
pealed and
new rule
substituted.

"33. Rule 395 is repealed and the following substituted therefor:

Exemption
of employee
\$75 per
month.

"395. Unless the debt sued for or in respect of which the judgment was recovered has been contracted for board and lodging, the wages or salary of a mechanic, workman, labourer, clerk or employee, shall not be liable to seizure or attachment, unless such wages or salary exceeds the rate of seventy-five dollars per month, and then only to the extent of the excess."

"(2) All payments which have been made on account of such wages or salary during any period in which the same are being earned shall be deducted from the above exemption."

Rule 420
amended.

34. Rule 420 is amended by adding at the end thereof the following words: "to be fixed by the Judge on application of such receiver, and the Judge may in his discretion direct that the amount of such receiver's salary or allowance be paid to him forthwith, either out of the funds, if any, in Court to the credit of the cause, or by either of the parties to such action as he deems just."

Salary of
receiver to
be paid by
judge.

Rule 429
amended.

35. Rule 429 is amended by inserting between the words "hereof" and "he" in the second line thereof the words "or the said writ is set aside."

Rule 430 re-
pealed and
new rule
substituted.

36. Rule 430 is repealed and the following substituted therefor:

Costs of
writ of at-
tachment
in discretion
of Judge.

"430. Notwithstanding the issue of a writ of attachment the cause shall be proceeded with in the ordinary way, and the costs of such writ and all proceedings in such action shall be in the discretion of the Judge."

Rule 432
amended.

37. Rule 432 is amended by striking out the word "or" where it occurs the second time in the second line thereof.

Rule 435,
s. s. 4, re-
pealed and
new rule
substituted.

38. Sub-section 4 of Rule 435 is repealed and the following substituted therefor:

“(4) After the issue of a writ of replevin the defendant or his agent may apply to the Judge for an order allowing him to retain or recover possession of the property, upon giving such security to the Sheriff as the Judge directs, and the Judge may, on such application, make such order as he deems just. In the event of the property replevined being returned to the defendant under the provisions of this section, the security given by the defendant therefor shall be assigned on request to the party entitled to the benefit thereof by the Sheriff endorsing his name thereon, and such endorsement shall be sufficient to enable such party to bring action in his own name against the several parties who have executed such security.”

39. Rule 466 is amended by striking out the words “application for summonses, rules and orders to show cause” in the first two lines thereof, and by striking out the words “summons or” in the fifth line of said rule. Rule 466 amended.

40. Rule 467 is amended by striking out the words “summons or” in the first line of said rule. Rule 467 amended.

41. Rule 472 is amended by striking out the words “summons or” in the third line of said rule. Rule 472 amended.

42. Rule 483 is repealed. Rule 483 repealed.

43. Rule 484 is amended by striking out the words “summons or” where they occur in the first and third lines of said rule. Rule 484 amended.

44. Rule 487 is amended by striking out the words “summons have been issued or” in the first and second lines thereof, and by striking out the words “summons or” where they occur in the third and fourth lines thereof. Rule 487 amended.

45. Rule 488 is amended by adding thereto the following sub-sections: Rule 488 amended.

“(2) Where any motion or application is made to the Court or a Judge and it appears that the material upon which the same is made is defective and insufficient in substance or in form, if it appear to the Court or Judge from statements of counsel or otherwise that such material can be perfected by the applicant within reasonable time, the motion or application shall not be dismissed on account of such defective or insufficient material, Where material defective motion may be postponed.

but the applicant may be given leave to perfect such material upon payment of the costs occasioned to the opposing party by his additional attendance."

Party who obtained order on defective material may be given leave to perfect same.

"(3) Upon an application to the Court or a Judge to set aside or vacate any rule or order on account of the same having been obtained upon defective or insufficient material, the Court or a Judge may allow the party who has obtained such rule or order a reasonable time to perfect the material upon which such rule or order was obtained by filing additional material, upon such terms as are just."

New rule substituted for No. 509.

46. Rule 509 is repealed and the following substituted therefor:

Cases in which judgment or order may be appealed from.

"509. Except as provided in Rule 508, an appeal shall lie to the Territorial Court en banc from any final or interlocutory judgment, order of the Court or a Judge, where the matter in controversy amounts to the sum or value of \$200.00 or upwards, or where the title to real estate or some interest therein is in question, or the validity of a patent is affected, or the matter in question relates to the taking of an annual or other rent customary, or other duty or fees or a like demand of a public or general nature affecting future rights, or in the cases of proceedings for or upon certiorari, habeas corpus, mandamus, prohibition or injunction."

Rule 512 amended.

47. Rule 512 is amended by adding thereto the following sub-section:

Notice of appeal to court en banc.

"(2) The notice of appeal shall be to the then existing sittings of the Court en banc, provided that such sittings is not within twenty days in the case of an appeal from a final order or judgment, and four days in the case of an appeal from an interlocutory order from the date such notice is given, and if said sittings is within such twenty days, or four days, as the case may be, then the notice shall be to the sittings of the Court en banc next thereafter;"

Documents to be filed on appeal.

"(3) Unless otherwise ordered by a Judge, on every application for new trial, appeal or motion in the nature of appeal in this Court, the party moving or appealing shall, except in cases of appeal from judgments or orders made in interlocutory applications or in proceedings at chambers, file with the Registrar a printed or typewritten copy of the statement of claim and defence and other pleadings (if any), of the transcript of the stenographic notes on trial, of the judgment delivered and

of the notice of motion intended to be made in the cause, or of the notice of appeal; and in cases of appeals from judgments or orders made in the interlocutory applications or in proceedings in chambers, the party appealing shall file with the Registrar a printed or typewritten copy of the documents, evidence and other material used before the Judge, of the judgment delivered and of the notice of appeal."

"(4) The appeal in draft form shall be submitted to the solicitor for the respondent, who shall, if he approves thereof, return the same within four days to the solicitor for the appellant, marked "approved," but if the said solicitor cannot agree on the contents of the appeal book, the same shall be settled by a Judge on application by the solicitor for the appellant upon notice to the opposite side."

Judge to settle disagreement on appeal book.

"(5) The appellants shall in case of an appeal from a final judgment or order, have at least fifteen clear days and in an appeal from an interlocutory order, at least two clear days before the opening of the sittings whereat the motion is to be made or the appeal to be heard, file with the Registrar four copies, and deliver to the opposite party one copy of the appeal book as settled or approved."

Filing and delivery of appeal book

"(6) In any case intended to be brought before the Court in which, in the opinion of either side of the parties interested, it is considered necessary that any original papers or documents on file in the Clerk's office should be in Court, on a praecipe therefore being filed, the Clerk shall produce the same in Court on the hearing of such appeal."

Original papers produced on praecipe.

"(7) All appeals, motion for new trials, applications in the nature of appeals, matters referred to the Court by a Judge, and special matters for argument before the Court, shall, before the opening of the Court on the first day of each term, be entered or inscribed by the Registrar on a list to be kept by him, such entries in the case of appeals, motions for new trials, and applications in the nature of appeals, to be so made in the order in which the appeal books are filed; in other cases in the order in which application is made, to enter or inscribe them, and the causes so inscribed shall be taken up after common motions in the order in which they are so entered, unless otherwise ordered by the Court."

Entry of proceedings by registrar

"(8) The foregoing rules shall not apply to common motions."

Exceptions.

"(9) The first day of the sittings of the Court

- Common motion day. shall be a common motion day; common motions may, however, be heard at any other time during the sittings by leave of the Court."
- Time for appealing. "(10) The time for appealing from any order or decision made or given in the matter of the winding up of a company or in any other, not being an action, shall be the same as the time limited for appeal from an interlocutory order under sub-section 2 of this rule."
- Refusal of ex parte application. "(11) Where an ex parte application has been refused by the Court below, an application for a similar purpose may be made ex parte to the Court en banc."
- Application for Judge's notes where stenographers not available. "(12) Where on an appeal to the Court en banc oral evidence taken, or rulings made, in the Court below, has or have to be considered and a report of the same has not been made by an official stenographer, or if made, cannot be produced, it shall be the duty of the appellant or of his solicitor, to apply to the Judge appealed from for a copy of his notes, for the use of the Court appealed to; and in case default is made in this respect, and the hearing of the appeal has, in consequence, to be adjourned, the appellant or his solicitor (if the latter be in fault) shall be liable for the costs occasioned by the adjournment except otherwise ordered by the Court for special reasons."
- Interlocutory order unappealed from not to prejudice court en banc. "(13) No interlocutory order or rule from which there has been no appeal shall operate so as to bar or prejudice the Court en banc from giving such decisions upon the appeal as may be just."
- Rule 515 repealed and new rule substituted. Admit further evidence or draw inferences of fact. 48. Rule 515 is repealed and the following substituted therefor:
 "515. The Court en banc shall have all the powers and duties as to amendment and otherwise of the Territorial Court, together with full discretionary power to receive further evidence upon questions of fact, such evidence to be either by oral examination in court, by affidavit, or by deposition taken before an examiner or commissioner. Such further evidence may be given without special leave upon interlocutory application, or in any case as to matters which have occurred after the date of the decision from which the appeal is brought. Upon appeals from a judgment after trial or hearing of any cause or matter upon the merits, such further evidence (save as to matters subsequent as aforesaid) shall be admitted on special grounds only, and not without special leave of the Court. The

Court en banc shall have power to draw inferences of fact and to give any judgment and make any order which ought to have been made, and to make such further or other order as the case requires. The powers aforesaid may be exercised by the said Court, notwithstanding that the notice of appeal is that part only of the decision be reversed or varied, and such powers may also be exercised in favour of all or any of the respondents or parties, although such respondents or parties have not appealed from or complained of the decision. The Court en banc shall have power to make such order as to the whole or any part of the costs of the appeal as is just." (E. 869.)

"(2) It shall not under any circumstances be necessary for a respondent to give notice of motion by way of cross appeal, but if a respondent intends, upon the hearing of the appeal, to contend that the decision of the Court below should be varied, he shall within the time specified in sub-section (1) hereof, or such time as may be prescribed by special order, give notice of such intention to any parties who may be affected by such contention. The omission to give such notice shall not diminish the powers of the Court en banc, but may, in the discretion of the Court, be ground for an adjournment of the appeal or for a special order as to costs." (E. 870.)

"(3) Subject to any special order which may be made, notice by a respondent under sub-section (1) hereof shall in the case of an appeal from a final judgment be an eight days' notice, and in the case of an appeal from an interlocutory order a two days' notice." (E. 871.)

49. Rule 516 is amended by striking out the words "to which the application is made" in the fifth and sixth lines thereof, and inserting in lieu thereof the words "en banc."

50. Rule 518 is amended by striking out the word "respond" in the eleventh line and inserting the word "abide" in lieu thereof.

51. Rule 521 is repealed and the following substituted therefor:

"521. An appeal shall not operate as a stay of execution or of proceedings under the decision appealed from except in so far as the Court or a Judge, or the Court en banc may order, and no intermediate act or proceedings shall be invalidated

Notice of appeal by respondent.

Length of notice by respondent.

Rule 516 amended.

Rule 518 amended.

Rule 521 repealed and new rule substituted.

Stay of proceedings on appeal.

except so far as the Court or a Judge or the Court en banc may direct. Such deposit or other security shall be made or given as is directed by the Court or a Judge or the Court en banc, otherwise the appeal or motion for new trial shall not be heard, but be dismissed." (E. 880.)

Rule 557
repealed.

52. Rule 557 referring to the sittings of the Court en banc is repealed.

Form "A"
amended.

53. Form "A" in the Schedule is amended by striking out the words "of (residence)" in the style of cause; by striking out the words "days from the service of this writ on you, exclusive of the day of such service" in the twentieth and twenty-first lines thereof, and inserting in lieu thereof "within the time allowed by sub-sections (2) and (3) of Rule 3, a copy of which appears at the foot hereof" and by adding at the foot of the said writ a note as follows:

"NOTE—

"Rule 3. (2) If the writ of summons is served within a distance of ten miles from the Clerk's office whence it issued, the time for appearance shall be eight days from such service, and if it is served at a distance of more than ten miles from such office an additional day for every additional ten miles shall be added to such time for appearance."

"Rule 3 (3) A Judge may by order shorten the time for appearance."

Form "B"
amended.

54. Form "B" is amended by striking out the word "of" wherever it appears in the style of cause and by inserting between the words "goods" and "or" in the first line of the body thereof the words "and chattels."

Form "C"
amended.

55. Form "C" is amended by striking out the word "of" wherever it appears in the style of the cause and by striking out the words "a copy of which is hereto annexed" in the fourth and fifth lines thereof.

Forms "D"
and "E"
amended.

57. Forms "D" and "E" are amended by striking out the word "of" wherever the same appears in the style of cause.

FORM "M."

(Rule 171.)

NOTICE OF TRIAL.

IN THE TERRITORIAL COURT OF THE
YUKON TERRITORY.

Between:

.....
Plaintiff;

—And—

.....
Defendant.

Take notice of trial of this.....
in for the
day ofnext.

.....
Plaintiff's Solicitor.

Dated
To the Defendant's Solicitor.

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